



Universal credit: guidance for caseworkers and advisers

CPAG's [Early Warning System](#)ⁱ gathers case studies and data on households affected by recent changes to the benefit system, including the introduction of universal credit.

From this work we have identified several problem areas which are causing difficulties for people moving from the old "legacy benefit system" onto universal credit (UC) and where possible suggested solutions. The following information will be helpful to support caseworkers or advisers working with people moving on to UC and those who have claimed UC for some time. There are links to further sources of information throughout. If you are reading a paper copy of this document, all the links are at the end.

Difficulties making a claim

[Claims for UC](#)ⁱⁱ are normally made online, although claimants who cannot make a claim online, for example because of poor literacy skills or difficulties using computers, may be able to make a claim by telephone. People who have difficulty making a claim online should contact the universal credit helpline on 0800 328 9344 and ask to make their application by phone.

There are no paper applications for UC.

Once a claim is made, much of the contact between UC claimants and the DWP is made via an online journal, even if the DWP allowed an initial application by telephone. This means claimants should try to get online access and may need to look for help to improve their computer skills. The DWP or local authority may be able to suggest ways to get online and improve computer access.

Claimants must prove their identity as part of their claim, those who cannot do so may be asked to telephone the DWP and arrange a verification interview. CPAG has heard from several claimants who have not immediately made or not attended a verification interview who have found their case closed soon afterwards. It is best to arrange the interview as soon as possible.

People whose claim has been suddenly closed are often advised to reclaim UC. These claimants would be [better advised](#)ⁱⁱⁱ to challenge the decision to close the case by asking for a [mandatory reconsideration](#)^{iv} (and if necessary, an appeal to the [First Tier Tribunal](#)^v), particularly if the decision to close the claim was made within a month of the demand that they make an appointment. Once a case is closed, and a new UC application made, claimants can often not access their online journal so requests for a mandatory reconsideration must be made in writing or by telephone. It may be necessary to contact the DWP to pinpoint the date the decision to close the original claim was made.

Some claimants have found that their claim has “disappeared into the system” and again have been advised to reclaim. Claimants in this situation are unlikely to be eligible for a backdate and [should consider a claim for compensation](#)^{vi}.

Reporting earnings

UC claimants who work do not normally need to report their earnings, as details are provided by HMRC (using real time information) which shares information with the DWP on how claimants have been paid. Self-employed people need to report their profit and loss each month to the jobcentre.

CPAG has come across instances in which this real time information system has given the DWP incorrect information on a claimant’s earnings, dramatically affecting their entitlement. If the information provided about your claimant’s earnings is wrong, they should provide evidence of their actual wages and, if necessary, ask for a mandatory reconsideration or an appeal against the decision to award an incorrect amount of UC.

Waiting for the first UC payment

Although “waiting days” have been abolished from February 2018, UC claimants will still have to wait five weeks or more for their first payment. This delay often causes severe financial pressure and rent arrears.

[Advance payments](#)^{vii} of up to one month’s entitlement to UC are available on request from the DWP.

Advances are discretionary, interest-free and must be repaid over a period of up to 12 months. UC claimants should be offered an advance payment at interview when they apply for UC but if the interview has passed or no advance is offered, claimants can request an advance by contacting the UC helpline on 0800 328 9344.

UC advance payments can be refused, in which case the claimant may need help supplying evidence that they are in acute need or requesting that the refusal decision be looked at again (there is no right to a mandatory reconsideration or appeal however). It may be necessary to simply make a new request for an advance payment, preferably with extra evidence of the household’s financial problems.

Help may be available from local authority [welfare assistance schemes](#)^{viii} or from local [foodbanks](#)^{ix}.

Missing elements

A person’s entitlement to UC is based on a comparison of their [standard allowance and any extra elements](#)^x that they are entitled to (because for example they are responsible for children, liable for rent or they are prevented from working by health problems) compared to any income a claimant has.

So it is important that the right elements are included in the calculation.

