

Welfare Benefits Factsheet Summer 2024

Welcome to the Summer 2024 edition of our factsheet. So much is happening around migration and financial support at the moment, its difficult to fit it all in. We trust that what we have covered will answer some questions that you may have but you can always contact the team for further information.

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PIP reform and the WCA consultations

The Health and Disability White Paper published in March 2023, set out the government's plans to remove the Work Capability Assessment (WCA), and introduce a new Personal Independence Payment (PIP)-passporting model, where anyone in receipt of PIP and the UC Standard Allowance would receive a new UC Health Element.

PIP is a tax-free benefit, that does not look at national insurance contributions, income or capital, to determine entitlement. Successful claimants must meet all the eligibility rules and criteria. PIP helps people living with chronic health conditions, to meet the cost of associated disability related expenses. These expenses are not defined but include:

- aids, appliances or care services that only a disabled person would require (for example medication, mobility vehicles, walking aids, wheelchairs, help at home from a paid carer or supported living services).
- Some aids are one-off costs, while other costs are ongoing. Some items or services may be provided by the NHS or through social care.
- Costs for non-specialised goods: that are increased because of a person's disability or health condition such as needing to heat their home to a higher temperature due to immobility or breathing difficulties, or increased energy costs due to specialist equipment required at home such as dialysis. It could also include increased travel costs due to reliance on taxis, and extra costs for clothing and bedding due to incontinence or wear and tear from greater use.
- Needing to spend more to access the same goods and services, such as paying higher premiums on insurance products, or higher housing costs because their needs limit the choice available.

It is paid at various rates depending on the level of functional impact of a person's disability or health condition. It is not dependent in any way on ability to work and any entitlement to PIP does not result in any reduction of other benefits in payment. It can result in entitlement to other benefits increasing as a result of being awarded additional premiums in the assessment, such as disability premium and the removal of non-dependent deductions.

In order for the Department for Work and Pensions (DWP) to decide whether a claimant is entitled, the claimant must complete an application form and take part in a medical assessment.

The WCA is part of the Universal Credit (UC) and Employment Support Allowance (ESA) process for assessing whether or not a claimant is unable to work, due to health or disability. After applying for UC and submitting fit notes from their GP, the DWP issues a form called the UC50, which the claimant must complete and return. The claimant will then be expected to attend a health assessment. The outcome of the WCA can be:

- Fit for Work (FFW)
- Limited Capability for Work (LCW)
- Limited Capability for Work Related Activity (LCWRA).

If the claimant is found to have LCW, the DWP agree that they are unable to work for health or disability related reasons but they must attend work focussed interviews to keep in touch with the labour market. This is because they expect the claimant to be able to return to work at some time.

If the claimant is found to have LCWRA, the DWP agree that they are unable to return to work for the foreseeable future. They are not expected to attend any work focussed interviews and in addition to this, an additional payment is added to their UC award to increase how much is paid, in recognition of health related expenses.

Both PIP and the WCA use a system of scoring points across a range of activities through the form and assessments, to determine entitlement. There are exceptions to this process, including where claimants are terminally ill.

The government published its response to the WCA consultation that took place in 2023. The consultation set out planned reforms to the assessment with the aim of reducing the number of people found to have limited capability for work-related activity (LCWRA). This can be found in the Health and Disability Green Paper, published in May 2024.

The proposed changes have met with considerable hesitancy and resistance across the majority of the advice industry and disability organisations.

These changes to the WCA will apply to new claims for ESA and to UC claimants who report a health condition and require an assessment. Changes to the WCA activities and descriptors will be implemented nationally no earlier than 2025.

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A summary of the proposed changes

Work capability assessment

Universal Credit (UC) and Employment and Support Allowance (ESA)

From 2025 onwards, the following changes to WCA activities and descriptors will be made:

- Remove the LCWRA Mobilising activity to ensure those with the most significant mobilising needs are protected and we will retain the current LCWRA Substantial Risk regulations for physical health. This means that where work preparation would lead to a deterioration in a claimant's physical health, they would still meet the eligibility for LCWRA. We will not change the LCW Mobilising activity or descriptors.
- Reduce the points awarded for the LCW Getting About descriptors. We will retain the highest scoring descriptor, to protect those claimants who have the most significant limitations under the getting about LCW activity.
- Substantial risk for LCWRA: the proposal is that only people with specified mental health conditions, experiencing an acute episode, will meet this criteria. They will be experiencing an acute mental health episode for which there is medical evidence.

