

Charlton Park

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Greenwich Welfare Rights

Overview

- General entitlement to look for
- What happens when my child turns 16?
- What about my child claiming in their own right?
- Can DWP pay me instead of them?
- Royal Greenwich Benefit Safeguarding Alert

General entitlement

- Are you are getting the Disabled and/or Severely Disabled Child Element in your Child Tax Credit or the Disabled Child Addition in your UC as a parent
- Are you getting Carer's Allowance? In UC, you can get Carer Element even when you're working and earn too much to get Carer's Allowance.

How Much Should You Get?

- CTC Disabled Child Element £65.67
- CTC Severely Disabled Child £26.63

- UC Child Disability Addition £29.74/ £92.86
- UC Carer Element £37.78

- Carer's Allowance £67.60
- Housing Benefit /IS DC Prem £65.94/ £92.61

Child Turns 16

- Child Benefit and CTC and UC Child Elements will all STOP from 31 August after 16th birthday unless YOU TAKE ACTION
- From that date your son or daughter is no longer a child and now needs to become a Qualifying Young Person
- If continuing in non advanced full time education, benefits CAN continue up to day before turns 20 but you must inform/give evidence to UC or Tax Credits and Child Benefit. Won't know automatically.

Child Turns 16

- If your child receives DLA when under 16 parents are paid DLA as the child's Appointee
- In normal times DWP will do a rising 16 home visit to determine whether child has capacity to act or if parent should remain Appointee. Outcome will apply for all DWP benefits.
- You will be informed when DLA will end and will be "invited" to claim PIP. Note PIP has different criteria to DLA.

Child claiming in their own right

- Yes, they can, but!!!

Students and UC

Problem:

Full time students need to be getting a qualifying disability benefit e.g. PIP/DLA/AA *and* be assessed as having '***limited capability for work***' (***LCW***) before they can claim UC.

Students and UC

Solution:

- *Claim New Style ESA-even though your child cannot be paid this benefit!*
- A New Style ESA credit only claim allows claimant to be assessed under the ‘*work capability assessment*’ (WCA) to see if they have ‘*limited capability for work*’ (LCW).
- You don’t need have paid NI contributions to make a credit only claim.
- If pass WCA and have assessed as having LCW then claimant can make a new claim for UC.

Legal Challenge

- Tessa Gregory and Lucy Cadd from the law firm Leigh Day are bringing a judicial review challenge to the Universal Credit Regulations which prevent disabled students who haven't yet been determined to have limited capability for work (LCW) from making a claim to UC. They are seeking further evidence to support the judicial review (in the form of case studies).

How You Can Help The Legal Challenge

- They would be particularly interested to hear from people who might have either been deterred entirely from claiming UC as a result of the 2020 Regs, or who have tried to use the ESA 'workaround'. Please do not hesitate to contact us if you require any further information. **Our contact details are Lucy Cadd – lcadd@leighday.co.uk and Tessa Gregory – tgregory@leighday.co.uk**

4 Different Ways to Apply for UC

- 1 DWP Home Visiting for Appointees
- 2 DWP Complete Form over Phone
- 3 Citizens Advice Help To Claim Service
- 4 Claim Online

In each case it will be important to state that the Young Person has Complex Needs (the DWP buzzwords!) which must be incorporated into the written Claimant Commitment they will be asked to sign. This can be done by using the Royal Greenwich Benefit Safeguarding form.

Claim management

- 1. The fundamental first question to be asked is does the young person have mental capacity to act for themselves (with help if necessary)?
- If they do not, the parent should apply to be DWP Appointee. This means all correspondence will be to the parent and not the young person. It does not prevent benefit being paid into the young person's own bank account

Appointee Action

- To claim under this route, call the UC Helpline on 0800 328 5644 to lodge the claim and ask to be referred to DWP Home Visiting (carried out by the Pension Service) if you are not already acting as DWP Appointee.
- More details from the following links:
- <https://www.gov.uk/become-appointee-for-someone-claiming-benefits>
- <https://www.gov.uk/support-visit-benefit-claim>

Non Digital claim

- If the young person has mental capacity, the second question is do they have sufficient skills to maintain their claim online. They will have to remember passwords and log into their online journal regularly to check for messages and to respond appropriately to avoid being sanctioned.
- DWP recognize not everyone will be able to claim online and must make “reasonable disability adjustments”.

How To Make A Non Digital Claim

- Call the UC Helpline on 0800 328 5644 and ask to make a telephone claim because you do not have digital capability.
- DWP should complete the application over the phone, and all future correspondence should be done by phone, letter or text.
- Note: DWP will register interest in claiming and arrange for callback , may be 2 to 3 days
- later.

Citizens Advice Help To Claim Service

- If the young person is not sure which route to follow or if they need help to make the claim they can call the Citizens Advice Help To Claim Service on 0800 133 8444.
- They are funded by DWP to provide this service and in normal times have staff in jobcentres to provide a face to face service.

Claim Online

- If the young person is digitally able, an online application can be made by clicking on the link below:
- <https://www.gov.uk/apply-universal-credit>
- The RNIB toolkit lists the preparations to be made to do this:
- <https://www.rnib.org.uk/sites/default/files/Universal%20Credit%/20Toolkit-Making%20a%20claim.pdf>

Next Steps

- Once the claim has been lodged the young person will have to agree a written Claimant Commitment which sets out the steps they must take to be paid UC and to keep benefit in payment.
- If they are not fit to look for work they will need to get a fit note from their GP. More details:
- <https://www.entitledto.co.uk/help/Claimant-commitment-Universal-Credit>

Benefit Safeguarding

- It is vital that vulnerability due to complex needs is recorded in the Claimant Commitment.
- Royal Greenwich Benefit Safeguarding forms have been designed for this purpose and should be completed and returned to us and we will lodge them with DWP.
- It is important to make sure it is recorded in the Claimant Commitment.

How To Apply for Benefit Safeguarding

https://www.royalgreenwich.gov.uk/info/200246/benefits_advice/2216/benefits_safeguarding

Contacting the Welfare Rights Service

- Telephone casework service for the public
 - 020 8921 6375
 - Public WRS email via Council website
- For staff only
 - WRS on x 6376 or
wrs.ce@royalgreenwich.gov.uk