UC claimants who received the support component in their employment and support allowance (ESA) immediately before they claimed UC are entitled to receive the [limited capability for work related activity element](#)^{xi} from the start of their UC claim. Equally, claimants who were still receiving the work related component in their ESA (abolished for new claimants from 3 April 2017 but still paid to some existing claimants) are entitled to the work related activity element from day one of their UC claim.

Clients should point out that they were in the work related or support group while they received ESA when they claim UC and ask for the appropriate element to be included in their award.

Some claimants have been wrongly advised that regardless of their entitlement under ESA, they will need to go through a work capability assessment (often known as “the medical”) before extra elements can be added to their entitlement. Contact the DWP via the journal and, if necessary, request a mandatory reconsideration (and an appeal) of any refusal to pay the right element from the start of the claim.

Claimants who were in the support or work related activity group immediately before they claimed UC should not be asked to look for work or apply for jobs as a condition of their entitlement to UC (see *Sanctions and*

Work Related Requirements, below). ESA claimants who are [sanctioned](#)^{xii} because they have not looked for work or applied for jobs should [challenge the decision](#)^{xiii}.

UC claimants who cannot work because of ill health but have not claimed ESA in the past (because for example, they became ill recently), should submit medical certificates to the DWP and ask for a work capability assessment to be carried out. Claimants may need help to make sure the DWP staff remember to do this.

The limited capability for work related activity element can be added – depending on the result of the work capability assessment – from three months after a claim is made (although it can be paid from day one if you are terminally ill). The limited capability for work element has been abolished for new claimants and can only be paid to people who have received the work related activity component in their ESA immediately before they claimed UC.

Disappearing premiums for people with long-term health conditions

Under the legacy benefits system, some claimants – those who received the enhanced daily living component of [personal independence payments](#)^{xiv} or were in the support group for ESA – received extra amounts known as the enhanced and severe disability premiums. These premiums are abolished under UC and people who received them under legacy benefits such as ESA, and then [move to UC because a change in circumstances](#)^{xv} means they have to make a new claim for benefits (e.g. their ESA stops when they fail the work capability assessment), cannot receive them under UC. This can lead to an unavoidable significant loss of income for people with long term health problems.

(From 2019 onwards people who are still receiving legacy benefits will be moved onto UC in a process known as “managed migration”. These people will be eligible for “transitional protection”, meaning they will receive the same amount under UC as they received under their old benefits, including severe and enhanced disability premiums. Transitional protection is not available to people making claims for UC because of a change in circumstances (known as “[natural migration](#)^{xvii}”) before 2019.)

Housing costs

The housing costs element in UC replaces housing benefit (HB) as the help available for claimants with paying their rent, and in some cases their mortgage interest.

Our Early Warning System has recorded several cases where housing costs have been forgotten in the calculation of universal credit entitlement, with the claimant often mistakenly assuming help with the rent will be paid direct to their landlord just as their housing benefit was before they claimed UC.

People who forget to mention that they are liable for housing costs when they apply for UC or discover that housing costs have not been included in their entitlement should contact the DWP and ask that housing costs are paid from day one of their claim. People who are told that they can only get housing costs from the next [assessment period](#)^{xvii} after they point out the error should ask for a mandatory reconsideration and, if necessary, appeal against the refusal.

Alternative payment arrangements

Under UC, the default position is that housing costs are paid direct to the claimant, who is responsible for paying the rent. In the most recent budget, it was announced that tenants whose housing benefit was paid direct to their landlord, before they claimed UC, will be offered the option of having their housing costs under UC paid direct to their landlord, when they first apply.

If this offer is not made, or if the claimant has not received HB in the past, payment direct to the landlord and other [alternative payment arrangements](#)^{xviii} (such as payment every fortnight rather than once a month or

splitting payments with your partner) can be requested from the DWP in the online journal or at the jobcentre.

Discretionary Housing Payments

Housing costs often do not match the claimant's liability for rent, particularly if they live in temporary accommodation (where housing costs are limited to the amount available in the private sector despite high rents) or in private tenancies with high rent. [Discretionary Housing Payments](#)^{xxix} are available to help hard pressed claimants pay any rent liability not met through housing costs in their UC. These payments are available through your local authority and available to both housing benefit and universal credit claimants.

