Newsletter for advisers in the North East

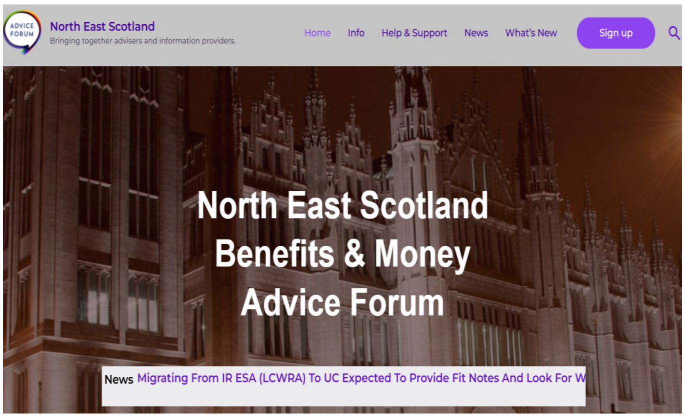
BenefitsBulletin

North East Scotland Advice Forum is a local network for people working in advice services to share information and experiences. The Forum meets quarterly throughout the year.

ADVICE FORUM

December 2024 Newsletter

If you would like an article included in the next bulletin, please contact admin@nesaf.co.uk



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View previous Benefit Bulletins:

- **November 2024 Benefit Bulletin**
- **October 2024 Benefit Bulletin**
- **September 2024 Benefit Bulletin**
- **August 2024 Benefit Bulletin**
- **July 2024 Benefit Bulletin**
- **June 2024 Benefit Bulletin**
- **May 2024 Benefit Bulletin**
- **April 2024 Benefit Bulletin**

Benefit calculator

Our benefits calculator will help you find out what benefits you can claim.

The calculator is free to use, and the details you provide are anonymous.

Before you start, make sure you have information about your savings, income, pensions and existing benefits (for you and your partner).

If you run out of time, you can save your calculation and come back to it later, and pick up right where you left off.

⇒ *Should take 10 minutes to complete*

⇒ *Please complete all fields with an asterisk(*)*

START >>>

Cash First Project

Please find a link below to information about a new fund launched in Aberdeen as a pilot on behalf of the Scottish Government with the aim of reducing the need for emergency food provision.

The fund opened on the 4th Nov, and is available to single males between the ages of 18-45,

You can support individuals to access the fund by signposting or referring to the trusted partner organisations which are:

- Aberdeen Foyer
- Aberdeen North Foodbank
- CFINE
- Instant Neighbour
- Aberdeen Cyrenians
- Social Bite
- Alcohol & Drugs Action

Cash First Project - ACVO TSI.

Scottish Government commits to reinstating universal winter heating payments from next year

The Scottish Government
Riaghaltas na h-Alba

The Scottish Government will provide universal support through the introduction of Pension Age Winter Heating Payments next year ensuring a payment for every pensioner household in winter 2025-26.

www.gov.scot/news/support-for-pensioners-with-energy-costs/

DWP Department for Work and Pensions

HM Revenue & Customs

HM Courts & Tribunals Service

Budget 2024

- Additional £90m being allocated to accelerate the move of ESA claimants to universal credit from September 2024
- Carer's allowance weekly earnings limit to be increased to equivalent of 16 hours at the national living wage. Government says that increase of £45 per week will give carers greater flexibility to work and increase their financial security
- Working age benefits to be be uprated by 1.7 per cent from April 2025
- Government says it will set out reforms to the health and disability benefits system early in 2025
- Universal credit debt deductions to be capped at 15 per cent of standard allowance. Chancellor says that new 'fair repayment rate' will make households better off by £420 per year on average
- Government confirms it will not proceed with previous government's plans to assess the high income child benefit charge on household rather than individual income
- National living wage to increase to £12.21 per hour from 1 April 2025. Government also confirms that national minimum wage for those aged 18-20 will rise to £10.00 per hour
- Government to set out details of £240 million investment to trail new ways of getting people into work in 'Get Britain Working' White Paper

www.gov.uk/government/publications/autumn-budget-2024

Only 89 waivers for universal credit overpayments were applied in 2023/2024

FOI request dated 06/11/2024

Financial year 2023/2024

- The number of UC claimants who have been overpaid UC within the specified timeframe was 873,221.
- The total value of these overpayments were £890,567,779.49
- The number of UC overpayments where a waiver was applied was 89
- The value of those waiver decisions amounted to £951,609.44

Waivers are only granted in exceptional circumstances and there would need to be very specific and compelling grounds to do so. A request for waiver should normally be made in writing. This may result in all, or part of the debt being written off.'