The government says that the substantial risk rules were only intended to apply in exceptional circumstances and need tightening up.

“This will include safeguarding the most vulnerable, such as people in crisis under home treatment teams and those with an active psychotic illness. We will work alongside clinicians to define the criteria and the medical evidence needed from claimants and people involved in their care, to ensure the process is safe, fair, and clear.”

What this appears to mean is that LCWRA for substantial risk may only apply to claimants with specified mental health conditions, who are experiencing acute symptoms and who are able to provide medical evidence to support their claim and that LCWRA will only apply on mental health grounds on a short-term basis for most claimants, until their condition is in a stable phase.

- Proposal to change the names from LCW to “Work Preparation” and LCWRA to “Health Group”.
- No changes to the following WCA activities and descriptors:
- No changes will be made to LCWRA or LCW Continence, recognising how incontinence seriously affects people's dignity and mental wellbeing. Flexibilities in the workplace are insufficient to manage the unexpected nature of continence issues. Continence issues can be sudden and unanticipated, which can make management in either work or home environments difficult.
- No changes will be made to LCWRA or LCW Social Engagement, recognising that almost all work requires engaging with people. As such, the significant

limitations in capability for work that people scoring on this activity experience are less likely to be overcome by changes in the modern workplace or the greater flexibility of work.

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Personal Independence Payment

Personal Independence Payment (PIP) is paid at various rates depending on the level of functional impact of a person's disability or health condition. It is not dependent in any way on ability to work and any entitlement to PIP, does not result in any reduction of other benefits that are in payment. It can result in entitlement to other benefits increasing as a result of being awarded additional premiums in the assessment, such as disability premium and the removal of non-dependent deductions.

The Modernising Support Green Paper Modernising support for independent living: the health and disability green paper:

www.gov.uk/government/consultations/modernising-support-for-independent-living-the-health-and-disability-green-paper/modernising-support-for-independent-living-the-health-and-disability-green-paper

has now been published by the government. Many health conditions and disabilities fluctuate and change over time, impacting on a person's ability to function in different ways at different times. Changes being considered will include ceasing regular cash payments and offering claimants one-off grants for support with aids and home adaptations. "We want to consider if the current functional PIP assessment is still the best way of assessing the need for ongoing additional financial support towards extra costs relating to a health condition or disability, or whether we should consider a new or hybrid approach based entirely or partly on the diagnosis given to an individual."

The proposed changes are believed to include:

- Ending PIP assessment for people with the most serious health conditions, including those with terminal illnesses.
- Changes to current descriptors, especially those relating to aids and appliances.
- Changes to the qualifying period for eligibility for PIP, to ensure it is only available to people whose condition will be long term.
- Considering if PIP should only be available to people with a formal diagnosis by a medical expert.
- One-off grants instead of regular cash payments for some claimants who need adaptations or special equipment.
- Vouchers instead of cash payments.
- Reimbursing claimants who provide receipts for the purchase of aids, appliances or services.
- Providing people with lower extra costs due to their health condition with treatment, rather than regular payments.

It is reported that there are 2.6 million working age people in receipt of PIP and DLA.

Of the approximately 8 million adults of working age in England and Wales, who say they have a disability or a health condition which causes substantial difficulty with day-to-day activities, 3.7 million people say they have difficulties with mental health.

Throughout the Green Paper, there are three priorities:

1. Providing the right support to the people who need it most.
2. Targeting the resources most effectively.
3. Supporting disabled people to reach their full potential and live independently.

The Green Paper explores changes that could be made to the current PIP system to ensure support is targeted where it is most needed. These options include:

- Making changes to eligibility criteria for PIP.
- Redesigning the PIP assessment to better target it towards the individual needs of disabled people and people with health conditions.
- Reforming the PIP assessment so that it is more linked to a person's condition.
- Moving away from a fixed cash benefit system so people can receive more tailored support in line with their needs.
- Moving towards a better join up of local services and a simpler way for individuals to access all forms of support and care, whilst reducing duplication, to better meet the needs of people with health conditions and disabilities.
- Exploring alternative ways of supporting people to live independent and fulfilling lives. This could mean financial support being better targeted at people who have specific extra costs, but it could also involve improved support of other kinds, such as physical or mental health treatment, leading to better outcomes.

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Single assessment for WCA and PIP

The Health Transformation Programme (HTP) is the vehicle being used to develop a new single Health Assessment Service (HAS) for all benefits that use a functional health assessment.

