

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.

February 2025 Newsletter

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



Sign up to receive latest news and information at www.nesaf.co.uk/contact/

Previous Benefit Bulletins can be viewed and downloaded at nesaf.co.uk/info/nesaf-benefit-bulletins/

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 >>>](#)



Join us for a free training session on TV Licensing essentials and supporting people with priority debts.

12 March 2025 — 11:00 - 12:00
Register here



Citizens Advice 'Help to Claim' Partnership Survey

Help to Claim – service improvements to meet client needs

Survey closes 7 March 2025

<https://www.surveymonkey.com/r/HelpToClaimNeeds>

Consultation: Mitigation of the two-child cap

Closes 18 Apr 2025

Opened 21 Feb 2025

Overview

This consultation seeks views on the Scottish Government's proposed approach to mitigate the two-child cap policy applied by the UK Government.

[Useful information about responding to this consultation](#)

Give us your views [Begin consultation](#)
consult.gov.scot/social-security/mitigation-of-the-two-child-cap-consultation

New survey suggests benefits system is letting down people with mental health conditions who want to work

Many sick and disabled people say they want to work to help boost their living standards – but aren't given the right support, according to new data published on Time to Talk day today [6 February].

- New survey suggests 200k people claiming health and disability benefits are ready for work now if the right job or support were available.
- Comes as number of young people with a mental health condition who are economically inactive due to long-term sickness reaches over a quarter of a million (270,000).
- Overhaul of health and disability benefit system set to be unveiled in Spring to ensure it provides meaningful support to help long term sick back into work.

New research published by the Department for Work and Pensions shows that nearly half (44%) of people with a mental health condition expect to be able to work in future if their health improves.

This comes as the number of young people (aged 16 to 34) who are economically inactive due to long-term sickness and have a mental condition reaches 270,000. This number has been rising consistently over the past decade and has increased by 60,000 (26%) in the last year alone. The equivalent figure for all people of working-age (16 to 64) is 790,000 – an increase of 140,000 (22%) over the last year.

www.gov.uk/government/news/new-survey-suggests-benefits-system-is-letting-down-people-with-mental-health-conditions-who-want-to-work

DWP ordered to disclose key documents about “dehumanising” plans to reform Work Capability Assessment

During a hearing about the “rushed and disingenuous” consultation used to justify proposals to tighten the Work Capability Assessment, the DWP was ordered by a judge to disclose key internal documents to Ellen Clifford, a disabled activist bringing a legal challenge over the consultation.

Clifford was in court on 31 October to argue that the DWP should disclose key documents that were relevant to her claim, backed by lawyers from Public Law Project (PLP.) Through the hearing, it was revealed that:

- The DWP had **not done any employment or disability assessments** of the proposals they wished to consult on before the consultation was launched.
- They did, however, undertake reviews to work out what savings may be made from the proposals before consulting. This included estimating how many Deaf and Disabled people may no longer be assessed as having limited capacity for work or work-related activity, if proposals were implemented.
- No information about potential savings or numbers impacted was provided to consultees as part of the consultation process.

Under these proposed changes to the Work Capability Assessment, thousands of people would lose £416 per month in benefits and many would be at risk of sanctions.

Read the full article and judgement [HERE](#)

DWP gives update on thousands of benefit claimants set for compensation after court battle

Not everyone will get compensation at the same time, universal credit boss reveals. Following several major court battles, around 57,000 people are set to receive payments averaging around £2,100 each. The [DWP](#) previously said it was hoping to complete the scheme for all people by August this year.

However, Neil Couling, the department's senior responsible owner for universal credit, has now given an update on when exactly different groups can expect their compensation.

www.independent.co.uk/news/uk/home-news/dwp-benefits-compensation-scheme-claimants-b2706393.html



Social Security Scotland
Tèarainteachd Shòisealta Alba



Scottish Budget 2025 to 2026

Scottish Budget 2025 to 2026: guide

Devolution allows the Scottish Parliament to decide how much money to spend on different policy areas, including:

- schools
- hospitals
- policing
- certain social security benefits
- the economy
- climate change
- the environment

Delivery in these areas involves a range of partners including local government, public bodies and the third sector.