Q1:	Number of new UC Overpayments entered on Debt Manager	Value of new UC Overpayments entered on Debt Manager
	873,221	£890,567,779.49
Q3:	Number of UC Overpayments waived	Value of UC Overpayments waived
	89	£951,609.44

Carer's Allowance

- In response to the high-profile issues with Carer's Allowance overpayments, the earnings limit will increase to £196 per week from April 2025.
- This is an increase of £45 per week and is the largest increase to the earnings limit since Carer's Allowance was introduced in 1976.
- The new threshold is the equivalent of 16 hours per week at the National Living Wage – and will increase in line with future NLW increases.
- The changes will bring an estimated 60,000 more people into entitlement.
- Calls are being made on Social Security Scotland to make equivalent changes to the earnings limit in Carer Support Payment.

Proposed benefit and pension rates 2025/2026

New figures follow last month's statements on uprating from the Work and Pensions Secretary and Chief Secretary to the Treasury – questions-statements.parliament.uk/written-statements/detail/2024-10-30/hcws175

The new rates will apply in the tax year 2025/26 and will mainly come into effect from 7 April 2025.

data.parliament.uk/DepositedPapers/Files/DEP2024-0735/Table_of_rates-R.pdf

Child Benefit

- The government will **not** proceed with the previous government's plans to assess the High Income Child Benefit Charge on household income rather than individual income.
- The reason given is the cost involved: 'it would have come at a significant fiscal cost of £1.4 billion by 2029/2030 if setting the threshold to £120,000-£160,000, where no families would lose out.'
- Changes from 2025 will allow employed individuals to pay the charge through their tax code.
- Changes from 6 April 2026 (for the tax year 2025/2026) will allow self-employed earners to pre-populate tax returns with Child Benefit data.

Universal Credit debt repayment

- The Universal Credit deduction maximum rate is to be capped at 15% of standard allowance – described as a 'fair repayment rate'.
- This is a reduction from the current maximum deduction of 25% – and is predicted to save claimants an average of £420 per year.

'This will benefit around 1.2 million households as they will keep more of their Universal Credit award each month, with households expected to be better off by £420 a year on average. Around 700,000 of the poorest families with children will benefit as a result of this change'

Anti-fraud measures

- From April 2025, Universal Credit claimants will need to periodically redeclare their circumstances in order to reduce fraud and error. The DWP will also be able to carry out additional checks where a claimant has a change in circumstances.
- There will be a two-year extension of Targeted Case Review activity – from 2028 to 2030.
- There will be an additional 3,000 front-line counter-fraud staff from April 2025.
- Alongside these changes is the introduction of the Fraud, Error and Debt bill – which provisions include limited data sharing with banks and the power to recover money directly from claimants' bank accounts.

Other announcements

- An additional £90 million is being allocated to accelerate **income-related Employment and Support Allowance managed migration**– from September 2024.
- The **surplus earnings threshold** will remain at £2,500 for 2025/26.
- The administration of **Pension Credit and Housing Benefit** will be combined in 2026 – two years earlier than planned. The government is also working to maximise Pension Credit take-up – including contacting pensioners who currently receive Housing Benefit.
- Working-age benefits will be **uprated by 1.7 per cent** in April 2025.
- State Pension and Pension Credit minimum guarantee will be **increased by 4.1%** in April 2025.
- An additional £1 billion will be allocated to the **Household Support Fund** and **Discretionary Housing Payment** budgets.
- **Local Housing Allowance rates** and **Benefit Cap** levels remain unchanged for 2025/26.
- Changes will be made to the **severe disability premium** so that people moving from specified accommodation into general needs housing are better supported. This will come into place in 2025/26 but be backdated to February 2024.
- **National Insurance contributions** – from April 2025, the Lower Earnings Limit will increase to £6,500 pa, and the Small Profits Threshold will increase to £6,845 pa. Voluntary Class 2 and Class 3 NIC's will increase by 1.7%.
- The Government is to invest £240 million to trial different ways of **getting people into work,** through the soon-to-be-published 'Get Britain Working' White Paper. They will *'... test new approaches and collect robust evidence on how to tackle the root causes of ill-health-related inactivity, support young people who are 'not in education, employment, or training' (NEET), and help people to develop their careers.'*
- **National Living Wage** – from April 2025, the National Living Wage will increase to £12.21 per hour for all eligible employees, and the National Minimum Wage for 18-20 year olds will increase to £10.00 per hour for all eligible workers. The government is also increasing the minimum wages for Under 18s and Apprentices to £7.55 per hour.

DWP Department for Work and Pensions

HM Revenue & Customs | HM Courts & Tribunals Service

Autumn Budget Benefit Highlights

Get Britain Working White Paper – a funding package of £240 million will open up opportunities to millions of people left behind and denied the opportunity to get into work and get on at work. The White Paper will develop:
A new jobs and careers service to help get more people into work, and get on in their work, by linking jobseekers with employers, with an increased focus on skills and careers;
Joined-up work, health and skills plans to tackle economic inactivity and boost employment, led by Mayors and local areas;
A new Youth Guarantee so that every young person is given the opportunity to earn or learn.

