

**welfare benefits**

**unit**

# ANNUAL REPORT 2013 - 2014

**Serving  
York and  
North Yorkshire**



# Making a Difference.

**If many of us were asked what they get satisfaction from and what makes them tick perhaps the answer would be 'making a difference'. I believe the Welfare Benefits Unit makes a big difference in so many ways.**

Some are easy to record, for example, each case recorded on the advice line database outlining the type of benefit discussed and the outcome of our advice and how we helped our client. Yet other differences we make are not so tangible and much more difficult to demonstrate. For example a novice adviser may attend our three day introduction course to learn about and understand the benefits system a little better. But then the added value is when they go on to advise a number of clients more confidently as well as sharing this new information with their colleagues.

**So one of the ongoing challenges we face each year when writing the Annual Report is how to show our worth to advisers and the community and how to get across our added value as a second tier organisation.**

For many years counting take-up has been one way to show our success however this indicator has been significantly affected by the Welfare Reforms.

Our advice line work has fundamentally changed from identifying and advising about benefits that may be being missed out on to much more emphasis on how to help people hang onto the little they have left or how to appeal a decision that threatens to completely remove income. Consequently as we guide advisers through the austerity measures, take-up has been rendered to a much less important part of our everyday work.

**On the other hand, take-up for our projects, Help in Hand and Benefits Advice and Tribunal Support, BATS, has remained in the report as this is still a key measure of their success.**

I have coordinated the Welfare Benefits Unit for over thirteen years and have relished the interesting and diverse role. I have tried to develop and to build a robust voluntary organisation that has a good chance of successfully moving into the next decade and possibly even beyond. Welfare Rights is so worthwhile, mostly satisfying and really does make a difference to people's lives. It gives advisers satisfaction to know they have given good advice, helped people claim what

they are entitled to or supported them with a more complex issue. At a second tier level the work brings as much satisfaction again because we witness advisers knowledge and understanding grow as they become fully accomplished advisers, helping more and more clients.

Now for my thanks, firstly to my wonderful team who have shown tremendous commitment and loyalty to the Unit as they have worked particularly hard this year during my absence due to illness. They show tenacity and resilience and as always have been a pleasure to work with, keep up the good work! Also thanks to my Management Committee for all your continued support and guidance. Long may the Welfare Benefits Unit continue to thrive and keep making a difference.

**Heather Theobald**  
Welfare Benefits Unit  
Co-ordinator

# Foreword

**There are signs that the economic crisis that began in 2008 may be beginning to recede. It resulted after 2010 in a long period of austerity, with a double dip recession, record youth unemployment, and enormous cuts in expenditure on benefits and services. The economy is certainly growing and unemployment is falling.**

But we are only half way through the deficit reduction strategy. There is much more to come. At the Welfare Benefits Unit we don't think we are out of the wood: national living standards have been falling for six years now. Families are desperately hard pressed by falling real incomes. At the same time benefits and tax credits are being abolished or cut in real terms as the Coalition Government seeks to reduce the deficit. If this was not enough, a series of substantial reforms to benefits were rolled out: reassessment for Employment Support Allowance, the introduction of Personal Independence Payments, tougher sanction regimes associated with the Work Program, the end of Council Tax Benefit, the abolition of the Social Fund, the bedroom tax and the delayed implementation of Universal Credit. These and many other cuts to benefits and services have left claimants and their advisers reeling.

The Welfare Benefits Unit has been under tremendous pressure keeping up with all this change in our training and welfare rights guides.

The advice line has been red hot and the tribunal representation service that we run with support of the Big Lottery Transition Fund has been exceptionally busy but achieving remarkable success rates.



The Help in Hand project that provides individual advice to help parents of children with disabilities claim Disability Living Allowance throughout North Yorkshire has won over a £million so far. All this and more is detailed in this report.

**We are very sorry to announce that after a period of ill health Heather Theobald, our co-ordinator, after returning to work has decided to retire. She will leave us in November 2014 after 13 years brilliantly successful leadership. We are deeply grateful for her service and wish her the very best for the future.**

I would also like to pay tribute to the staff of the Unit who have soldiered through the last year under tremendous pressures. I am also grateful for the enthusiastic support provided by the members of the Management Committee. The Unit is dependent on the grants from North Yorkshire County Council and the City of York Council, who despite pressure on their budgets, have continued to support our important work.

**Professor Jonathan Bradshaw  
CBE, FBA**

Chair of the Management  
Committee



# Our History

The Welfare Benefits Unit (the Unit) is an independent charity. It was founded in 1968 by the local branch of the Child Poverty Action Group.

Until 1985 the Unit was known as York People's Rights. It then operated as a first tier service dealing directly with enquiries from members of the public and other advisers. Since 1985 its role has been as a second tier agency supporting other advisers. The Unit first offered advice and information from a market stall in York city centre. Today it is in regular contact with hundreds of organisations in the City of York and North Yorkshire.

# About the Unit



## Information and Publications

The Welfare Benefits Unit provides services to a wide range of advisers in a number of different organisations. We try to ensure our publications offer a useful tool for advisers and members of the public. This is reflected in the subjects covered. For example, as well as the comprehensive overview provided by the Advisers Guide we also produce information relating to Benefits for people over 61 and Benefits if you are disabled.