Each year the Scottish Government publishes a balanced budget that sets out the spending plans for the new financial year. The annual Scottish Budget covers each financial year, which runs from 1 April until 31 March.

The new Scottish Budget was presented to Parliament on Wednesday 4 December 2024. This details Scottish Ministers' spend proposals for the year ahead and the Scottish Parliament will scrutinise this information through the Scottish Budget Bill.

The Scottish Government plans to introduce the Bill on 18 December 2024, where it will be scrutinised by the Scottish Parliament.

More information on the [Scottish Budget process](#) is available.

www.gov.scot/publications/scottish-budget-guide

Help us reach Scotland's unpaid carers

Over 38,000 carers across Scotland are receiving financial help through Carer Support Payment, but many more may be eligible.

According to Carers Trust Scotland there are around 800,000 unpaid carers in Scotland. This includes 30,000 carers under the age of 18. Many people don't even know they are a carer. They may feel they're simply providing the support someone naturally would. This also means they could be missing out on extra support they're entitled to.

That's why we're raising awareness of [Carer Support Payment](#) to help unpaid carers recognise themselves as one, and to check if they're eligible for financial help.

To be eligible for [Carer Support Payment](#), a payment of £81.90 a week, carers need to be 16 or over and provide unpaid care for 35 hours or more a week to someone who receives a qualifying disability benefit. The carer also needs to earn less than £151 per week after tax, National Insurance and expenses.

If you know an unpaid carer, or your role is to support unpaid carers, please share our resources and encourage them to check if they're eligible for financial support.

You can download shareable resources from our website at [Social Security Scotland - Carer Support Payment Resources](#). These include a range of resources in various languages which stakeholders can use.

More information about Carer Support Payment can be found at [Carer Support Payment - mygov.scot](#) or by calling free on 0800 182 2222.



Consultation: Mitigation of the two-child cap

Closes 18 Apr 2025

Opened 21 Feb 2025

Overview

This consultation seeks views on the Scottish Government's proposed approach to mitigate the two-child cap policy applied by the UK Government. The two-child cap restricts support through Universal Credit (UC) to the first two children in a family except in some limited circumstances. The Scottish Government is committed to developing systems to alleviate the impact of the two-child cap in Scotland in 2026. The consultation paper sets out more fully the proposed approach which intends to deliver mitigation payments at pace and in line with the Scottish social security principles.

The Scottish Government is proposing to mitigate the two-child cap in Scotland by making a flat-rate payment equal to the UC child element for each third and subsequent child in Scotland.

Mitigation of the two-child cap is not a straightforward task. It will require significant policy and technical work to develop and implement an appropriate solution. This includes co-operation from the UK Government around systems development, data sharing and legislation. The technical delivery of the mitigation must carefully consider risks, issues and dependencies such as data sharing with the Department for Work and Pensions (DWP).

The Social Security Programme has commenced the 'discovery' phase of the project, which will impact delivery options, including joint work with DWP to agree, build and test additional data sharing functions and create a joint delivery plan.

The responses to this consultation, alongside the outputs of that discovery process, will inform the Scottish Government's approach to drafting the legislation that will be necessary to deliver the payments.

Read the consultation paper. The consultation paper contains full background information for this consultation. You may find it useful to read or refer to while responding.

[Useful information about responding to this consultation](#)

Why your views matter

We want to gather your views on the proposals to deliver mitigation payments to people in Scotland impacted by the UK Government's two-child cap.

Your views will help to refine and develop the proposals laid out in the consultation. Responding to this consultation offers you the valuable opportunity to help shape how the Scottish Government takes forward this important part of the fight against child poverty in Scotland.

The responses to this consultation will be analysed and used to inform the Scottish Government's approach to drafting the legislation that will be necessary to deliver the payments. Once the responses have been analysed we will provide a further update to explain our next steps.

Give us your views [Begin consultation](#)

consult.gov.scot/social-security/mitigation-of-the-two-child-cap-consultation





Parents of under-fives may be exempted from UK's two-child benefit limit

Exclusive: Ministers considering options to bring down child poverty without removing rule entirely

Parents of under-fives could be exempted from the government's two-child benefit limit under a range of options UK ministers are considering as they try to bring down child poverty numbers without removing the rule altogether.

