



# **Welfare reform, disabled learners and work-related requirements**

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# Overview

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## **Welfare reforms affecting disabled students**

- Disability living allowance to personal independence payment
- Universal credit
- Problems caused by benefit changes for full-time students

## **ESA and conditionality requirements**

- Who is affected
- What requirements can be imposed
- Sanctions for ESA claimants

# Welfare reform timeline

Transfer from incapacity benefit to employment and support allowance (ESA)	2011 – 2014 (?)
Housing benefit cuts (private tenants)	April 2011 onward
Contributory ESA limited to a year	May 2012
Under-occupancy penalty – social housing	April 2013
Council tax reduction scheme	April 2013
Scottish welfare fund	April 2013
Personal independence payment	June 2013
Benefit cap	July 2013
Appeals process changes	October 2013
Universal credit	November 2013
Transfer of DLA claimants to PIP	January 2014

# Personal Independence Payment

- Replaces DLA for working age adults (16-64)
- Daily living and mobility components
- New points' based assessment, must score 8 points and needs must be expected to last 1 year
- Two-stage claim process and ATOS assessment
- Problems with introduction mean claims are taking 26 weeks to assess in many cases
- Projected that 90,000 less people in Scotland entitled than would have got DLA by 2018



Personal Independence Payment

# PIP Daily living activities

1. Preparing food	0-8
2. Taking nutrition	0-10
3. Managing therapy or monitoring a health condition	0-8
4. Washing and bathing	0-8
5. Managing toilet needs or incontinence	0-8
6. Dressing and undressing	0-8
7. Communicating verbally	0-12
8. Reading and understanding signs, symbols & words	0-8
9. Engaging with other people face to face	0-8
10. Making budgeting decisions	0-6

# PIP Mobility activities

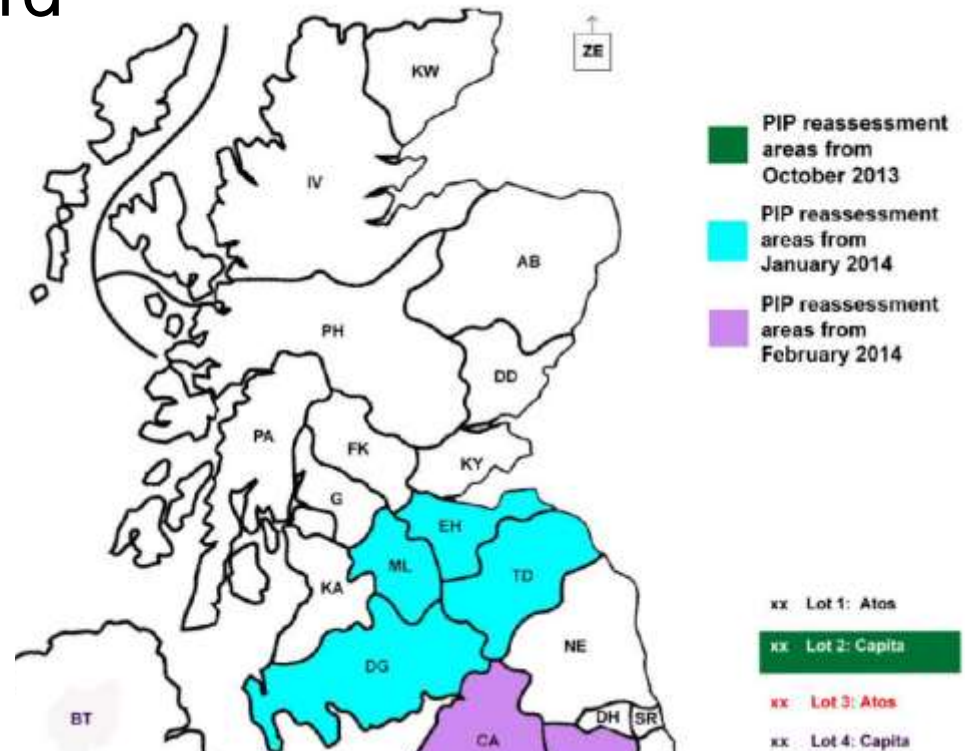
1. Planning and following journeys	0-12
2. Moving around	0-12