The DWP has recently [changed its previous position](#)^{xxx} that DHPs cannot be paid to UC claimants whose housing costs are paid direct to their landlord.

Deductions for rent arrears

The DWP can make deductions of between 10% and 20% of a UC claimant's standard allowance (not including housing costs or extra elements) if they are in rent arrears. Claimants can ask that the deducted amount be reduced to no lower than 10% of the standard allowance. It is worthwhile negotiating directly with a landlord to repay the arrears in order to avoid large deductions from UC entitlement.

Contributory benefits

Although income-based ESA and income-based jobseeker's allowance (JSA) are replaced by UC (along with income support, housing benefit and working and child tax credits), contribution based versions of these benefits are still available.

Entitlement to contribution based benefits is based on national insurance contributions rather than a means test based on income and are typically claimed by former workers.

On the Early Warning System [we have heard of many cases](#)^{xxxi} in which people have been told by DWP staff that contribution based ESA or JSA have been abolished and who have been directed to claim UC. Many people whose needs are greater than their entitlement to contribution based benefits (for example if they have rent liability) will need to additionally claim UC as a top-up. However people who have paid national insurance contributions can still make new claims for contribution based [ESA](#)^{xxii} (by telephone: 0800 328 5644) and [JSA](#)^{xxiii} (online) regardless of whether they are entitled to UC.

People who are wrongly advised about contribution based ESA may benefit from support in [making a complaint](#)^{xxiv} or requesting [compensation](#)^{xxv}.

Sanctions and work related requirements

One of the issues raised most often on the Early Warning System are work related requirements and [sanctions](#)^{xxvi}.

In order to receive full UC and avoid sanctions, claimants must meet [work related requirements](#)^{xxvii}. These are requirements that claimants:

- Attend work focussed interviews;
- Complete work preparation;
- Search for work; and
- Be available for work

A claimant's circumstances (including their health, the outcome of a work capability assessment, caring responsibilities and earnings) determine which work related requirements apply to them: for example a healthy claimant without children who is not in full time work is likely to be subject to all work requirements,

where as a lone parent with a child under one or someone with a limited capability for work related activity will not be subject to any. It is vital that claimants tell the DWP if any of these circumstances apply to them, so that the right work related requirements are applied to their claim.

Sanctions can last up to 1,095 days; some are imposed until the claimant meets the work related requirements that apply to them. A limited additional sanction (7, 14 or 28 days) is often applied after the claimant does what is required of them.

Mid-level sanctions are often imposed, ostensibly because a claimant has not looked for work for 35 hours in a week. Claimants who have health problems – particularly while waiting for a work capability assessment or after narrowly missing the threshold in the work capability assessment – and parents often have difficulty meeting this requirement and are sanctioned as a result.

Avoiding and challenging sanctions

It is possible to [request the number of hours a claimant has to look for work for be reduced](#)^{xxviii}, for example if a claimant has caring responsibilities for a disabled person, children to take to school or health problems. Temporary problems such as short term illness or breakdown of childcare or other crisis are also reasons that a claimant can cite to reduce the hours s/he is expected to search for work, or to challenge a sanction imposed because they are deemed by the DWP to have failed to search for work for long enough.

A decision to reduce the hours a person is expected to look for work is largely discretionary so it is important that claimants note such problems – and all they have done to find work – on their online journals. It is possible to challenge a sanction by arguing that the hours a claimant should look for work were too high and as a result a sanction should not be imposed.

It is important to remember that before a work search sanction can be imposed, the DWP must show that a claimant has not taken “all reasonable action” to find work, not simply searched for work for less than 35 hours, or whatever number of hours is set out in the [claimant commitment](#)^{xxix}. If a claimant has not met the hours requirement, it may be possible to argue that it is too high and that, in any case (regardless of the hours requirement) they took all reasonable action to find work.