Carer's Allowance – Those with caring responsibilities will able to earn more without losing government support, with the Carer's Allowance earnings threshold boosted by £45 a week to £196, benefitting more than 60,000 carers by 2029/30. This is the biggest ever cash increase in the earnings threshold for Carer's Allowance. This is alongside an independent review into Carer's Allowance Overpayments led by Liz Sayce OBE.

Household Support Fund – £1 billion, including Barnett impact, will be invested to extend the Household Support Fund in England by a full year, on top of the six months already announced, and to maintain Discretionary Housing Payments in England and Wales. This will help struggling families and pensioners facing the greatest financial hardship.

A new Fair Repayment Rate – will reduce Universal Credit deductions from 25% to 15%. This will mean 1.2 million of the poorest households will benefit by an average of £420 a year.

Discretionary Housing Payments – maintained for 25/26

State Pension – The Secretary of State has also concluded her annual review of the State Pension and benefit rates, which will see: A 4.1 percent increase to the basic and new State Pensions due to the Triple Lock commitment – meaning those on the full rate of the new State Pension will now see an increase of over £470 per year. A 1.7 percent increase to Universal Credit and other working-age benefits – worth an average £12.50 per month for a family on Universal Credit.

Pension Credit – to deliver the Chancellor's commitment to maximise Pension Credit (PC) take up, DWP are improving use of established data streams to target new pensioner Housing Benefit customers to ensure they are prompted to claim and receive any pension credit to which they are entitled [GB wide].

Working Age Benefits – uprating of working age benefits will result in 5.7 million households on Universal Credit gaining £150 on average in 2025/26

Improving fraud, error and debt detection and prevention – new package of measures will improve how the department detects and prevents fraud and error, so support is targeted where it is needed most and taxpayers know every pound is spent wisely. These changes are expected to save £7.6 billion by 2029/30.

Only 89 waivers for universal credit overpayments were applied in 2023/2024

FOI request dated 06/11/2024

Financial year 2023/2024

- The number of UC claimants who have been overpaid UC within the specified timeframe was 873,221.
- The total value of these overpayments were £890,567,779.49
- The number of UC overpayments where a waiver was applied was 89
- The value of those waiver decisions amounted to £951,609.44

Guidance states:

Waivers are only granted in exceptional circumstances and there would need to be very specific and compelling grounds to do so. A request for waiver should normally be made in writing. This may result in all, or part of the debt being written off.'

New DWP Scheme: Refunds for Recoverable Hardship Payments

Universal Credit claimants who were sanctioned and forced to claim and repay Recoverable Hardship Payments should consider whether they are eligible for a refund following the announcement of a new DWP Scheme.

If your client repaid Recoverable Hardship Payment debt to the DWP between 2014 – 2021, and tried unsuccessfully to get repayments reduced, they may be eligible for a refund.

Full details of the new Scheme are available here: Ask DWP to review their decision that you must repay a hardship payment – GOV.UK

The deadline to apply is **4 May 2025**.

You can find more information on the background to judicial review challenge which led to the scheme being re-run here: New DWP Scheme: Refunds for Recoverable Hardship Payments

Move to Universal Credit Programme will be completed by the end of March 2025

Issuing a written statement in the House of Commons today, Stephen Timms highlights that the Programme's latest statistics show that almost a million households have been notified of the need to make the transition to universal credit since 2022

Completing the Implementation of Universal Credit – questions-statements.parliament.uk/written-statements/detail/2024-11-12/hcws205

DWP will steadily increase the number of migration notices being sent to people receiving ESA over the next months and are aiming to issue 63,000 migration notices each month from February, sending the final notices in early December 2025 and fully moving people to Universal Credit and closing legacy benefits by the end of March 2026.

As DWP moves into this final phase for Move to UC, it will make the transition from delivering 'Move to UC' from a Programme-led approach to a 'business as usual' operation. I am therefore announcing today the intention to formally close the Move to UC Programme by the end of March 2025, as the work of the Programme will be complete by then.

Local Housing Allowance rates and Benefit Cap for 2025/26 will be maintained at the 2024/25 levels

Statement made on 30 October 2024

Statement made by Liz Kendall Secretary of State for Work and Pensions

I have concluded my statutory annual review of state pension and benefit rates under the Social Security Administration Act 1992. The new rates will apply in the tax year 2025/26 and will mainly come into effect from 7 April 2025.

I am pleased to announce that the basic and new state pensions, and the standard minimum guarantee in pension credit, will be increased by 4.1%, in line with the increase in average weekly earnings in the year to May-July 2024.