Ministers are trying to find ways to alleviate the impact of the two-child limit for universal credit or child tax credit, which was imposed by the Conservatives in 2017, without spending £3.6bn to remove it entirely, according to those briefed on the discussions.

Among the options is applying the limit only to those with children who are five and over, exempting parents of disabled children, exempting parents in work and increasing child benefit payments for parents of young children. A separate proposal to move to a three-child limit has also been discussed, but is understood not to be under serious consideration.

Read the full article on the Guardian website – www.theguardian.com/society/2025/feb/26/parents-under-fives-could-be-exempted-two-child-benefit-cap-uk

The Scottish Government also has a consultation on mitigating the two-child cap

Closes 18 Apr 2025

Opened 21 Feb 2025

Overview

The Scottish Government is proposing to mitigate the two-child cap in Scotland by making a flat-rate payment equal to the UC child element for each third and subsequent child in Scotland.

Read the consultation paper. The consultation paper contains full background information for this consultation. You may find it useful to read or refer to while responding.

[Useful information about responding to this consultation](#)

Give us your views [Begin consultation](#)

consult.gov.scot/social-security/mitigation-of-the-two-child-cap-consultation

CAB Scotland Briefing: The Move to UC and Housing Costs

Publication date: February 2025

This briefing provides an overview of tenants' experience of meeting housing costs while undergoing managed migration to Universal Credit (UC) during Quarter 2 (Q2) of 2024-2025. It summarises insights from advice code data, real-life experiences submitted through our Social Policy Feedback system, discussions with frontline advisers, and an in-depth interview with an individual who has undergone managed migration.

It sets out our recommendations for change.

Download Publication

Other downloads: Lived Experiences of managed migration to Universal Credit (UC) – Autumn 2024 –

 [insights - emily autumn 24.pdf](#)





Free event: Delivering the undeliverable

Reforming incapacity and disability benefits to make the system work

Thursday 6 March 2025 9:30 am – 10:45 am

Britain is becoming sicker, with a sustained increase in levels of ill-health and disability. This creates financial challenges for families, and a fiscal challenge for the Government, with spending on incapacity and disability benefits forecast to rise from £40 billion today to £60 billion by the end of the Parliament. Everyone agrees that the current system is not working. But no-one can agree on how to change it. The Government will need to break that stalemate in its upcoming Green Paper.

What are the trends in ill-health and disability, and how reliable is the data? To what extent can we expect the welfare reform to solve a wider societal problem? How can the Government rebuild trust in the benefits system, support people into work, and reduce spending? And can it do this without hitting living standards of vulnerable people?

The Resolution Foundation is hosting an in-person and interactive webinar to debate and answer these questions. Following a presentation of the key highlights from new research, we will hear from leading experts on how the Government should approach important reforms to incapacity and disability benefits in a way that doesn't harm living standards.

The event will be open for people to physically attend, alongside being broadcast via YouTube and the Resolution Foundation website. Viewers will be able to submit questions to the panel before and during the event via Slido.

www.resolutionfoundation.org/events/delivering-the-undeliverable/

Resolution
Foundation

Citizens Advice 'Help to Claim' Partnership Survey

Help to Claim – service improvements to meet client needs

The Help to Claim service at Citizens Advice gives people support to claim Universal Credit, from starting an application to getting their first full payment. Clients talk to Help to Claim advisers on the phone or online over webchat. Clients can also use our British Sign Language video call service, and interpreters for other languages are also available.

Advisers can help people

- find out if they're eligible for Universal Credit
- understand how to complete a Universal Credit application form
- prepare for their first Jobcentre appointment
- check their first payment is correct

We want to ensure our service is as accessible and inclusive as possible. So we're asking you about what your service users or clients need from our Help to Claim service and how we could make it more suitable for their needs. Your answers will help us provide evidence for future planning of the Help to Claim service and benefits advice at Citizens Advice.