Every year the Unit produces a range of Guides for advisers. The rates card and wallchart provide quick references to benefit and tax credit rates. The Benefits Bulletin is produced four times a year.

# Our Aims

The Unit's key aim is to enable those who are eligible for benefits to have access to their full entitlement.

The Unit meets its aim by providing:

- a telephone advice service
- a consultancy service
- a wide range of training courses
- a series of publications
- benefit take-up campaigns often in partnership with other agencies.



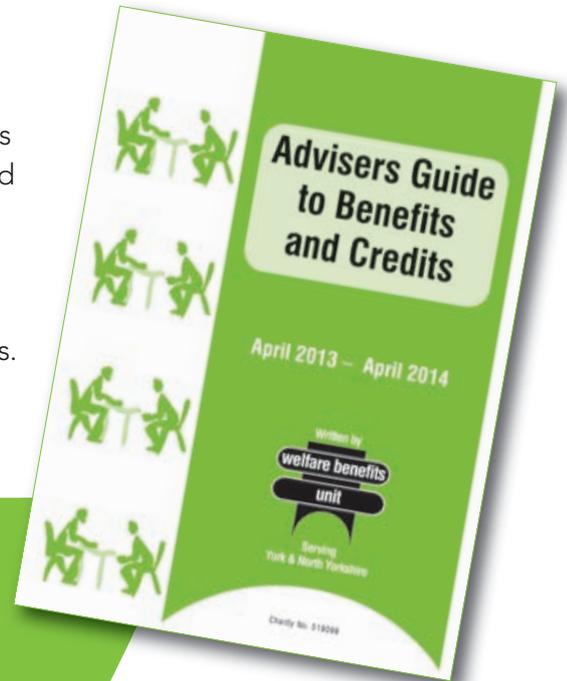
The Unit is an independent charity established to provide specialist welfare rights advice in North Yorkshire and the City of York. The Unit is funded by North Yorkshire County Council and the City of York Council. The Unit also generates income from training courses, mailing list fees, consultancy and the production of benefit guides.

# Advisers Guide to Benefits and Tax Credits

The Advisers Guide is a compact guide to benefits and tax credits. It is updated annually in line with the changes to benefit rates and finalised after the Budget statement.

We get positive feedback from many advisers about how helpful they find it. Advisers dealing with queries on a number of levels can use it, whether simple queries or a starting point for more complex situations.

**Our Guide is used by a wide range of people and organisations nationwide including:**



A4E and G4S	Housing Associations
Advice Centres	Housing Benefit Teams
Age Concerns	Mind
CABX	MPs
Carers Resources	Occupational Therapists
Councillors	Police Officers Association
DIAC	RAFA, SAFA
District Councils	Social Services
DWP	Solicitors
GPs	Student Welfare Departments
Health Visitors	Children's Centres
Hospitals	Welfare Rights Teams
Hospices	Working Links

## Benefits Bulletin

The quarterly Bulletin complements our annual publications by providing details of changes or an examination of issues affecting clients.

Pulling together information and discussions from within the Welfare Rights sector and from statutory sources we are able to keep advisers up-to-date on essential issues.

## Our Range of publications include:

Advisers Guide to Benefits and Tax Credits	Benefit Rates Card
Benefits if you are Disabled	Role of the Welfare Benefits Unit
Benefits if you are over 61	Benefits Bulletin
Benefit Rates Wall Chart	

For more information and/or a copy of the accounts for 2013 - 2014 please contact the Unit on **01904 646058**

# The Bedroom Tax:

## Comment, criticism, condemnation

**Has anything good been said about the Bedroom Tax since its inception in 2013? And if there has, where would we find it? Well, let's start with the reason for its existence. Surely, if there is any merit in the policy, it will be found there.**

Public resources: assets owned by all of us for the public good. In terms of housing, whether it's managed by Housing Associations or Councils, the resource is particularly scarce. All you have to do to realise this is to look at the waiting lists. So, I suppose it makes sense to say it should be managed as efficiently as possible. And, at the end of the day, what is it? It's just floors, walls, ceilings, a roof that doesn't leak, and maybe a garden for the kids to play in.

It doesn't make sense, for instance, to have couples in their fifties whose kids have flown the nest living in big, three-bedroomed council houses. He's got terrible arthritis and can't manage the stairs anyway. I don't care how fond their memories of the kids are, nor how attached they've become to the colour of the wall-paper. They should downsize to a one-bedroomed flat, and free up their old house for a family. There's a desperate shortage in the public sector of family homes. And overcrowding's a big problem. Once the couple in their fifties has been elbowed out by the bedroom tax, another

family can start making a new set of fond memories for the house. And maybe change the wall-paper. For god's sake, it's been there for thirty years!

Ideally, then, there would be a free flow of housing units, so that everyone finds the level best suited to them, economically speaking. Overcrowding is solved, and everyone's happy. Especially the kids, who have now got a big garden to play in.

So why has the bedroom tax attracted so much bad press, so much criticism? Even to the extent of being misnamed. What, exactly, are people so upset about?