This demonstrates our commitment to supporting pensioners, protecting the triple lock, which benefits over 12 million pensioners. From April, the full yearly rate of the new state pension will increase by over £470.

Other state pension and benefit rates covered by my statutory review will be increased by 1.7%, in line with the increase in the consumer prices index in the year to September 2024.

This includes universal credit and other benefits and statutory payments linked to participation in the labour market; and additional state pension and pension credit elements other than the standard minimum guarantee.

These increases will apply across Great Britain.

In England and Wales, personal independence payment and other benefits to help with additional needs arising from disability, and the rate of carer's allowance, will also increase by 1.7%. In Scotland, these are devolved matters.

All of social security, including state pensions, is a transferred matter in Northern Ireland.
I will place the full list of proposed state pension and benefit rates for 2025/26 in the Libraries of both Houses in due course.

Although not covered by my statutory review of state pension and benefit rates, I can also inform the House that local housing allowance rates for 2025/26 will be maintained at the 2024/25 levels, following their increase in April 2024; and that the benefit cap has not been reviewed for 2025/26 and will also be maintained at the 2024/25 levels.

https://questions-statements.parliament.uk/written-statements/detail/2024-10-30/hcws175

Proposed benefit and pension rates 2025/2026

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Carer Support Payment now Scotland-wide

Tens of thousands more unpaid carers in Scotland can apply for a new benefit from today (4 November).

Carer Support Payment, which is a payment of £81.90 per week paid by Social Security Scotland, has been introduced in phases since November 2023. It has been extended to people living in 19 more local authority areas including Glasgow, Edinburgh, Orkney and the Scottish Borders. It is now available in every local authority in the country, marking the completion of the roll-out of Scotland's 14th benefit.

It is for unpaid carers who provide 35 or more hours of care a week to someone who gets disability benefits. Carer Support Payment, is the replacement in Scotland for Carer's Allowance which is delivered by the Department for Work and Pensions (DWP).

Unlike Carer's Allowance, Carer Support Payment is available to some carers in education. This includes full-time students aged 20 or over and students under 20 who are in advanced or higher education. In June, eligibility was extended to carers aged 16-19 in non-advanced education. This includes those studying for National Certificates, Highers and Advanced Highers, who meet certain criteria, for example, not having any parental support.

As part of the roll out, new backdating rules were introduced meaning that some carers – mostly full-time students – living in the new areas can apply to have their payments backdated to when Carer Support Payment was introduced.

Background

- Carer Support Payment opened for new applications in further areas on 4 November. Carers can find out more, and apply at https://www.mygov.scot/carer-support-payment
- Changes to allow more young carers in education to access Carer Support Payment have been in force since June. Carers aged 16 to 19 in full-time 'non advanced' education can be eligible if they have certain exceptional circumstances – including if they have no support from parents or are responsible for a child or young person. Non-advanced education includes school and college courses such as National Certificates, Highers and Advanced Highers.
- Special backdating rules for the Carer Support Payment roll out mean that carers who are not eligible for Carer's Allowance but are eligible for Carer Support Payment, and are living in areas outside of the initial pilot areas, can apply to have their payments backdated to the date Carer Support Payment first became available. The rules are designed to stop carers missing out on money they are entitled to because they live in an area included in the later phases of the rollout.
- To get fully backdated payments under these special rules, carers should apply within 13 weeks of the benefit becoming available in their area. The deadline for carers living in the new areas (Argyll & Bute, Clackmannanshire, Dumfries & Galloway, East Dunbartonshire, East Lothian, East Renfrewshire, Edinburgh, Falkirk, Glasgow, Highland, Inverclyde, Midlothian, Orkney Islands, Renfrewshire, Scottish Borders, Shetland Islands, Stirling, West Dunbartonshire and West Lothian) is 2 February 2025. Carers may still be able to get fully backdated support after this if they have a good reason for missing the deadline. The deadline for carers living in the areas where the benefit opened in August – Aberdeen, Aberdeenshire, Fife, Moray and North, East and South Ayrshire – is 17 November 2024. Carers may still be able to get fully backdated support after this if they have a good reason for missing the deadline.
- Carers in Scotland who already get Carer's Allowance will have their benefits automatically transferred to Carer Support Payment. Social Security Scotland will write to people in advance to let them know that their award will be moving.
- The transfer of awards began in February this year. It is due to complete in Spring 2025.

Carers Trust Scotland works to transform the lives of unpaid carers. They partner with their network of local carer organisations to provide funding and support, deliver innovative and evidence-based programmes, raise awareness and influence policy. Supporting Carers in Scotland | Carers Trust Scotland
www.gov.scot/news/carer-support-payment-now-scotland-wide

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Adult Disability Payment: Independent Review – interim report

https://www.gov.scot/publications/interim-report-independent-review-adult-disability-payment/documents

The Independent Review of Adult Disability Payment interim report provided by Edel Harris OBE. The interim report highlights emerging findings and initial priorities capable of early action to ensure Adult Disability Payment meets the needs of disabled people.

