



newsletter

September 2018

Feedback from the DWP operational stakeholders' forum – PIP LEAP exercise, ESA underpayments, and complex needs claimants under UC

PIP LEAP exercise

DWP have started work on the LEAP exercise to trawl for claimants who may have been underpaid following the decisions in [MH v SSWP \(PIP\)](#) [2016] UKUT 531(AAC) and [RJ, GMcL and CS v SSWP \(PIP\)](#) [2017] UKUT 105 (AAC) on interpreting personal independence payment (PIP) mobility activity 1. [DWP guidance](#) gives information on how the different judgment dates will impact of the effective dates of review decisions.

Due to a shortage of staff – and the fact that they need to train staff – it is going to be a very gradual roll out with letters going out to the general population from 24 September. It is likely the whole exercise will take at least two years.

Letters refer to a review due to 'a change in law' and, we are told, will confirm to the claimant that their award cannot reduce as a result of this review which is limited to the specific criteria in the judgments above.

Following the review, decision letters will go out whether the award is changed or not, and giving rights of mandatory reconsideration and appeal.

We asked whether claimants could put themselves forward for the review ahead of receiving the letter and still be guaranteed no reduction in award but the DWP were unable to answer that currently although they said they would get back to us.

ESA underpayments

Following [CPAG's successful judicial review](#) – supported by [NAWRA's evidence to the Public Accounts Committee](#) – the DWP are now having to review a further 250,000 cases who may have payments due relating to periods prior to October 2014. This is in addition to the 300,000 they are already reviewing.

The DWP is still on schedule to review the original 300,000 by March 2019. This will include additional payments to claimants who have already been paid arrears that were limited to October 2014 and these are expected to be sent out between January and March 2019.

However, they do not yet have a timescale for reviewing the additional 250,000 cases.

DWP advise that discussions are ongoing about how to deal with claimants who may have missed out on support for mortgage interest or cold weather payments. However, it advises that passported benefits such as NHS costs and free school meals on dependent on the departments who administer those.

Complex needs claimants under UC

DWP advises that improvements that they have made for complex needs claimant so far include –

- Complex needs toolkits for every Jobcentre site – can be obtained from your local partnership manager – it has tables with different categories of vulnerable people and you can then click to find more information about local help/support available – there is an example of what this looks like at <https://www.rightsnet.org.uk/forums/viewthread/12679/#62337>
- Improved procedures for care leavers - enhanced relationships between LA and DWP - can get info ready before age 18 eg ID, bank etc
- Reviewed and improved processes for refugees - can get in touch during 28 day run-on so all ready when can claim
- Support for homelessness thru a new referral process (duty to refer if threat of homelessness) as part of Homelessness Reduction Act 2017
- Guidance issued to increase awareness of modern slavery
- Promotion of role of home visits - arranged by ringing helpline - 82% get visit within 10 days – any problems getting home visits should be raised through third party escalation process – see slides attached with this newsletter
- Focus on supporting survivors of domestic abuse - training about what domestic abuse includes
- Reviewing approach to suicide and self-harm - 6 step process that is to be followed if person indicates self harm – have adapted approach as finding claimants are writing things in journals that could indicate risk – however, see next bullet
- Management of customer expectations for responding to journal entries - not 24/7! - expectation is that it should be answered within 48 hours – alerts are sent to the case manager to say that there is an entry that needs addressing – once they open the screen they see everything that’s waiting action, and they have to deal with it all.
- New telephony routing – if claimant rings from their own phone the call diverts direct to the case manager or someone else in the same team – they should be aware of the claimant’s case and also shouldn’t have to wait so long to get through so if advisers can use the mobile of claimant it may make things quicker. **Alternatively if not able to use claimant’s phone, an adviser at the meeting said following these options will get you through to the case manager’s team - anything else, anything else, don’t enter phone number, enter DOB and postcode.**

- Internal learning to increase capability and confidence of staff
- Enhancing and standardising role of local advocates

Other improvements the DWP are aiming for -

- Optimising universal support
- Resolving corporate appointee procedures
- Identifying options for third party representatives
- Opportunities for customers without bank accounts
- Exploring building on HMRC and DWP support for vulnerable customers
- Looking at ways to support prison leavers
- Looking at barriers to maintain claim

Other news

A new UCESA1 (new style ESA claim form) is being developed and should then be available on gov.uk (YAY! Not before time!).

They are also looking at developing an online claim for new-style ESA and possibly dual claims for UC and new-style JSA/ESA