One group of tenants who are particularly upset by the spare room subsidy are the disabled, who are more likely to have been allocated two-bedroomed properties for disability equipment or the

accommodation of informal overnight carers. A Scottish disability charity reported as early as June 2013 that disabled tenants affected by the cut to their Housing Benefit were going without food and heating as a result of their rental obligations.

The greatest authority on the issue – apart from the tenants themselves, of course – are the Housing Associations and Council housing departments. These organisations will have, if they can still afford to employ them, benefit advisers, and a record of rent arrears. To avoid the latter, and the eventual threat of eviction, tenants, whether disabled or not, are going without essentials. A National Housing Federation research report on the experience of tenants in London found that 23% affected by the tax had cut back the consumption of food and 19% had cut back on heating.

**“A Scottish disability charity reported as early as June 2013 that disabled tenants affected by the cut to their Housing Benefit were going without food and heating as a result of their rental obligations.”**

**What are the various courts saying about the Bedroom Tax? Many cases are being won at first-tier tribunal level using size and room use arguments. Less luck has been had in the higher courts. Most recently the High Court dismissed an application for Judicial Review in the Rutherford case. The Review sought to allow an extra bedroom for a child who needed overnight care.**

And what can the Department for Work and Pensions tell us about the effects of the Bedroom Tax? It is, after all, the organisation implementing it via local authority Housing Benefits departments. It is telling us quite a lot, statistically. But not in any other respect, except perhaps one, relating to the use of Discretionary Housing Payments. In February 2014 the Department's statistics showed that half a million claimants had been affected by the new rules in the previous quarter's caseload count. The next set of caseload statistics showed that 16.6% of Housing Benefit claimants in the social rented sector had been affected by the rules. Most tellingly, however, was the publication in April 2014 of Departmental guidance allowing for Discretionary Housing Payments to be made on a longer term basis. DHP's had, up until then, been considered to be a short-term fix only.

On a much broader level, what are the devolved governments saying, and doing, about the

Bedroom Tax? In February 2014 the Welsh government renewed its calls for a series of bedroom tax exemptions, and did so again in April, calling specifically for disabled tenants in adapted homes to be exempt. In February 2014 the Scottish Parliament voted in favour of an extra £12 million to mitigate the effects of the tax on top of a funding limit imposed by the DWP. In May, the UK government allowed Scottish Ministers to set their own statutory cap on the amount of money available for DHP's. This allowed the Scots to allocate extra resources to nullify the tax. In other words, the Bedroom Tax in Scotland is pretty much dead in the water.

**Lastly, what is the United Nations saying about the Bedroom Tax? The United Nations? Why is a civilized, first-world country such as Great Britain attracting the attention of a representative of the United Nations? Well, it appears the UN has a "Special Rapporteur" on housing.**

Her name is Raquel Rolnik, and in February 2014 she visited Britain, spoke to lots of people affected by the Bedroom Tax, and concluded very publicly that the right to adequate housing was being eroded. The British government told her to keep her nose out of our business.

Why have so many people got a downer on the Bedroom Tax? For an answer to this, we must return to the tax itself, and one of the

assumptions behind it. It's the assumption of freedom of choice in an open market. It's an assumption that comes very naturally to the minds of the people sitting on the Coalition front benches. But for the tenants affected by the tax, their choices may be severely limited.

A recent report published by the highly reputable Joseph Rowntree Foundation found that up to 100,000 tenants affected by the cut to their Housing Benefit were unable to downsize to smaller accommodation. This was particularly the case in Wales and the north of England.

**The reason they cannot downsize is because there is a shortage of one-bedroomed properties in these areas.**

**They haven't been built yet.**



# Training Annual Report

We've just about finished mopping the sweat from our brows. The busy end to 2012/2013 continued with a very busy run in May, June and July. When we delivered 27 courses over 13 weeks. There was a slight lull during August, in which we delivered 3 course. Then in September, October and November the horses were whipped up and we were off again delivering 20 courses over 13 weeks. Demand then dropped away in the run up to Christmas and over the New Year. There was a total of 60 courses delivered over the full year.

Our most popular courses, on the regular training programme have been Universal Credit, with 49 trainees, and Personal Independence Payment, with 40 trainees, closely followed by Updating, with 18 trainees. Our 3-day Introduction to Benefits and Credits, had an average of 16 students a day over 5 courses. While our new Introduction to Benefits for Older People attracted 14 students. Altogether 287 students attended our 27 quarterly courses. The overall figures are significantly down on last year reflecting both budgetary constraints and the confusion over when benefit and credit changes will be implemented.

From our bespoke courses the most popular have been An Overview of Benefits and Credits 12 and Updating 10. These courses are customised to ensure training is appropriate to an organisation's training needs. Other courses included

Appeals and Completing an ESA 50. Altogether, 528 students attended 32 bespoke courses. To deliver these we travelled, within North Yorkshire, from Scarborough to Thirsk to Harrogate. There were also very productive sessions with City of York Housing and Members Services. Our travels outside North Yorkshire took us to Leeds and to the dark side of the Pennines with sessions in St Helens and Kendal.

Three talks were delivered on welfare reform. A topic that is causing much concern.

The Unit has worked closely with the Advice York Partnership to provide training courses for advice and support organisations in York. This work will continue into 2014-2015.