What is Adult Disability Payment?

Adult Disability Payment launched nationally on 29 August 2022 to new applicants and is one of fifteen payments that Social Security Scotland delivers.

Adult Disability Payment has replaced Personal Independence Payment (PIP) for disabled people of working age in Scotland, which is administered by the UK Government's Department for Work and Pensions (DWP).

Adult Disability Payment is a form of social security benefit provided by Social Security Scotland to support disabled adults. It is designed to help cover the extra costs that disabled people may incur due to their condition.

As of 31 July 2024, 315,495 people are receiving Adult Disability Payment[2], just under 6% of Scotland's population[3]. Most of the people receiving the payment have had their payments transferred across from Personal Independence Payment or Disability Living Allowance (199,460 people or 63%) and the remainder are new applicants (115,035 people or 37%).

At the same time, 251,815 people had submitted the first part of the application for Adult Disability Payment and 213,265 people had submitted the second part of the application. Social Security Scotland has processed 216,960 applications with 50% being approved, 45% being denied and 5% withdrawn.

The total value of all Adult Disability Payments made to 31 July 2024 is £1.6 billion. The monthly value of payments issued has been increasing since the benefit launched, rising from £12,390 in April 2022 to a peak of £182.4 million in July 2024.

When considering ADP mobility descriptor 1(d), the same interpretation should be given as under the 2013 PIP Regulations and MH v SSW

Decision in full SSS v AH, SSS v AS, SSS v SS, SSS v GA

The appeal in each case is allowed. The decision of the First-tier Tribunal for Scotland ("FTS") in each case is quashed so far as relating to activity 1 of the mobility component. Each case is remitted to the FTS for a new hearing of the ADP appeal, confined to the question of entitlement in relation to activity 1 of the mobility component.

These cases all involve claims made under the "the ADP regulations". In each case the FTS found that the claimant scored 10 points in respect of mobility activity 1 in relation to descriptor d.

MH v Secretary of State for Work and Pensions (PIP): [2016] UKUT 531 (AAC) ; [2018] AACR 12
The Social Security (Personal Independence Payment) Regulations 2013

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General approach to appeals to the Upper Tribunal Scotland – Three principles which guide the grant or refusal of permission.

KW v Social Security Scotland

Summary
This is an application for permission to appeal to the Upper Tribunal for Scotland (UTS) in a case about adult disability payment. The decision sets out three of the principles which guide the grant or refusal of permission in social security appeals, and applies those principles.

Permission is refused in this case, because the essence of the application is a dispute over the facts and credibility findings of the First-tier Tribunal for Scotland (FTS). Those were matters primarily for the FTS. The grounds on which the application proceeds disclose no arguable errors on points of law.

General approach to appeals to the UTS – Three principles which guide the grant or refusal of permission in social security appeals in Scotland.

Principle 1 – the jurisdiction of the UTS is limited to errors on points of law.

- **Para 13** – *'the UTS will scrutinise proposed grounds of appeal carefully to ensure they are truly concerned with errors of law. If they are in essence a disagreement with factual and credibility findings of the FTS, the UTS may find they do not properly come within its appellate jurisdiction, because it is limited to points of law. While there is a relatively low threshold for arguability in decisions about permission, that threshold applies to errors on points of law, not disputes of fact'.*
- **Para 14** – *'in assessing whether grounds are arguable, the UTS will ordinarily take into account whether, if proposed grounds succeed, they would make any difference to the outcome. In the context of the UTS, this principle is often given effect by a requirement that there are arguable grounds on a material point of law (PY v Social Security Scotland 2024 UT 48 para 14). It is not accepted, as SSS suggests, that materiality has no part to play in the test for grant of permission. The requirement of materiality is a recognition that the function of courts and tribunals is to decide real disputes. They do not exist as debating chambers or to "beat the air in vain". The UTS is publicly funded and is subject to these underlying principles. Grounds may be found not to be arguable when it is clear that, even if they succeed, it would make no difference to the outcome of the case'.*

Principle 2 – to be proper and adequate, the reasons of the FTS for its decision do not have to involve consideration of every aspect of the evidence before it

- **Para 15** – *'The classic test for adequacy of reasons in Scotland is found in Wordie Property Co Ltd v Secretary of State for Scotland 1984 SLT 345. The tribunal must "give proper and adequate reasons for [its] decision which deal with the substantial questions in issue in an intelligible way. The decision must, in short, leave the informed reader … in no real and substantial doubt as to what the reasons for it were and what were the material considerations which were taken into account in reaching it". The decision of the FTS has to be read as a whole, in a straightforward manner, and recognising it is addressed to parties well aware of the issues involved (AK v Social Security Scotland 2024 UT 5 para 8). Reasons, to be adequate, do not have to involve consideration of every issue raised by the parties, or deal with every piece of material in evidence'.*

Principle 3 – a person is not eligible for ADP merely because they have a medical condition or conditions; eligibility depends on satisfying statutory criteria.