Survey closes 7 March 2025

<https://www.surveymonkey.com/r/HelpToClaimNeeds>





Found anything yet? Exploring the relationship between Universal Credit claimants and their work coaches

21 January 2025

[Found anything yet? Exploring the relationship between Universal Credit claimants and their work coaches. 625 KB](#)

Work coaches have a significant role in shaping claimants' experience of Universal Credit. Their responsibilities range from providing employment support and giving general advice to monitoring compliance with conditionality requirements. While many work coaches seek to provide meaningful support to claimants, they face multiple challenges in achieving this.

We recorded a wide spectrum of claimant experiences. This included empathetic and constructive support; bureaucracy and indifference; and even actively hostile and unproductive interactions.

Work coaches work in a system that prioritises the application of a harsh conditionality regime to achieve short-term outcomes. It offers limited capacity to deliver high-quality employment support and accommodate personal needs. Too often this leaves claimants feeling unsupported and disempowered.

This research complements and builds on many of the proposals in the government's 'Get Britain Working' white paper.

citizens
advice

DWP's benefit fraud crackdown blasted as an 'assault' on the 'disabled, sick and elderly'

4 Feb 2025

Campaigners claim the DWP's benefit fraud crackdown risks 'detering' people from accessing the support they need.

Campaigners have blasted the Department for Work and Pensions' (DWP) crackdown on benefit fraud, claiming it "deepens stigma" for people on benefits and could "deter" people from accessing support.

The [Public Authorities \(Fraud, Error and Recovery\) Bill](#) had its second reading in the House of Commons on Monday (3 February), and has been widely criticised for allegedly calling to strip people accused of benefit fraud of their driving license.

The bill, which is targeted at cracking down on benefit fraud, would give the government the power to impose a two-year driving ban for those who have repeatedly ignored requests to pay back £1,000 or more in arrears.

Read the full article on the Big Issue website –

www.bigissue.com/news/social-justice/dwp-benefit-fraud-crackdown-backlash-privacy/

THE BIG
ISSUE

UK Poverty 2025

29 January 2025

This report sets out the nature of poverty in the UK in the run-up to 2024's General Election. It also sets out the scale of action necessary for the Government to deliver the change it has promised.

UK Poverty looks across a range of data sources and published insights to build up a comprehensive picture of the current state of poverty across the United Kingdom (UK). We know poverty can lead to negative impacts at all stages of life, so it is critical to look closely at the available information to work out who is worst affected, determine how levels have changed over time and see what the future prospects are likely to be.

www.jrf.org.uk/uk-poverty-2025-the-essential-guide-to-understanding-poverty-in-the-uk



To ask the Secretary of State for Work and Pensions, what steps her Department is taking to support claimants who have difficulties with oral communication, deafness or have learning difficulties and do not own a telephone.

For hearing and speech impaired customers:

DWP utilise the [Video Relay Service \(VRS\)](#) which enables customers to communicate in real time via a British Sign Language (BSL) interpreter using a video connection on an electronic device. There is no need to be in the same location or for the customer to make an appointment.

[DWP also use Relay UK](#), previously known as Next Generation Text. The 'app' enables customer to contact a BT agent and type a message to them. The BT agent then calls DWP and verbally passes on the typed message. It works in reverse for a three-way conversation ie the DWP telephony agent speaks, and the BT Relay agent types the message back to the customer.

Work Capability Assessment

Customers requiring a Work Capability Assessment (WCA) are sent a clerical WCA50. The WCA50 will also gather details of any Reasonable Adjustment (RA) or Alternative Format (AF) requirements.

If a RA/AF requirement is established, we would update the availability constraints within Medical Services Referral System (MSRS) to advise the healthcare providers that a face-to-face assessment is required. All WCA appointment letters are sent out clerically too. In cases where customers are vulnerable, and require more intensive support, home visits can be arranged through the Visiting Service, who can help with form completion for example.

questions-statements.parliament.uk/written-questions/detail/2025-02-06/29709

Ending destitution: a road map for policy makers

A new legal briefing sets out steps the Scottish Government and local authorities can take now to mitigate the harm caused to people in Scotland by UK immigration policy.