The prognosis for 2014-2015 is that training take-up is likely to be down. The confusion caused by the, apparently haphazardly, staggered introduction of changes has left welfare benefits advisors feeling unsettled, confused and, at times, punch drunk.



How do you arrange training if you've no idea whether or not the information will be needed in the near future? The financial constraints faced by many organisations means training not clearly identified as essential is put on a back-burner and that, in no small measure, affects the Unit's work.

However we have taken account of the changes and turmoil caused. Welfare reform has had a disproportionate effect on people of working age. We are therefore launching a revised Introduction to Working Age

Benefits and Credits course that concentrates on this group. This is complemented by our 2 day course on Benefits and Credits for Older People. Another new course to be introduced is Jobseeker's Allowance. Welfare reform has pushed more people onto this particular benefit and with a stricter sanctions regime it is essential knowledge for many advisers. Personal Independence Payments went live nationally for new claims and, from January 2014, for renewals in the York and Leeds postcode areas. This makes our PIP course as essential element for next year's training programme. Last but not least our Updating Course which complements our Bulletin in keeping everyone abreast of the changes.

#### Comments received: The Good, the Bad and the Rest

- ✓ It was good to hear the reality of the proposed changes
- ✓ My confidence has improved dramatically.
- ✓ Increased knowledge makes me better prepared to advise clients correctly
- ✗ Not relevant
- I need more training!!!
- Confidence is better but the knowledge is disorganised.
- The benefit of the course depends on the timescale of the changes

	Number of Delegates	
	Quarterly Training	Requested Training
<b>City of York</b>		
Community Services	87	112
Citizens' Advice Bureaux	15	0
Others eg. voluntary organisations	35	124
<b>North Yorkshire</b>		
Adult & Community Services	56	163
Citizens' Advice Bureaux	45	35
Others eg. voluntary organisations	40	31
<b>Outside The Area</b>		
	9	63
<b>Totals</b>	<b>287</b>	<b>528</b>
<b>Talks</b>		<b>3</b>

Remember to visit our website

[www.welfare-benefits-unit-org.uk](http://www.welfare-benefits-unit-org.uk) for up to date information on courses.

#### 6 most frequent comments on our training:

"useful, interesting, valuable,..."

"practical, thought provoking, challenging."

"Closely followed by enjoyable, comprehensive, thorough and clear."

"Of the students who gave an opinion 99% said their course was useful; 96% and 98% respectively said it was good or very good in meeting their current and future work needs"

Source: course evaluation forms

# Help in Hand 2013-2014

The number of referrals made to Help in Hand has continued to increase over the last year with 124 families being referred and a total of £688,086 being gained in benefits.

Of the total benefits gained £158,811 was for families living within the City of York area and £529,275 for those in North Yorkshire. The differential in referrals between the two council areas is thought to be partly due to the value of the home visiting service in rural areas and partly due to the North Yorkshire autism assessment team having written details of the Help in Hand service into the autism report they give out to parents when their child is assessed and diagnosed.

Feedback showed that parents would like professionals to tell them about the possible welfare benefits and services earlier in the process as they feel they have been missing out. Apart from the financial gains parents would have liked to have known about such things as Carers Assessments, Young Carers groups for siblings and other support groups for them and their disabled child.

Several families have mentioned that respite services or support groups for their children have been cut and that the money gained will help them to pay for something else.



# help in hand

## Feedback

"Help in Hand was utterly indispensable in helping me to decode the unfathomable DLA form and I cannot praise it enough..... please continue to provide the service, I cannot imagine how I would have coped without it"

**"Wendy was very helpful and nice and polite, what a wonderful person. I would of course recommend Help in Hand to other people"**

"nothing will improve Help in Hand, they were great and very helpful"

"rang Wendy and she visited and helped me complete the form, excellent help"

**"very happy with all help given from start to follow up call"**

"emotionally Help in Hand built my confidence and the shared knowledge of groups Wendy had previously been involved with, practical advice, managed expectations and timescales"

**"Wendy was an incredible help and provided professional, helpful advice at a time when I was feeling overwhelmed, making a daunting task bearable and more importantly successful. Please continue this project it has made a huge difference to our family and we are very grateful for the help and support".**

"brilliant help"

**"can't thank you enough"**

"the service is great – it would maybe help if it had a higher profile and was more known about in the community."

**"the help was clear and efficient, with follow up telephone call to make sure everything had gone okay, much appreciated".**

"received DLA and other benefits I didn't realise I was entitled to or how to go about it and also referred to the Family Fund and Carers support. I found Wendy to be very friendly and extremely helpful".

**"I hadn't claimed before because I didn't realise I could as my child didn't have a statement. Also got information from Family information service and free cinema entrance for carer. I could not have filled the form in the detail required if I had done it myself – it's easier to tell your story – keep it going, a very valuable service."**

"the service was over and above what I expected and extremely helpful and informative on what was needed. I think it would be helpful if the doctors or other people involved told parents about this service as nothing was mentioned to us.