# The transfer from DLA to PIP

- Affects DG, EH, ML and TD postcodes at present
- Anyone reaching 16 (unless terminally ill)
- Anyone reporting a change of circumstances to DLA
- Anyone whose DLA award is ending (except under 16 or 65 by 8/4/13)
- Invited to claim PIP
- Must do so or DLA ends
- DLA ends when PIP decision made (whether awarded PIP or not)



# Problems for disabled students



## **If not entitled to PIP (or ESA)...**

- Must ask DWP to change their decision (one month time limit) before getting the right of appeal
- No time limit to consider request and no benefit paid
- Once DWP decides whether to change the decision, can appeal to the tribunal
- ESA paid at this point, but PIP not unless appeal succeeds
- May mean student cannot qualify for housing benefit either until wins their appeal



# Universal Credit (UC)

- For some new working-age claimants near Inverness from November 2013 (not students)
- Some couples and families from later in 2014
- Expected to reach other parts of Scotland in 2016
- Replaces six benefits and tax credits with a single monthly payment (including rent)
- ‘Simplified’ extra amounts for disability
- Transfer of most claimants by the end of 2017
- Monthly assessment – most student income reduces award (£110/month disregarded)



# Disabled students and UC

## Definition of f/t student:

- in non-advanced education over 12 hrs/week and have not yet reached 31 August after your 19th birthday
  - on a full-time course of advanced education,
  - on another full-time course for which you get a loan, grant or bursary is provided for your maintenance
  - (if none of the above apply) on a course which is not compatible with your work-related requirements
- Harder to qualify for most disabled students – must pass ESA medical test AND get DLA/PIP
  - Students with children qualify, as well as some other groups

# Employment and Support Allowance

- Transfer from incapacity benefits to ESA had been due to finish by April 2014
- Tougher test than incapacity benefit – updated several times since introduction
- New benefit structure - divides into ‘support’ and ‘work-related activity’ group
- Contributory ESA time-limited to one year for most people
- Disabled full-time students transferred from income support receive protection from need to get DLA/PIP – if entitled to ESA
- Some disabled students treated passing the test for income-related ESA if getting DLA or PIP



# Types of work-related requirements

Conditionality	Detail
No requirements	-
Work-focused interviews	<ul style="list-style-type: none"> <li>• Attend at correct time and place</li> <li>• Participate in discussions</li> </ul>
Work-related activity	<ul style="list-style-type: none"> <li>• Set out in Action plan</li> <li>• May be the Work Programme</li> <li>• Could include unpaid work placements</li> </ul>
Available for work	<ul style="list-style-type: none"> <li>• May be able to restrict hours/times</li> <li>• Some groups don't need to be available immediately</li> </ul>
Actively seeking work	<ul style="list-style-type: none"> <li>• Number of steps taken important</li> <li>• Important to show what has been done</li> </ul>

# Benefits and work-related requirements

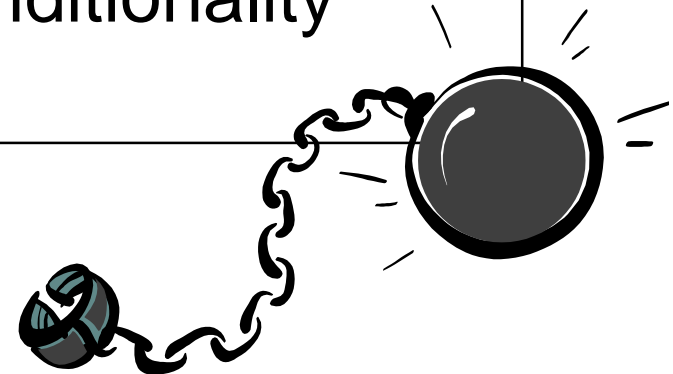
Conditionality	Benefits
No requirements	Housing benefit and tax credits Disability and carers benefits ESA (support group) Income support (lone parent of child <1)
Work-focused interviews	Income support ESA (WRAG) JSA
Work-related activity	Income support (lone parent of child 3-4) ESA (Not carers) JSA
Available for and actively seeking work	JSA (all claimants to an extent)

