

Post course resources Look Out for The Letter – Managed Migration

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1 A UC guide for staff to use with clients

While you wait for your Migration Notice

- Go online at entitledto.com (or other calculators) to estimate your UC entitlement
- Check how much UC you are likely to get to help you budget in advance; it's also a good idea to see the difference between what you get now and once on UC
- Open a bank or building society account or make sure you have access to a transactional account. You are asked to provide account details with your claim. These details can be amended before the first payment is due.
- Or use the Payment Exception Service (PES)
- You must have an email address &/or mobile phone number
- Most people will be expected to make their UC claim and manage their payments online. Your local Jobcentre can offer you support if you need to improve your computer skills. Your local council may also be able to help or you can visit www.learnmyway.com
- Have you got enough money in your account to cover direct debits or standing orders whilst your claim is decided? If not, contact your bank to put them on hold or cancel them as there will be a delay before you're paid
- UC is paid monthly in arrears – you may have to make changes to the way you budget
- If you need help with living expenses your local council may have a scheme to help; you may find it helpful to access a food bank
- Start to save £2pw and set up a 'UC cupboard' where you can store foods that will last you a month & plan recipes or how will they manage the 5 week wait
- Know what questions to ask of DWP
- Make sure that you have let DWP know of any changes that may affect your legacy benefits
- Are they affected by benefits cap / SDP
- Have they any upcoming changes – seek advice
- Can they gather their evidence easily / ID – if not be prepared to ask for an extension before their deadline day

More to remember as you claim

- Make a note of your passwords, security questions and the security code you set up – these are needed to access your account in future
- Make a note of the date you claim
- Make sure you check your UC online account journal regularly. You should provide all the information you're asked for to avoid delays and to avoid your claim being cancelled

- Call the UC service centre on 0800 328 5644 to make an appointment within 7 days of submitting your claim. If you do not make an appointment your claim may be cancelled and you will have to claim again
- If not provided online during claim, you need to provide proof of identity at your first appointment; this may be a photo driving licence, passport or immigration certificate. If you do not have any of these, other evidence may be accepted; check with jobcentre
- Take along evidence of your tenancy agreement and rent liability, any 'fit' note, proof of income and savings and anything else you've been asked for
- At your interview be sure to tell your work coach about anything that could affect your ability to work. This may be that you are a carer or that you are sick or disabled. If you think you are not able to work provide a 'fit note' from your GP and ask to be referred for a Work Capability Assessment
- Remember, Council Tax Support is claimed separately from your local council

Monthly payment

- The DWP will assess your claim monthly. Your assessment period will usually begin on the same date of each month, starting with the first day of the award. So, a claim on 10 August will be assessed up to and including 9 September
- UC is usually paid as a single monthly payment, including any help with your rent. The first payment should be paid 7 days after the first month's assessment period
- You may be able to get payments more frequently, split between you and your partner, or paid to your landlord – this only applies in limited circumstances. Alternative Payment Arrangements
- If you cannot manage without money whilst waiting you can ask the DWP for a New Claim Advance, or if you are transferring from a legacy benefit you should claim a Benefit Transfer Advance. This is only available once per claim and will be repaid from future payments over a maximum period of 24 months
- If you pay rent, agree a monthly rent payment with your landlord. This may include an amount for arrears that built up whilst waiting for your first UC payment. If you have rent-free periods you will no longer have times when you don't pay as the rent-free amount will be divided across the 12 months' payments
- If you were claiming Housing Benefit immediately before claiming UC, check to see if you are entitled to the HB run-on payable for two weeks. Also for Income Support/ESA/ JSA – 2 week run-on

2 Universal Credit DWP safeguarding guidance

GWRS are unable to say with certainty what safeguards are in UC as information DWP release through FOI changes regularly.

Vulnerability and complex needs

Definitions of vulnerability in UC are based on the DWP Approach to Vulnerability guidance¹. It appears that a definition of vulnerability based around claimants with mental ill health, learning difficulties, and conditions affecting cognition is no longer used. This means that DWP staff are expected to use their own discretion based on the information available to them. This may well be problematic given the number of times failure to identify vulnerability has been an issue raised during a DWP Peer Review (carried out following serious incident or death)².

The Approach to Vulnerability guidance introduces a new description of vulnerability as ‘an individual who is identified as having complex needs and/or requires additional support to enable them to access DWP benefits and use our services’. Complex needs are described as ‘difficult personal circumstances and/or life events that affect the ability of the individual to access DWP benefits and use our services’³.

The guidance has stated that the DWP approach to vulnerability aims to move away from using the term ‘vulnerable customer’⁴. It does not define vulnerability by customer group in favour of a focus on life events and/or personal circumstances and states that claimants may move in and out of situations where they do/do not require support⁵. The guidance goes on to state that some individuals may not require support even though they are experiencing difficult life events and/or complex personal circumstances, health issues or disability⁶.