**"I just want to say that Wendy Smart was excellent in dealing with the DLA application form for me, and my boy, and without her help I don't think that I probably would have gone ahead and applied as it was so in-depth. The DLA rejected my first application**

**and once again Wendy visited me and advised and helped me to do a letter to appeal the decision. Once again if I had completed it on my own and received the rejection I would have just left it and wouldn't have appealed. So many many thanks to Wendy Smart for her professionalism, her expertise and all her help and advice she gave me. Without this I wouldn't have claimed DLA for my child".**

"excellent level of help, I wouldn't have appealed without Wendy's advice and backing!!"

**"got help to fill in DLA renewal forms and information on personal budgets to pay for care. Wendy is a very pleasant, helpful, experienced and informative lady and I would definitely recommend the service to other people."**

"I got DLA for the first time having been unaware I could claim before. Wendy told me about the Carers Centre and gave emotional and general support. It was excellent, just the support I needed, I could not have done it without Wendy Smart. I think when you get a diagnosis (autism) professionals should signpost you to the likes of Help in Hand, CANDI, Hob Moor drop-in, Carers information etc."

**"we had been turned down for DLA several times before. Through Help in Hand we received DLA, Carers Allowance and extra Child Tax Credit as well**

**as a grant from the Family Fund. The money we got means we got a car back on the road and we have been able to go out."**

"Wendy was very patient and made me feel at ease. The service was better than I expected and I felt very comfortable talking about my son's specific needs"

**"just want to say thank you and what a shame I didn't know sooner. Have received DLA for a few years but had no idea I was entitled to Carers Allowance as just thought I was doing my mum duties. I also got told about a carers group."**

"the service was amazing, I would like to thank you for all the help and understanding, it was lovely just to talk to yourselves and get emotional support."

**"the only improvement I can think of is that more people know about the service."**

"thank you for the help – good, practical advice given in a sympathetic manner. Make portage home visitors aware of the service so they can inform parents/carers."

**"we have just received a letter about the DLA. Our son has been awarded the middle rate care component. Thank you so much for your help with the form, I really don't think we would have adequately described our son's situation. The whole process has gone very smoothly for us and we are obviously very pleased."**



# The Advice Line

**The Welfare Benefits Unit provides daily support to advisers through our second tier telephone advice service. The service covers York and North Yorkshire.**

Our callers are the people in the middle, standing between a member of the public on the one hand and our expertise on the other. It's an expertise that has to be flexible and wide-ranging.

A call from a statutory agency, such as a local Health Authority or Social Services department, could refer to a member of the public from just about any sphere of society. A call from a voluntary agency, on the other hand, could be very group-specific.

The subject of a call from Age Concern will, quite naturally, be about the well-being of the older population. But it's not always this predictable. And this is where the flexibility comes in. An older person, living in their own home, might have a young carer who can claim Carer's Allowance. So, we deal with this scenario as well.

Within these organisations the individual advisers who contact the advice line vary tremendously in the level of their involvement in welfare rights. There's the experienced adviser with a strong working knowledge of the rules; then there's the adviser who is either new to the work or for whom social security is peripheral to their main area of expertise.

What this means, of course, is that some calls just require a

quick discussion of the basic rules of entitlement to a benefit, or an explanation of the connection of one benefit to another or an explanation of one or more of the Welfare Reforms. But there is as much depth as there is breadth. Points of law, and the contention surrounding them, can take hours and hours of thumbing through law books analysing extremely obscure legal arguments.

When a caller needs assistance with an appeal, we can approach this in two ways. We can either give advice over the telephone to a caller over an extended period of time, or we can refer the case to our BATS Project Worker, Richard Porter.

Careful monitoring of the queries allows us to identify worrying trends and shout about these to

the policy makers in London – the Social Security Advisory Committee and the like. But our home is York and North Yorkshire and it's the interaction with advisers in the county that informs our service development.

**The Unit maintains day to day contact with advisers via its telephone advice line.**

The advice line is open Monday to Friday 10am to 1pm. We offer comprehensive advice on all queries, ranging from benefit checks to appeals to the Upper Tribunal. Our client group is varied; approximately a third of our calls are from experienced advice workers who want to discuss a point of law or require access to our extensive reference material. The other two thirds have less welfare rights knowledge and require detailed explanation of the benefit position their client is facing.



On average 26% of calls are from within the two Local Authority Social Services departments. 11% of calls were from the Health Authority, 9% of calls came from the nine Citizens Advice Bureaux, 19% from housing-related agencies and 3% of calls from Educational establishments.

Of the remainder, 11% were from Carers organisations and 19% from other organisations. We try only to deal with advisers on a second tier level but inevitably calls are received from members of the public, this year around 2%.

**The Statistics**

During the year there were **1,493** calls to the advice line generating **2,026** benefit enquiries. 21% of our calls this year concerned Employment and Support Allowance.

