

From: Daphne Hall <daphne.hall@nawra.org.uk>
Sent: 19 July 2018 15:50
To: Couling Neil DWP UC PROGRAMME DIRECTOR GENERAL
Subject: Operational problems in universal credit full service areas

Dear Mr Couling

Re: (1) applying for new-style ESA in a full service universal credit area
(2) natural migration from ESA to universal credit

I am writing about the two above issues. At the start I would like to clarify that this letter is not about questioning benefits policy but is about raising issues where the system within universal credit full service areas is not operating as it should do causing extreme distress and hardship. The second issue is one that we have written to you about previously.

Applying for new-style ESA in a full service universal credit area

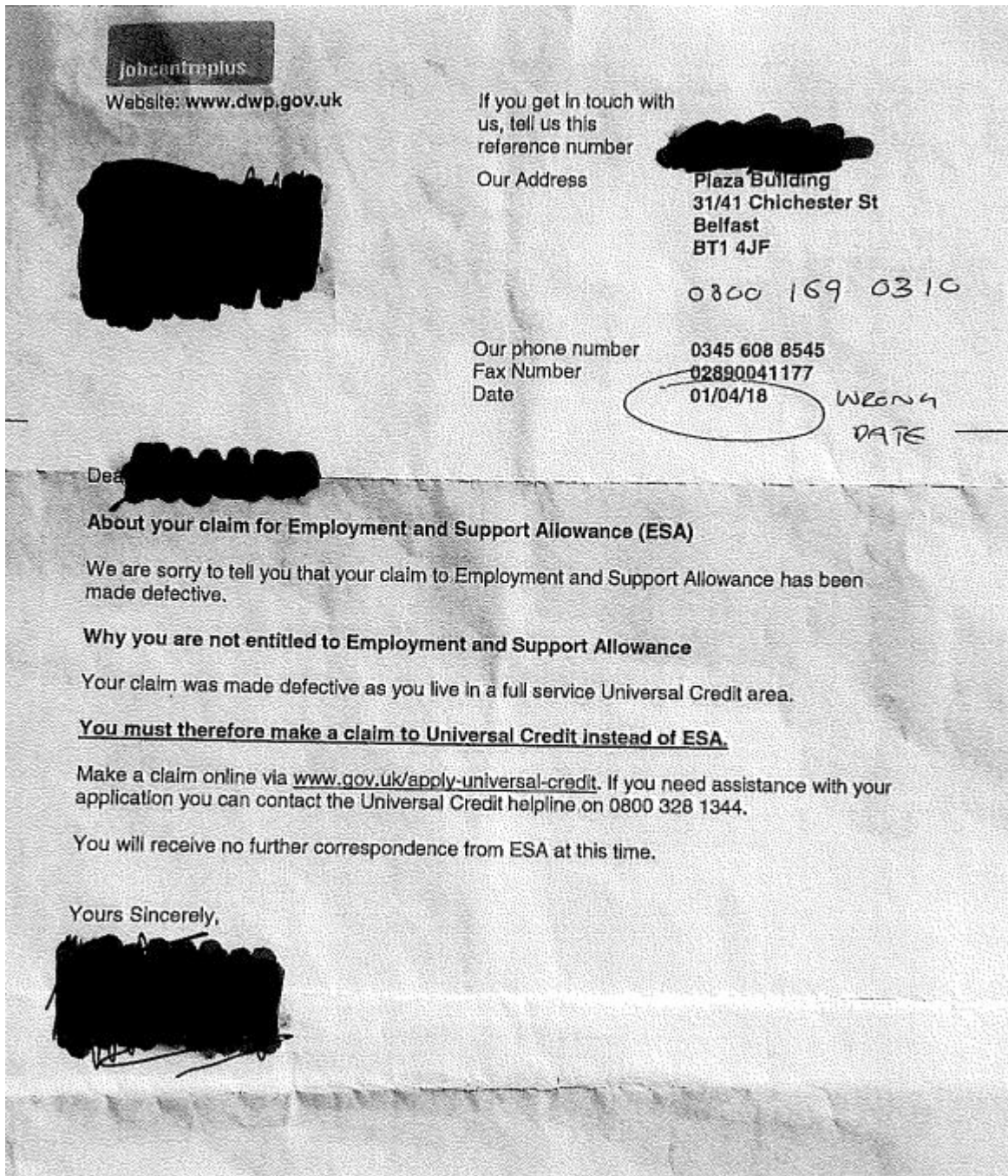
As you are no doubt aware, new-style ESA is the contributory version of ESA that is available in universal credit full service areas. For those who meet the qualifying conditions it should be claimed either on its own, or alongside universal credit if there is need for a top-up means-tested benefit. The [page on gov.uk](#) states that to claim new-style ESA you should phone the universal credit helpline and choose option 2, then option 6. NAWRA has been told that those on the helpline should then send out the paper claim form ESA1 (UC).

This process has not been working properly since the start of the rollout of full service universal credit, and it is an issue that has been raised by NAWRA via the operational stakeholders forum on many occasions. In fact the above [gov.uk](#) page was developed to give clearer advice following our representations.

What is typically happening when callers ring the helpline (and follow the directions to press 2, then 6) is that they are told they must claim universal credit. This happens even if the caller knows there is no entitlement to means-tested benefits. Even if they ask for the new-style ESA claim form it is refused. NAWRA has repeatedly asked that this claim form should be made publicly accessible on [gov.uk](#) as most benefit claim forms are, but this request has been repeatedly refused with no reasonable explanation given.

NAWRA can provide you with case studies (including national insurance numbers) where the claimants have been told they cannot claim new-style ESA and have been forced to claim universal credit. In some cases this has led to the partner having to attend an interview at the jobcentre to disclose all their income and savings and provide ID for a benefit to which they knew they were not entitled.

In another case a terminally ill person did manage to send in an ESA1 (UC) form and received the following letter back -



This letter is beyond unacceptable because -

- it has the wrong date at the top
- it says the claim has been made defective - it was a valid claim
- it says it was made defective because in was a full service universal credit area - new-style ESA is the correct benefit to claim in a full service area
- it says the claimant must claim universal credit instead - again incorrect
- it gives no rights to challenge the decision via mandatory reconsideration and appeal
- it gives the textphone number rather than the telephone number

NAWRA asks that you address this issue urgently by ensuring the ESA1 (UC) form is made widely available - both on gov.uk and in jobcentres, and by ensuring that all staff are correctly trained. This is an issue that has particularly been raised with NAWRA by advisers from Macmillan and Maggie's and it is adversely affecting those with terminal illnesses.

Natural migration from ESA to universal credit

NAWRA is continuing to see cases where claimants who have previously been on ESA but have had to migrate over to universal credit because of a change in circumstances are not being paid the appropriate limited capability for work/limited capability for work-related activity element from the start of claim (as required by regulation 19 of the Universal Credit (Transitional Provisions) Regulations 2014) and are being referred for a work capability assessment. This is causing unnecessary hardship and distress. Although it is not happening in all cases, it is still a significant issue that needs resolving urgently.

I understand that you are keen to work with stakeholders to ensure that all problems are resolved before the roll out ramps up any further so I look forward to your prompt response on these matters.

Best wishes

Daphne

Daphne Hall
Vice Chair, National Association of Welfare Rights Advisers