**Homeless
Network
Scotland**
we are all in

Ending Destitution in Scotland: A Road Map for Policymakers was commissioned by the Institute for Social Policy, Housing and Equalities Research (I-SPHERE) and Joseph Rowntree Foundation (JRF) through their role in Fair Way Scotland, a partnership working to prevent homelessness and destitution among people with No Recourse to Public Funds (NRPF).

The briefing by Jen Ang, for legal and strategic consultancy Lawmanity, follows the latest Fair Way Scotland evaluation report [Destitution by Design](#), which sets out the terrible impact of the UK immigration system on people who come to Scotland to work, study, join family or seek safety.

This legal route-map argues that Scottish Government and local authorities can take positive steps to end this situation across seven areas that deliver essential support to people: social security and financial support, housing, transport, health and social care, education, work, justice and legal aid.

It challenges presumptions that reserved immigration law prevents specific groups from accessing support that would mitigate the harm they suffer at present, by presenting workable solutions that national and local government could pursue to achieve immediate positive change.

More broadly, the briefing recommends that decision makers in Scotland can fulfil their commitment to ending homelessness and destitution by reviewing and if necessary redesigning devolved policy, working with the UK Government to define 'public funds', improving frontline practice, and establishing parallel systems of support.

[Read the briefing](#)



Aberdeen Cash First Project: Delivering Change with Local Partnerships

The Aberdeen Cash First Project, part of the Scottish Government's "Cash-First: Towards Ending the Need for Food Banks in Scotland" pilot, aims to understand how access to financial crisis support can replace emergency food provision.



This pilot project is a 'test of change' and includes a Flexible Crisis Fund, prioritising direct cash assistance over emergency food provisions. Across the 8 national pilot areas, each locality has chosen a different demographic and implemented a different approach to distribution of funding based on the individual needs and systems available.

In Aberdeen, Cash First supports single males between the age of 18 and 45 who are in receipt of Universal Credit who present at food banks in crisis. You can read more details about this in [one of our previous blog articles](#).

To meet the aims of the pilot project, ACVO have developed partnerships with 7 organisations who can identify and refer those eligible for the Flexible Crisis Fund.

At present, the partner organisations able to refer individuals to the Fund are CFINE, Instant Neighbour, Aberdeen North Foodbank, Alcohol & Drugs Action, Aberdeen Cyrenians, Aberdeen Foyer, and Social Bite.

Trusted Partners are responsible for:

- Attending steering group meetings and weekly panel meetings
- Being involved in the development of the Cash First project
- Identifying and referring individuals eligible
- Managing the distribution of funding in the agreed format to recipients
- Encouraging the recipient to engage with wrap-around support identified by the panel
- Completion of monthly reporting

We understand the need within the demographic is greater than the level of financial support that can be provided through the pilot. As the funding is limited, there needs to be a level of control over the number of referrals received in each quarter.

The trusted partner model is crucial for maintaining control over referrals, ensuring that the available funding is distributed effectively while also monitoring how the financial and holistic wrap-around support offered impacts on the individuals use of food banks in the long-term.

Additionally, due to the level of risk in providing some of the demographic with cash, information sharing is necessary to safeguard recipients. All referrals are assessed through a weekly panel which reviews the applicants' circumstances and agrees the method of distribution alongside the wrap-around support required to best suit the individual needs. The applicant signs a privacy notice at point of referral which allows panel attendees to develop these discussions and reach agreement.

Other organisations can refer eligible individuals to the Flexible Crisis Fund, but this has to be done via one of the trusted partners.

The Aberdeen Cash First Project is not just about emergency financial relief – it is about looking at new ways of how crisis support can be delivered through strategic partnerships. If successful, the programme could be expanded if funding becomes available. Valuable lessons are already being learned and new ways of working being developed.

acvo.org.uk/cashfirst/delivering-change-with-local-partnerships



Why do we need Social Security Case Law

Social security case law is essential for several reasons:

Clarification and Interpretation:

- It helps clarify and interpret the laws and regulations governing social security benefits, ensuring they are applied consistently and fairly.

Precedent Setting:

- Case law sets precedents that guide future decisions in similar cases, providing a framework for resolving disputes and ensuring predictability in the legal system.