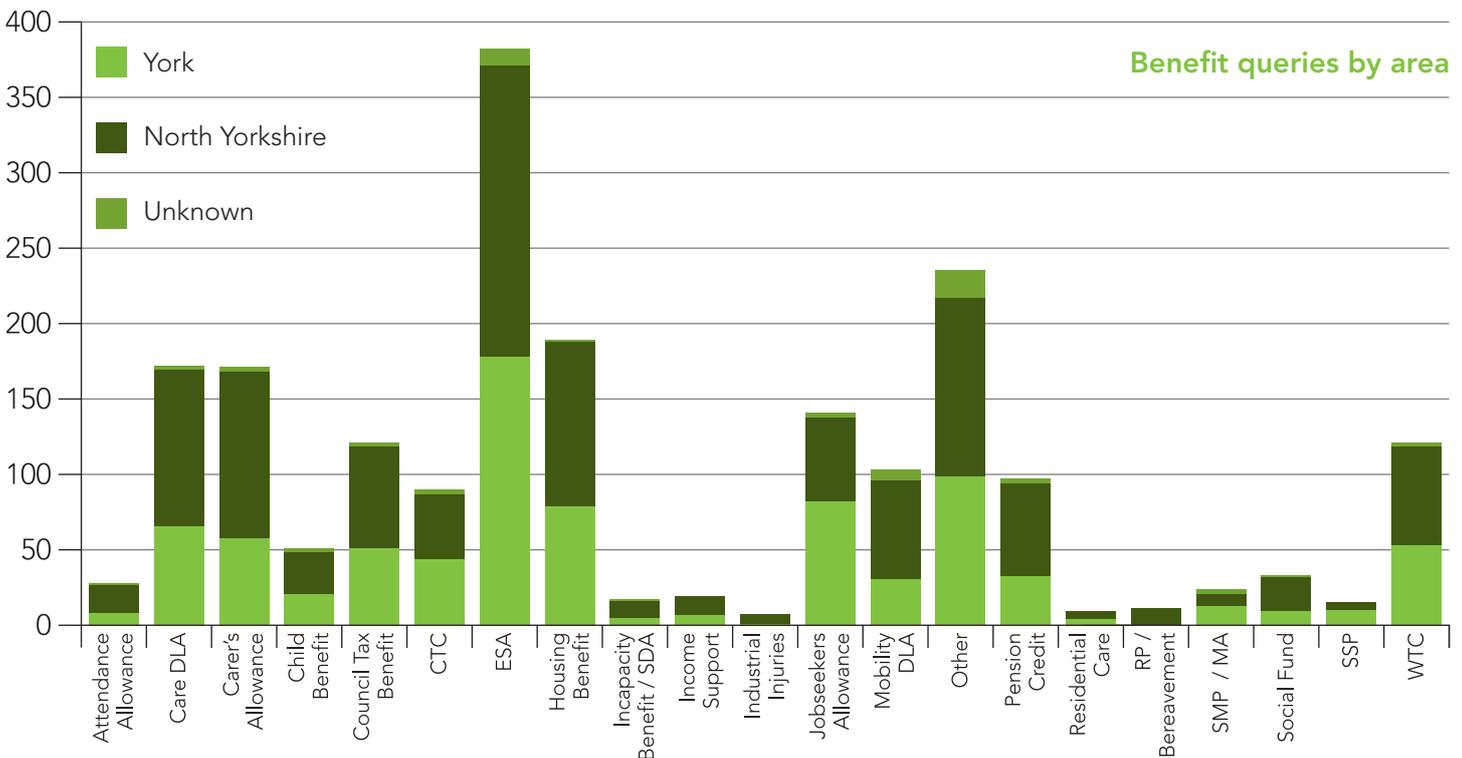
**“On average 26% of calls are from within the two Local Authority Social Services departments...”**

The common query involves clients who have failed the Work Capability Assessment by scoring less than 15 points, often no points and are seeking advice on what to do next. Most calls are in some way related to one or other of the welfare reforms and advisers are seeking reassurance that they have correctly grasped the changes and understand the impacts on their clients. Callers also sought information on how to help their clients through the often stressful and daunting claim procedures for disability benefits. Many clients find the forms too difficult to negotiate without substantial help from an adviser.

**They may, where advice is not sought, lose benefit and need help and support to regain their entitlement.**

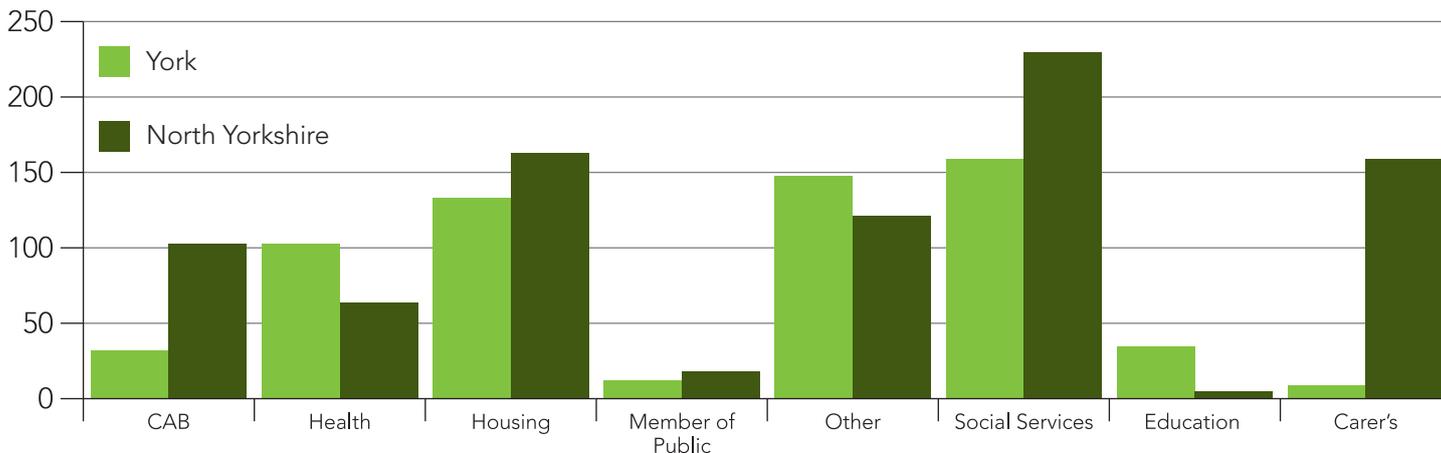
A high number of our calls are from advisers dealing with someone claiming a means-tested benefit. Many of their clients are people whose income is below the poverty level (measured as less than half average household income), and the advisers are seeking advice on how to maximise their clients’ income.