# ESA work-related requirements

Unless in the support group, an ESA claimant must:

- Take part in work-focused interviews; &
- Undertake work-related activity

- When universal credit is introduced, similar rules apply, but 'work-related activity' becomes 'work preparation' – same kind of things
- Note universal credit is claimed jointly by both of a couple – both may have conditionality requirements





# ESA work-focused interviews



- Do not apply to:
  - support group
  - lone parents of a child under 1
  - claimants over pension credit age
- Consider prospects for getting work:
  - identify training, education, rehabilitation, etc to improve prospects
  - identify future work opportunities relevant to needs and abilities

Can be **deferred** if not of assistance/appropriate

Can only be **waived** if starting work

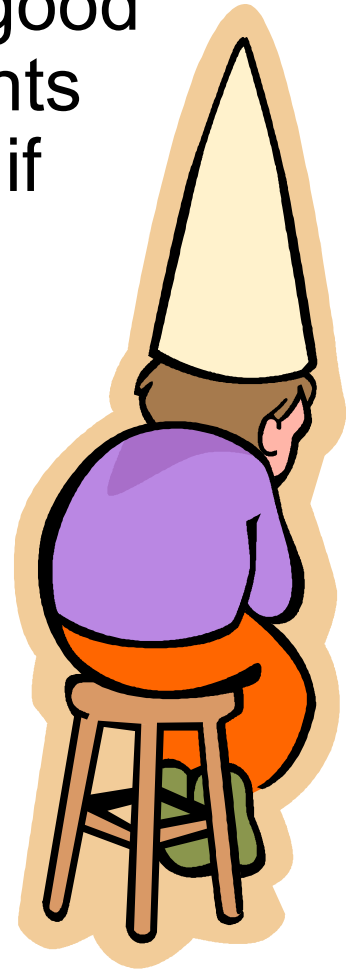
# ESA work-related activity

- Work-related activity must be reasonable in view of a claimant's circumstances;
- It **cannot** require a claimant to:
  - apply for a job;
  - undertake work;
  - or undergo medical treatment
- Does not apply to:
  - A lone parent of a child under 3; or
  - claimant entitled to carer's allowance/premium
- May be a referral to the Work Programme
- Little further detail of what the Work Programme does/claimants can be asked to do



# ESA sanctions

- New, harsher rules introduced from December 2012
- To avoid sanction normally need to show 'good cause' for failure to comply with requirements within 5 days – can still challenge decision if not managed this
- **Sanction amount:** single personal allowance (£72.40 a week)
- **Sanction duration:** until comply or agree to comply, plus an extra period of
  - 1 week if no previous failure in last year
  - 2 weeks if 1 previous failure in last year
  - 4 weeks if 2 or more previous failures, most recent under a year ago



# ESA hardship payments

## **£43.45 pw paid to sanctioned claimants if:**

- entitled to income-related ESA
- apply with supporting information and evidence
- DWP consider claimant, or claimant's child or partner will be in hardship if no payment is made, based on everyday meaning of 'hardship' and taking account of:
  - whether partner or family entitled to extra disability amounts
  - substantial risk of no or substantially reduced access to essential items
  - length of time hardship likely to continue
- No account taken of benefits for children



# CPAG advice line

**CHILD  
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ACTION  
GROUP**  
in SCOTLAND

**Do you work with clients  
who have questions about  
benefits, tax credits or  
welfare reform?**

Advice line for frontline advisers and  
support workers in Scotland

 **0141 552 0552**

Monday – Thursday 10am – 4pm  
Friday 10am – 12 noon

 **[advice@cpagscotland.org.uk](mailto:advice@cpagscotland.org.uk)**



# Other CPAG resources

- [www.cpag.org.uk](http://www.cpag.org.uk)
- Full training programme
- *Welfare benefits and tax credits Handbook* – ‘the adviser’s bible’
- Series of basic benefit guides
- Factsheets
- Scottish handbooks
- Elearning website: [elearning.cpag.org.uk](http://elearning.cpag.org.uk)