The guidance lists some life events and personal circumstances⁷ including adoption, leaving the armed forces, bereavement, debt/indebtedness, divorce, domestic violence and abuse, addiction, retirement, age – older person, lone parent, suicide and/or self-harm declaration, MAPPA claimants (Multi Agency Public Protection Arrangements).

Home Visits

It seems that Core Visits continue to exist within Universal Credit guidance. The most recent round of FOIs supplied two documents which referred to core visits or home visits⁸. One other document, not released by FOI but dated October 2016, has been lodged with the House of Lords library. It is unclear whether the document lodged with the House of Lords is still current, however it states that:

*“A sanction referral is not considered until at least 2 attempts have been made to complete a home visit and all other attempts to contact the claimant have failed. This is only the case for customers who have complex needs and helps identify reasons for them failing to attend.”*⁹

¹ http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1127_9dYjThKR7tVqm8FEYf0V&board_id=1

² See documents 1, 6, 14, 15, 26, 27, 32, 36, 38, and 48 in redacted peer reviews

<https://www.gov.uk/government/publications/dwp-foi-releases-for-may-2016>

³ Para.4 http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1328_0yKISHrITPKYIJHfWKPI&board_id=1

⁴ Pg.1 http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1127_9dYjThKR7tVqm8FEYf0V&board_id=1

⁵ Para.9 http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1328_0yKISHrITPKYIJHfWKPI&board_id=1

⁶ Para.20 http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1328_0yKISHrITPKYIJHfWKPI&board_id=1

⁷ Para.20 http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1328_0yKISHrITPKYIJHfWKPI&board_id=1

⁸ Old UC guidance released through FOI is not described in this document. Those interested can find the guidance here:

http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1131_QG5X8oHloZVEyTvlppG&board_id=1

⁹ http://data.parliament.uk/DepositedPapers/Files/DEP2016-0778/Corrected_Home_visits_V2.0.pdf

This quote seems to differ from the Work Programme version of the guidance which limits the payment groups the guidance can apply to but also enables sanction referrals to take place without any home visit if the mandation was conducted face to face. It is also unclear whether this would apply for people at risk of sanctions referred by Jobcentre Plus (as opposed to a WPP), if it does apply to JCP clients then this effectively removes the notification to third parties which would take place in the event of failed safeguarding for ESA claimants.

The other two documents set out actions for processing centre staff to take once a referral has been received from a 'provider such as the work programme' (possibly not limited to the work programme).

Claimants with complex needs will have 5 days in which to show that they had good reason for their actions¹⁰. When a claimant with complex needs fails to respond to the request to provide good reason then DWP will attempt to contact them by telephone to collect good reason, with assistance provided to the claimant by a member of their household if the claimant is unable to understand¹¹. If the claimant with complex needs is unable to be contacted by telephone a referral is made to DWP Visits, once they receive a response the referring agent can choose whether to continue with the sanction referral. If they do continue with the sanction referral they will forward any new good reason information to a Decision Maker¹².

These extracts from guidance suggest that home visits will take place before any referral and then again if there is no response from the claimant to requests for good reason. However, the difficulty of getting hold of this guidance and uncertainty whether this represents all of the relevant guidance means that this should be treated with caution.

Universal Credit Work Programme Provider safeguarding guidance

Note that referrals to the Work Programme stopped from 01/04/17. Existing Work Programme Participants will continue to be supported by their Work Programme Provider. The Work Programme is due to be replaced by the Work and Health Programme but the scheme has not started and no guidance has been published.

Defining vulnerability for Universal Credit work programme claimants

The Universal Credit WPP guidance states that the work programme definition of 'vulnerable' should only be used for UC claimants in Payment Groups 5, 6a, 6b and 7 (this seems to be almost equivalent to ESA WRAG claimants although appearing to omit payment group 6 – parent with a child aged 3 or 4, and with limited capability for work due to a medical condition with a 3 or 6 month prognosis)¹³, who are in the work preparation regime, and have a WCA prognosis¹⁴. Vulnerable UC claimants meeting those criteria are those who

¹⁰ Pg. 1133 of 2017/18 CPAG Handbook and 'Recording the sanctionable failure on Work Services Platform' in http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1406_IhPNX8YZtEn4pEtwufh&board_id=1

¹¹ 'Claimant with complex needs contacted by telephone' in http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1406_IhPNX8YZtEn4pEtwufh&board_id=1

¹² 'Claimant with complex needs unable to be contacted by telephone' in http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1406_IhPNX8YZtEn4pEtwufh&board_id=1 and http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1405_MiCwMZHaaJPCNVoycHeW&board_id=1

¹³ Pg. 12 of https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/608073/uc-work-programme-dwp-provider-guidance.pdf

¹⁴ Note that vulnerable ESA claimants without a WCA prognosis (i.e. awaiting a WCA prognosis) were included in the group of claimants who could be safeguarded

have mental health conditions, learning disabilities, or conditions affecting communication/cognition¹⁵.