The Unit strives to ensure that advisers are aware of the means-tested benefits available to clients to enable them to achieve a more acceptable lifestyle.



Continued Over

Number of calls by area and type of organisation 2013-2014



# BATS – It's only just the beginning

Two years funding secured from Big Lottery Transition fund in partnership with York CAB saw the beginning of the Benefits Advice and Tribunal Support project. This followed on the work started in 2008 with the Power2Empower project.

The name change did not alter the demand for the service, the changes implemented in the welfare reforms meant that there was more than enough work to keep the project busy.

The advice sought varied according to the adviser requesting it, for some it would be a check of a submission for a Tribunal hearing but for others it was a full hands-on casework service.

Throughout the year there were 926 requests for advice, the majority of these were in respect of First-tier appeal hearings, either in the future or just passed where the



decision was possibly open to challenge at the Upper Tribunal.

In total 189 First-tier tribunals were scheduled and 104 of these were attended. It has generally been the case that when an appellant and a representative attend a hearing the odds of

success are much improved and this has continued to be the case. There were 83 successful appeals – these generated lump sum payments of arrears totalling £336,700 and a weekly figure of £4,560.

A number of clients were able to attend hearings on their own (or with support workers/family support etc.) these were aided by a submission provided by the project.

A high proportion of these were successful however the unsuccessful ones would revisit the project to consider any appropriate further action.

Seven cases were sent to the Upper Tribunal.

Training for advisers on Decision Making and Appeals was completely re-written to reflect changes to the appeals process.

**The main change imposed during the year was the requirement to ask for a 'Mandatory Reconsideration' before appealing. This means that even more delays are occurring due to the amount of 'mandy's' and the fact that there is no legal requirement on them being carried out within a particular timescale.**

The other real drawback in this process is that it now gives an appellant 3 separate chances to tell their 'story' and the fact that some of them tell 3 different (or modified) 'stories' makes life so much harder for any representative.

The BATS project continues to provide a high quality service which is widely regarded as flexible and professional.

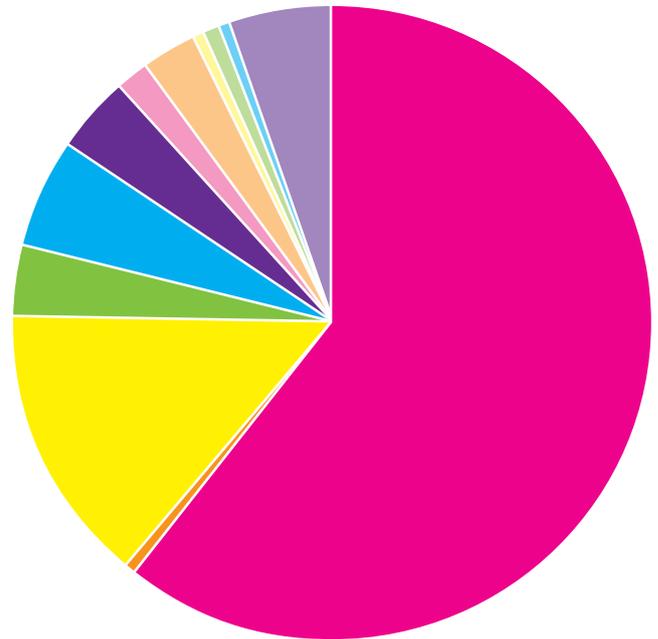
Some appeal hearings are held locally in York but more often further afield in Leeds, Wakefield, Darlington, Middlesbrough, Doncaster and Hull.