Protection of Rights:

- It safeguards the rights of individuals by ensuring that decisions made by social security agencies comply with the law and respect the rights of claimants.

Policy Development:

- Judicial decisions can influence the development of social security policies, highlighting areas where changes or improvements are needed.

Accountability:

- It holds social security agencies accountable for their actions, ensuring they follow proper procedures and make decisions based on accurate information.

Adaptation to Change:

- Case law allows the social security system to adapt to new circumstances and societal changes, ensuring it remains relevant and effective.



SC against Social Security Scotland

Here are the main points from the decision of the Hon. Lord Fairley in the appeal of SC against Social Security Scotland:

- **Decision:** The appeal is allowed, and the case is remitted to the First-tier Tribunal to consider the applicability of daily living descriptors 4b and 9b to the appellant.

Procedural History:

- The appellant applied for Adult Disability Payment (ADP) on 4 March 2023, which was refused on 12 July 2023.
- The appellant requested a redetermination, but no decision was issued within 56 days, leading to an appeal to the First-tier Tribunal (FTS).
- The FTS refused the appeal on 17 May 2024, awarding points below the threshold for ADP.

Grounds of Appeal:

- **Grounds 3 and 4:** The FTS failed to consider unchallenged evidence that the appellant needs a long-handled sponge to wash his lower body, which should have resulted in 2 points under daily living descriptor 4b.
- **Ground 5:** The FTS ignored evidence that the appellant needs prompting to engage socially, which should have resulted in 2 points under descriptor 9b.

Outcome:

- The appeal is allowed on grounds 3, 4, and 5, and the case is remitted to the same tribunal to reconsider the applicability of descriptors 4b and 9b.

www.scotcourts.gov.uk/media/kk3l5txe/upper-tribunal-decision-cp-v-sss-2025ut07.pdf



EC against Social Security Scotland

Here are the main points from the decision of Lady Poole in the appeal of EC against Social Security Scotland:

Decision:

- The appeal is allowed. The decision of the First-tier Tribunal (FTS) dated 13 May 2024 is quashed due to inadequate reasoning. The case is remitted to a differently constituted FTS for redetermination.

Background:

- The appellant, EC, applied for Adult Disability Payment (ADP) but was refused. The FTS also refused the appeal, leading to this further appeal.

FTS's Error:

- The FTS failed to provide proper and adequate reasons for its decision, particularly regarding the appellant's mental health conditions and their impact on daily living and mobility activities.

Legal Standard:

- The decision must leave the informed reader in no doubt about the reasons and material considerations. The FTS's decision did not meet this standard.

Outcome:

- The case is remitted to a differently constituted FTS to reconsider all matters, with directions to invite further evidence and submissions from the parties.

www.scotcourts.gov.uk/media/mjxdupnx/upper-tribunal-for-scotland-decision-ec-against-sss-

CP against Social Security Scotland

Here are the main points from the decision of the Hon. Lord Fairley in the appeal of CP against Social Security Scotland:

Decision:

- The first ground of appeal is refused. The second ground of appeal succeeds. The decision of the First-Tier Tribunal (FTS) is set aside only in relation to mobility activity 1 (descriptors 1a to 1f). The case is remitted to the same FTS to determine that aspect of the appellant's claim.

Background:

- The appellant, CP, has asthma, dyslexia, depression, and anxiety. She applied for Adult Disability Payment (ADP) under the Disability Assistance for Working Age People (Scotland) Regulations 2022. Her claim was refused, and she appealed to the FTS.

FTS Decision:

- The FTS awarded points only under daily living descriptors 8b and 10b, resulting in a total of 4 points, which was below the threshold for benefit entitlement. The appellant sought permission to appeal to the Upper Tribunal.

Ground 1:

- The appellant argued that the FTS made insufficient findings of fact regarding several daily living and mobility descriptors. This ground was refused as it was seen as an attempt to re-try the case.