- **Para 16** – *'Points counting towards an award of ADP are scored only where the claimant's ability to carry out daily living or mobility activities is limited (or severely limited) by the individual's physical or mental condition or conditions (regulations 5 and 6 of the Disability Assistance for Working Age People (Scotland) Regulations 2022)'.*
- **Para 18** – *'As a matter of law, to score points there must be a causal link between a physical or mental condition or conditions and functional limitation. Limitations which arise due to factors such as choice, financial position, belief, habit, or living arrangement, rather than medical conditions, will not score points. Often the FTS will identify medical conditions from which it accepts the appellant suffers. However, the FTS is not required in all cases to diagnose or pinpoint all conditions which cause functional limitations, so long as it has considered what functional limitations have been caused by the individual's physical or mental conditions it has accepted (see Social Security Scotland v AM 2024 UT 46 paras 18 - 23)'.*

The present application

- **Para 21** – *'despite the grounds being framed as failures to consider matters, make proper findings in fact, give adequate reasons, and having taken into account incorrect information, they are in essence a disagreement about the assessment of the evidence by the FTS, and its adverse credibility finding in relation to the appellant. They fall foul of Principle 1 for appeals to the UTS set out above. It was for the FTS to weigh the evidence, not all of which supported the appellant, and decide what to accept and what to reject. It is clear from paragraphs [5] and [6] of the decision of the FTS that it took everything before it into account, which included submissions about the medical conditions from which the appellant suffered, and functional limitation. Findings of credibility and fact were matters primarily for the FTS, even if the appellant disagrees with the findings made. On scrutiny, the proposed grounds are disagreements of fact and do not raise arguable errors of law'.*

Universal Credit and limited capability for work related activity (LCWRA)

Carlos Hagi explores some common problems and potential solutions concerning having limited capability for work related activity (LCWRA) under universal credit (UC).

This article looks at some common issues around referrals for a work capability assessment (WCA) and determinations of LCWRA under UC. It will also consider a common issue of the DWP failing to treat a claimant as having LCWRA — which in our experience mainly arises where a claimant is undergoing treatment under the cancer provisions.

Why LCWRA matters
A determination of limited capability for work (LCW) or LCWRA under universal credit (UC) can be important for various reasons. Obviously there is a financial advantage to having a LCWRA element included in an award — although under managed migration this may erode any transitional element if it's awarded after the end of the first assessment period. A determination of LCWRA under a WCA may take months, so arrears of the element can also be payable once a decision has been made. A determination of LCW or LCWRA is also relevant for the award of a work allowance, work related requirements and, if a claimant is also eligible for a carer element, which element is payable.

Unless a claimant can be treated as having LCW or LCWRA in specified circumstances, this will mean a determination following a WCA for either contributory employment and support allowance (ESA) or UC. For this article we will only be considering a WCA under UC for the sake of simplicity, and also ignoring situations of natural or managed migration to UC where a claimant has already been assessed under 'old style' or new style ESA.

Full article – medium.com/adviser/universal-credit-and-limited-capability-for-work-related-activity-e622230f1475

Only 97 claimants out of 3079 have been awarded UC on the grounds of destitution as a result of the 'SSWP v AT' Court of Appeal judgment

97 claimants with pre-settled status have been awarded benefit on the grounds of destitution as a result of the DWP applying the decision in *SSWP v AT* [2023] EWCA Civ 1307.

In a Freedom of Information request the DWP confirmed that 3079 stayed cases have now been reviewed. The Department does not differentiate between stayed cases and new claims which have been awarded benefit as a result of the application of AT, and so is unable to provide a breakdown on those parameters. A total of 97 claimants are in receipt of a benefit award as a result of the application of AT.

www.whatdotheyknow.com/request/progress_on_dealing_with_cases_i/response/2836300/attach/3/Review%20IR2024%2093909.pdf?cookie_passthrough=1

Can you help? Scottish child payment research with parents and carer

CPAG in Scotland's Strengthening Social Security research project is investigating the circumstances in which parents and carers on a low income can miss out on Scottish child payment and the rest of the five family payments (Best Start foods and Best Start grants.) Please see this earlier project briefing, which highlights some of the different reasons families can miss out (often because of a universal credit issue).

The project team is currently interviewing parents and carers, and they are hoping you can help them spread the word.

CPAG in Scotland is looking to speak to:

- Families who are eligible for Scottish child payment (and the rest of the five family payments) but have not claimed it;
- Families on a low income who are ineligible for Scottish child payment;
- Families who have had gaps in their Scottish child payment entitlement for any length of time;
- Families on a low income who have lost entitlement to Scottish child payment (and the rest of the five family payments); and
- Families who receive universal credit inconsistently.