HTP seeks to understand whether or not evidence of a clinical diagnosis made by a healthcare professional could provide a more objective assessment of need than the current processes in place. This would mean that people could receive entitlement to PIP based on specific health conditions or disability, evidenced by a health care professional, without undergoing an assessment. This is much like the system that was in place for Disability Living Allowance (DLA).

Access to personal medical information through online services for patients can be obtained through the NHS mobile app. HTP would like to know if this could be used to obtain evidence of a health condition or disability to support the assessment for eligibility for PIP.

Ahead of the changes proposed from 2025, existing claimants on UC and ESA with LCWRA, are to be supported to move towards work without the fear of reassessment through the new pathway - a 'Chance to Work Guarantee'. This effectively abolishes the WCA for the majority of this group with the aim of giving these claimants the confidence to try work. Those who try work will benefit from the existing Work Allowance which enables them to earn a minimum of £379 per month before the Universal Credit earnings taper applies.

Those who stay in work and earn enough to no longer receive UC will have the UC automatically reinstated if their job does not work out within 6 months, provided their income is not too high and importantly, return to that group without an assessment, as long as their health condition has not changed.

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Move to Universal Credit migration

Universal credit (UC) was introduced as part of sweeping welfare reforms to social security benefits from 2013. So big were these changes, that they have had to be gradually introduced across the UK and are still being rolled out now.

UC was introduced with the intention of simplifying the social security system for all its working age users. However, people who have reached state pension age have not been untouched by these changes.

UC effectively replaced six benefits:

- Income support
- Jobseekers allowance (means tested)
- Employment support allowance (means tested)
- Working tax credit
- Child tax credit
- Housing benefit

You cannot make new claims for any of these benefits unless you meet certain criteria. The initial roll out of UC took place across different regions of the UK and started with jobseekers.

The DWP are now at the stage of migrating across claimants who are currently in receipt of Employment Support Allowance (ESA). This means that those claimants will receive a migration notice, inviting them to apply for UC and advising them that their ESA is going to stop. They will be given the date that ESA ends. If they do not apply for UC, they will be without a benefit payment.

Transitional protection' top up payments

If the amount you are entitled to on your existing benefits is more than you will receive once you have moved over to UC, a top up is available. This is called 'transitional protection'. The additional amount of transitional protection is only paid if you claim UC upon receiving a Migration Notice and claim by the deadline date on the letter.

UC has an online claim process. When you apply, you open an UC account, similar to a bank account or your council's MyAccount, where you retain access to your claim at all times. It can also be used to communicate with the DWP and Jobcentre, rather than telephoning.

If you receive your migration notice and would like some advice or assistance with making your application, you can contact the Welfare Benefits Advice Line to arrange an appointment 020 8753 5566 or email welfare.benefit@lbhf.gov.uk . Please quote your rent payment reference number.

If you cannot claim online, call the Universal Credit Migration Notice helpline.

www.gov.uk/guidance/tax-credits-and-some-benefits-are-ending-move-to-universal-credit#support

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CASE STUDY

Mrs D called our advice line for help. Mrs D is a single person and a pensioner, who was contacted by Housing Benefit department, to complete her review form. She lives by herself and is bed bound due to being fatigued. Mrs D is partially deaf and lost her eyesight last year. She does not have any digital skills or access to the internet at home and due to her vulnerabilities required a home visit.

I visited Mrs D to assist with the HB review but while completing it I realised she was on Disability Living Allowance (DLA) lowest care rate, which was not reviewed for many years. Taking into consideration that her health had deteriorated, I advised she could benefit from applying for a DLA supersession, which is a declaration of a change in circumstances.

I visited a couple of weeks later, after Mrs D received a DLA form. We completed the form, which I took a copy of and posted on her behalf. The request for supersession was approved and Mrs D was awarded middle care rate from the 1st April 2024.

The HB review was also successful there was no material change found so both HB and CTS have been continuously in payment.

Welfare Benefits Officer

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Benefits advice

If you are a council tenant in H&F, our Welfare Benefits Team can provide welfare rights advice including debt advice, support to identify benefit entitlement and applying for grants.

Contact us about benefits:

Call: 020 8753 5566

welfare.benefit@lbhf.gov.uk

Advice line opening times

Day	Morning	Afternoon
Monday	9.30am–12.30pm	13.30pm–16.30pm
Wednesday	9.30am–12.30pm	13.30pm–16.30pm
Friday	9.30am–12.30pm	13.30pm–16.30pm

For more information contact the Welfare Benefits Team:

Call: 020 8753 5566

Visit the website: www.welfare.benefit@lbhf.gov.uk

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