Vulnerable Universal Credit claimant fails to comply with an activity they have been mandated to undertake by a Work Programme Provider

The safeguarding process

Safeguarding is described in guidance as a 'high level must do'¹⁶. The WPP must use information from the DWP referral, DWP updates, and their own information to determine whether a claimant is vulnerable¹⁷. Before raising a compliance doubt (which could lead to a sanction) for a vulnerable claimant a Work Programme Provider (WPP) must ensure that the claimant understood the requirement placed on them and the possible consequences of not complying by having a face to face discussion¹⁸ with the claimant for each mandated activity¹⁹. If the claimant was mandated to carry out an activity in a face to face appointment then the guidance says that the WPP have fulfilled the safeguarding requirement and there is no requirement to have another face to face meeting if they then fail to comply²⁰. If the claimant was not mandated in a face to face meeting then there must be a further attempt at safeguarding after any failure to comply, this can be done by a home visit if necessary²¹. If the WPP meets with the claimant face to face and decides that they did understand the requirements and possible consequences then they will raise a compliance doubt, including details of safeguarding activity, so that a DWP decision maker can consider a sanction²². If the WPP has attempted to safeguard and has been unsuccessful in meeting the claimant, they will raise a compliance doubt which explains their attempts to carry out safeguarding, the DWP will then consider whether to apply a sanction²³. If the WPP carries out safeguarding and decides that the claimant did not understand the mandatory activity then the WPP should not make a compliance doubt referral²⁴. The guidance also states that if the claimant has given the WPP written consent to talk to a third party representative then the WPP is free to do so²⁵.

¹⁵ Para.4.04 & 4.05

http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1403_4lmWg3GPuJ2KJ7IVs12A&board_id=1

¹⁶ Para. 4.01 http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1403_4lmWg3GPuJ2KJ7IVs12A&board_id=1

¹⁷ Para. 4.10–4.15 http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1403_4lmWg3GPuJ2KJ7IVs12A&board_id=1

¹⁸ Para. 4.08 http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1403_4lmWg3GPuJ2KJ7IVs12A&board_id=1

¹⁹ Para. 4.26 http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1403_4lmWg3GPuJ2KJ7IVs12A&board_id=1

²⁰ Para. 4.20–4.22 http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1403_4lmWg3GPuJ2KJ7IVs12A&board_id=1

²¹ Para. 4.23 http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1403_4lmWg3GPuJ2KJ7IVs12A&board_id=1

²² Para 4.31 http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1403_4lmWg3GPuJ2KJ7IVs12A&board_id=1

²³ Para.4.36 http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1403_4lmWg3GPuJ2KJ7IVs12A&board_id=1

²⁴ Para. 4.34 http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1403_4lmWg3GPuJ2KJ7IVs12A&board_id=1

²⁵ Para.4.37 http://www.rightsnet.org.uk/?ACT=39&fid=3&aid=1403_4lmWg3GPuJ2KJ7IVs12A&board_id=1

3 Additional resources

- How to find your Partnership Manager <https://www.gov.uk/government/publications/dwp-partnerships/national-partnership-teams> – they can provide your local managers, or ask the Jobcentre in the area
- Safeguarding vulnerable claimants – A new inquiry is underway in light of the recent claimant experiences and deaths <https://committees.parliament.uk/committee/164/work-and-pensions-committee/news/196618/safeguarding-vulnerable-claimants-work-and-pensions-committee-launches-new-inquiry/>
- <https://www.gov.uk/government/publications/work-and-health-programme-provider-guidance/chapter-6-working-with-participants-with-complex-needs-and-or-additional-support-requirements>
- Offline claims
 - http://www.whatdotheyknow.com/request/claiming_universal_credit_offlin/response/1790667/attach/6/FOI2021%2036136%20Non%20digital%20relationships.pdf?cookie_passthrough=1
 - http://www.whatdotheyknow.com/request/claiming_universal_credit_offlin/response/1790667/attach/5/FOI2021%2036136%20Spotlight%20on%20Claims%20by%20phone.pdf?cookie_passthrough=1
 - http://www.whatdotheyknow.com/request/claiming_universal_credit_offlin/response/1790667/attach/4/FOI2021%2036136%20Assisted%20Digital%20overview.pdf?cookie_passthrough=1

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