Interview participants will be sent a £25 Evoucher as a thank you for their time.

Interview participants will have further opportunities to be involved in the project throughout 2025, such as creative activities, workshops and meetings with decision makers from the Scottish Government and Parliament. If you have any clients who might want to take part in the research then please provide them with the information sheet and consent form.

There is a poster available if you would like to advertise the project. Families on a low income in Scotland who want to take part in the research should email Matilda Bryce (mbryce@cpaginscotland.org.uk) with the email subject 'Tell me more about the Scottish child payment project'.

Pension credit wait times double – fuelling fears pensioners may miss out on DWP winter support

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The total number of outstanding applications waiting to be processed has meanwhile rocketed by 125% since the winter fuel payment cuts were announced in July.

Figures released by the Department for Work and Pensions (DWP) show that the average time it takes to process applications for pension credit – the benefit paid to poorer pensioners – lengthened from 25 working days in the week ending on 25 September, to 52 working days in the week ending on 21 October.

Full story here – www.bigissue.com/news/social-justice/pension-credit-wait-times-dwp-winter-fuel-help/

Biggest employment reforms in a generation unveiled to Get Britain Working again

Unveiling the biggest reforms to employment support for a generation, Work and Pensions Secretary, Liz Kendall has today (26 November) published the Get Britain Working White Paper, marking the Government's first major intervention to achieve an ambitious 80 per cent employment rate.

- White Paper on biggest reforms to employment support for a generation published today, backed by £240 million investment
- Jobcentres transformed across Great Britain and every young person to have access to an apprenticeship, quality training and education opportunities
- Mental health support to be expanded and extra capacity deployed to reduce waiting lists in areas with highest levels of inactivity
- Measures announced in White Paper will fuel growth as Government rebuilds Britain in a decade of national renewal

It comes as stark figures show almost one and a half million people are unemployed, over nine million people are inactive, a record 2.8 million people are out of work due to long-term sickness. Young people have also been left behind with one in eight young people not in education, employment or training, and nine million adults lack the essential skills they need to get on in work.

www.gov.uk/government/news/biggest-employment-reforms-in-a-generation-unveiled-to-get-britain-working-again

When considering ADP mobility descriptor 1(d), the same interpretation should be given as under the 2013 PIP Regulations and MH v SSWP

Decision in full SSS v AH, SSS v AS, SSS v SS, SSS v GA

The appeal in each case is allowed. The decision of the First-tier Tribunal for Scotland ("FTS") in each case is quashed so far as relating to activity 1 of the mobility component. Each case is remitted to the FTS for a new hearing of the ADP appeal, confined to the question of entitlement in relation to activity 1 of the mobility component.

These cases all involve claims made under the "the ADP regulations". In each case the FTS found that the claimant scored 10 points in respect of mobility activity 1 in relation to descriptor d.

MH v Secretary of State for Work and Pensions (PIP): [2016] UKUT 531 (AAC) ; [2018] AACR 12
The Social Security (Personal Independence Payment) Regulations 2013

Unlocking benefits: Tackling barriers for disabled people wanting to work

Reforms are needed to unlock work for people receiving work-related disability benefits, as informed by research with disabled people in partnership with Scope.

People receiving 'work-related disability benefits' – health-related Universal Credit (UC) or Employment and Support Allowance (ESA) – face unacceptable levels of hardship. A quarter of adults on health-related UC used a food bank in the last year, and a third were unable to afford to keep their house warm. This compares to 3% and 11%, respectively, for the general working-age population.

www.jrf.org.uk/work/unlocking-benefits-tackling-barriers-for-disabled-people-wanting-to-work

Report: What has happened to disability benefits in Scotland? An update

Published on 8 November 2024

Following a bulge in claims, recent figures suggest new disability benefits may not pose as big a cost to the Scottish Budget 2024 as first feared

Disability benefits and Scotland's reforms

In the UK, disability benefits are available to those whose poor health or disability is deemed to result in them facing additional costs of living. These benefits are not means-tested, meaning that people with any level of household income can receive them, nor are they linked to whether or not the claimant is in or is able to do paid work. Personal independence payment (PIP) is the main working-age disability benefit in England and Wales.

In 2022, following devolution of disability benefits to Scotland, the Scottish Government introduced a new benefit to replace PIP.

Adult disability payment (ADP) has the same eligibility criteria and pays the same rates as PIP but is designed to be easier to apply for and, if a claim is successful, to get renewed at the end of the award.

There are telephone and online services offering advice and guidance for potential applicants and a take-up strategy has been outlined to raise awareness. ADP applications can be made online or face-to-face, whereas most PIP applicants must make a telephone or paper-based application.