Ground 2:

- The appellant claimed the FTS ignored relevant evidence about her ability to follow the route of an unfamiliar journey without assistance. This ground was accepted, and the case was remitted to the FTS to reconsider mobility activity 1.

www.scotcourts.gov.uk/media/kk3l5txe/upper-tribunal-decision-cp-v-sss-2025ut07.pdf



LK against Social Security Scotland

Here are the main points from the decision of the Hon. Lord Fairley in the appeal of LK against Social Security Scotland:

Decision:

- The appeal is allowed, and the decision of the First Tier Tribunal (FTS) dated 15 March 2024 is set aside. Further procedure will be decided based on written submissions or an oral hearing if requested.

Background:

- The appellant's child, E, who is deaf, was awarded the lowest rate of the care component of Child Disability Payment (CDP). The appellant appealed for a higher rate, but the FTS refused the appeal.

FTS's Error:

- The FTS concluded that E required attention for a significant portion of the day but did not qualify for the middle rate of CDP. The FTS's reasoning was unclear and grammatically flawed.

Regulations:

- Regulation 11 of the 2021 Regulations outlines the criteria for the care component of CDP. The FTS misinterpreted the conditions, treating them as mutually exclusive when they could be satisfied simultaneously.

Outcome:

- The appeal is allowed, and the decision of the FTS is set aside. Further submissions will determine whether the case is remitted to a different tribunal or decided by the current tribunal.

www.scotcourts.gov.uk/media/030ho0ed/upper-tribunal-decision-lk-v-sss-2025ut06.pdf

DWP program that automatically approves landlord benefit deduction requests ruled unlawful

[Nathan Roberts v Secretary of State for Work and Pensions \[2025\] EWHC 51 \(Admin\)](#)

Tenant challenged procedure after £500 docked from universal credit payment at landlord's request, with whom he was in dispute over repairs

A "computer says yes" program that automatically approves landlord requests to deduct hundreds of pounds from tenants' universal credit benefits without requiring officials to check first with the claimant has been declared unlawful by the courts.

The challenge was brought by a tenant who was outraged to find the Department for Work and Pensions (DWP) had docked £500 from his universal credit payment at the request of his landlord, with whom he was in dispute over repairs.

The "click-screen" program used by the DWP means tenants can lose up to a fifth of their monthly universal credit standard allowance – and have their rent paid directly to the landlord – without being consulted by either the landlord or welfare officials.

Read the full Guardian article [HERE](#)



Social Security Scotland's failure to follow usual practice of passing details of a rep to the FTS was a material procedural irregularity that justified 'quashing' tribunal's decision

Here's a summary of the decision by Lady Carmichael in the case of [JA vs Social Security Scotland](#):

Decision

Appeal Allowed:

- The Upper Tribunal allowed the appeal, quashed the decision of the First-tier Tribunal for Scotland (FTS), and remitted the case to a differently constituted FTS.

Reasons

Point of Law:

- The appeal was granted on whether Social Security Scotland failed to inform the FTS of the claimant's representative, which could be a failure to comply with rule 2(4) of the FTS Procedure Rules.

Concession by Respondent:

- Social Security Scotland conceded that the appeal should be allowed due to their oversight in not informing the FTS about the claimant's representative.

Procedural Irregularity:

- The failure to inform led to a procedural irregularity, as the hearing proceeded without the appellant's representative, which was material to the case.

Responsibility:

- It was emphasized that it is the responsibility of the party appointing a representative to inform the FTS, although Social Security Scotland usually forwards such information as part of their practice.

Outcome:

- The decision of the FTS was quashed and remitted for reconsideration by a differently constituted tribunal due to the procedural irregularity caused by Social Security Scotland's oversight.

TSDPE due to addition of LCWRA element and removal of carer element

Published on 11 February 2025

[Secretary of State for Work and Pensions v MJ \[2025\] UKUT 035 \(AAC\)](#)

This is a challenge to the policy of the Secretary of State for Work and Pensions in relation to MJ, a claimant in receipt of the carer element and transitional SDP element, to erode the whole of her transitional SDP element when she was found to have limited capability for work and work related activity. The UT allowed the SSWP's appeal and re-made the FTT decision in MJ's favour, finding that she had been unlawfully discriminated against.

Read CPAG information on the case and what claimants can do in a similar position – cpag.org.uk/welfare-rights/test-cases/test-case-updates/erosion-disabled-carers-tdpe-due-addition-lcwra-element-and-removal-carer