**The ongoing roll out of the welfare reforms, and a growing need to challenge DWP decisions has meant an ever increasing demand for the BATS service.**

**We aim to meet this demand under the project until Aug 2015, after which will depend on securing more funding, which as always in the voluntary sector is challenging and uncertain.**



**BATS Types of Appeals**



<span style="color: #e91e63;">■</span> ESA - 409	<span style="color: #00bcd4;">■</span> IB(IS) - 38	<span style="color: #fff9c4;">■</span> PC - 3
<span style="color: #ff9800;">■</span> AA - 3	<span style="color: #673ab7;">■</span> HB - 27	<span style="color: #c8e6c9;">■</span> TC - 6
<span style="color: #ffff00;">■</span> DLA - 97	<span style="color: #f48fb1;">■</span> CTB/S - 11	<span style="color: #42a5f5;">■</span> JSA - 3
<span style="color: #8bc34a;">■</span> PIP - 23	<span style="color: #ffcc80;">■</span> IS - 19	<span style="color: #9575cd;">■</span> Other - 35

**CASE STUDY 1**

**A Citizens Advice Bureau asked the BATS project to take on what they considered to be a complicated Disability Living Allowance appeal case.**

The basis of the appeal was that the client, Miss E had claimed (and been paid) Disability Living Allowance, she suffered from a variety of conditions which affected her in both her care and mobility needs.

For purely health reasons Miss E moved abroad to Italy and at that point her claim ceased as she did not satisfy the residence and presence tests.

With the help of her family she appealed the decision on the basis that she was being discriminated against because of her youth.

### CASE STUDY 1(Continued)

The appeal was accepted and a subsequent tribunal was asked to decide whether the UK was the competent state to pay sickness benefits to her. That was the point where the case was referred to the project.

The Secretary of State's Response made reference to a 'test-case' – this was *SSWP v Tolley (Deceased)* (CDLA/0735/2009). The test-case was dealt with in the Court of Appeal in October 2013, the effect of this meant that the Secretary of State for work and Pensions 'lost' the appeal. This loss would mean that the UK would, in similar cases be the competent state to pay sickness benefits and Miss E's appeal would certainly be successful.

A First-tier was scheduled to hear the case in January 2014, however a few days before the hearing the Secretary of State for Work and Pensions announced in Parliament that the Court of Appeal's decision would be appealed to the Supreme Court. The effect of this announcement meant that any cases of this, or a similar nature would not be allowed to be heard. In this case a Tribunal heard Miss E's appeal, it was pointed out to the Judge that the Tribunal had no jurisdiction to hear the case because of the challenge to the Court of Appeals decision. After some deliberation and considerable checking of the current law the Judge agreed with the BATS project that we were, in fact quite right and 'stayed' the appeal.

The outcome of this case meant that nothing would happen for some time on the legal front, a seriously ill claimant would not receive any benefits and even if the Supreme Court upholds the Court of Appeals decision the likelihood will be that the Secretary of State will then take the case to the European Courts – further delaying any decision for any claimants in this position.

**According to Miss E's Mum, Miss E will probably be dead before a decision is made. Just like Mrs Tolley (Deceased)**

### CASE STUDY 2

**A Support Worker was happy to advise their client, Mr L. He was an agoraphobic who had not left the house for some time. He claimed Employment and Support Allowance and was informed that he would have to undergo a Work Capability Assessment. The Support Worker requested that this be done at his home for obvious reasons and provided medical evidence to support this request. After some arguments with ATOS the assessment took place in his home.**

The resultant decision was that he failed to score any points whatsoever, a decision which was appealed with the help of the project.

Further medical evidence was provided which would, in the real world have seen him put into the Support Group – the Secretary of State commented on this evidence (and every other piece sent in on Mr L's behalf) that the original decision remained unchanged.

A Domiciliary Hearing was requested, the request was accepted by HM Courts and Tribunals Service. A Directions Notice was also issued by the Tribunal stating that a Presenting Officer was to attend.

**Miraculously on receipt of this Decision Notice the decision was looked at again and Mr L was placed in the Support Group.**

**The stress of this whole case led to Mr L being treated further for subsequent mental health problems.**



# Networking

The Unit represents and participates in many networks, committees, consultation groups and conferences around North Yorkshire and nationwide. These include:

- Child Poverty Action Group annual national conference
- DWP customer representatives group
- North Yorkshire Advice Services Partnership
- North Yorkshire Benefit Training Group
- National Association of Welfare Rights Advisers
- Welfare Reform working groups, York and Scarborough.
- York Advice Partnership

# Management Committee

**Jonathan Bradshaw (Chair)** Department of Social Policy and Social Work, University of York

**Robert Jenkinson (Treasurer)** Mediator, York Family Mediation and volunteer Benefits Adviser, Age UK York

**Sheila Crosby** CAB volunteer, UNISON representative, School Administrator-retired

**John Robertshaw** Housing 21 Financial Wellbeing Manager.

**Rachel Boyes** Welfare Rights Adviser, Scarborough CAB  
Resigned 1st November 2013

**Julie Gunnell** Shadow Executive Member for Corporate Services

**Paul Murphy** Interim Director at Higher York

# Unit Staff

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**Wendy Smart**

Family Support Worker

Help in Hand Project

**Jane Helm**

Office Administrator

**Carron Whorley**

Administrative Assistant

**Welfare Benefit Forum:** This Unit co-ordinates a forum for welfare benefit workers within North Yorkshire. The Forum aims to provide a network for communication and support to advisers who often work in isolation. The Forum is an informal, well attended, biannual meeting for example, where advisers can discuss issues affecting their work and share good practice. Topics, for example, include partnership working, take-up work, information exchange and identifying social policy issues.

# The Welfare Benefits Unit

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