When assessing applications, ADP staff collect supporting information where necessary, rather than requiring applicants to supply documents such as a confirmation of diagnosis or a letter from a support worker. While PIP applicants usually have to undergo a medical assessment, ADP only uses consultations where necessary, and these may take place either on the phone, online or face-to-face upon request.

Finally, recipients of ADP have their eligibility reviewed less frequently, and these reviews are 'lighter touch', than those PIP recipients are subjected to.

As a result of these changes, the introduction of ADP has been expected to increase the number of recipients compared with if Scotland had retained the PIP system.

The funding Scotland receives from the UK government each year for disability benefits (known as the block grant adjustment, or BGA) is adjusted based on the change in spending per capita in England and Wales. Any additional spending in Scotland that outstrips the BGA funding must be covered by the Scottish Government from its general budget. Therefore, increases in disability benefit spending beyond those in England and Wales would either require reduced spending elsewhere or higher taxes (conversely, if disability benefit spending in Scotland is lower than the BGA, the difference can be used to finance higher spending elsewhere or lower taxes).

Working-age disability benefits have been the subject of considerable attention recently due to the rapid rise in caseloads and spending since the pandemic.

Here we update the analysis in chapter 3 of the IFS Scottish Budget Report 2024–25 (Boileau et al., 2024), exploring how trends in these benefits have differed in Scotland compared with in England and Wales, the potential impact of the ADP reform, and the implications for the upcoming Scottish Budget.

Full report – ifs.org.uk/articles/what-has-happened-disability-benefits-scotland-update

General approach to appeals to the Upper Tribunal Scotland – Three principles which guide the grant or refusal of permission.

[KW v Social Security Scotland]

Summary

1. This is an application for permission to appeal to the [Upper Tribunal for Scotland] (UTS) in a case about [adult disability payment]. The decision sets out three of the principles which guide the grant or refusal of permission in social security appeals, and applies those principles.
2. Permission is refused in this case, because the essence of the application is a dispute over the facts and credibility findings of the First-tier Tribunal for Scotland (FTS). Those were matters primarily for the FTS. The grounds on which the application proceeds disclose no arguable errors on points of law.

General approach to appeals to the UTS
Three principles which guide the grant or refusal of permission in social security appeals in Scotland.

Principle 1 – the jurisdiction of the UTS is limited to errors on points of law.
Principle 2 – to be proper and adequate, the reasons of the FTS for its decision do not have to involve consideration of every aspect of the evidence before it
Principle 3 – a person is not eligible for ADP merely because they have a medical condition or conditions; eligibility depends on satisfying statutory criteria.

Supplementary submission to Work and Pensions Committee's inquiry into safeguarding vulnerable claimants

nawra
national association of welfare rights advisers

Published by [nawra] on 28/11/2024

Following NAWRA's [previous submission] for the Work and Pensions Committee inquiry into
safeguarding vulnerable claimants, we were invited to submit a supplementary submission to the
new Committee who have reopened the inquiry.

We were asked only to raise new issues so focused on –

- Risks to the ESA cohort on migration to UC
- Proposed changes to the WCA and their impact particularly on those with mental health problems.

[Read our submission]

Low pay, insecure work and housing costs causing debt problems for 18-24 year olds

New research by StepChange Debt Charity reveals low pay, unemployment and high housing costs are driving debt problems among its clients aged 18-24.

The charity's new report [Debt's early grip] shows incomes are 28% lower among its clients aged 18-24 compared to all StepChange clients, equating to £490 less per month. With rent taking up around 38% of their net income on average, young clients are left with little ability to build financial resilience.

The findings reveal almost four in ten (37%) of StepChange's young clients seeking debt advice are living with family, which is lower than the proportion of all UK adults aged 18-24 where the figure is around three in five (58%).

Number of Social Security appeals in Scotland continues to rise

5,389 appeals have been received in 2024 to date.

In response to a Freedom of Information request, the figures set out the number of appeal receipts in each year from 2018 and the number of appeals allowed, refused and dismissed:

Reporting year*	Receipts	Allowed (Entitlement Determined)	Refused (Determination Upheld)	Dismissed
2018/2019	0	0	0	0
2019/2020	67	0	54	0
2020/2021	43	7	27	0
2021/2022	51	12	30	1
2022/2023	62	14	25	0
2023/2024	1,675	249	216	1
2024 - 12/11/2024	5,389	1,059	887	12

* the FOI response indicates that the year is 1 January – 31 December.

The figures show that, of the 7,287 appeals lodged in the last six years, the Tribunal has disposed of 2,594, which is less than 36 per cent.

See Freedom of Information request: First-tier Tribunal for Scotland data.

Pension credit wait times double – fuelling fears pensioners may miss out on DWP winter support

THE BIG ISSUE

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