Note: A claimant must sign a claimant commitment before they can be paid UC but a sanction cannot be imposed because the claimant failed to meet the requirements in the claimant commitment.

A sanction given for any reason can be challenged by asking for a mandatory reconsideration (in writing, by telephone or on a claimant’s journal) and subsequently appealed. Claimants may need help to explain why they did not meet the work related requirements.

There is no time restriction on asking for a mandatory reconsideration of a sanction, however it is best to do so within a month of the decision.

Claiming UC while challenging an ESA decision

People whose ESA is disallowed because they are judged not to have a limited capability for work, typically after a [work capability assessment](#)^{xxx}, are [often advised they have no other option but to claim UC](#)^{xxxi}. This can be costly advice: many of these claimants receive severe or enhanced disability premiums in their ESA award which are not available under UC, meaning an application of UC can cause a significant loss of income (see *Disappearing premiums* above). Furthermore, if the ESA decision is overturned at mandatory reconsideration or, later, by an appeal tribunal and they have claimed UC in the interim, claimants are entitled only to limited arrears at best and cannot revert to receiving ESA.

In actual fact, if the claimant has appealed against a decision to stop their ESA because they scored insufficient points to meet the threshold for limited capability for work, in many cases ESA can be paid until the appeal is heard. Claimants need to supply medical certificates and [ESA pending an appeal can only be](#)

[paid](#)^{xxxii} if they are waiting for an appeal about ESA entitlement for the first time, passed the previous work capability assessment or have a new or severely deteriorated condition. These payments of ESA pending an appeal may mean the claimant can avoid the need to claim UC.

Claimants who are appealing against a decision to stop their ESA because they did not engage in or missed the work capability assessment may be able survive on tax credits or other benefits until they win the appeal.

In both instances, if the claimant has avoided claiming UC and they win their ESA appeal, they can revert to receiving ESA, including any extra premiums they previously received.

It is vital that claimants who receive housing benefit tell the local authority housing benefit team about their ESA ending, that they are following an appeal and that they want their HB to be reassessed based on their new income. If HB stops after ESA stops, the claimant will be forced to claim UC for help with the rent.

Implicit consent for MPs

On 13 March 2017 the [Secretary of State for Work and Pensions confirmed](#)^{xxxiii} that DWP staff would give information to MPs representing a constituent who has “engaged with” or is receiving UC, without the need to provide explicit consent, signed by the constituent, to do so.

This implicit consent provision is used by advisers and representatives who are able to answer basic security questions concerning their client, in connection with DWP administered benefits *other than UC*.

The DWP has stated that extending implicit consent in relation to UC claims to MSPs and Welsh Assembly Members was under consideration – there do not appear to be plans to extend the provision to local councillors.

Advisers and representatives wishing to speak to the DWP about their client’s UC entitlement will need to ask their client to give permission, specifically stating the issue which they wish to be represented about, either on their UC journal or during phone conversations with the DWP.

The Early Warning System and further help from CPAG

If people you work with approach you with any of these issues or any other problems with their benefits you may want to [contact CPAG for advice](#)^{xxxiv}.

CPAG also runs [training courses](#)^{xxxv} and publishes [reference books](#)^{xxxvi} which cover each of these issues and much more.

We would be very grateful if you would consider reporting instances of the above problems and any others you deal with which concern recent benefit reforms to our [Early Warning System](#)^{xxxvii}.

Links to further information:

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- i <http://www.cpag.org.uk/early-warning-system>
 - ii <https://www.gov.uk/apply-universal-credit>
 - iii <http://www.cpag.org.uk/content/closing-universal-credit-claims>
 - iv <http://www.cpag.org.uk/content/ask-cpag-online-mandatory-reconsideration>
 - v <https://www.gov.uk/social-security-child-support-tribunal>
 - vi <https://www.gov.uk/government/publications/compensation-for-poor-service-a-guide-for-dwp-staff>
 - vii <http://cpag.org.uk/stba/uc-advances>
 - viii <http://cpag.org.uk/LWAS/resources>
 - ix <https://www.trusselltrust.org/> or <http://www.foodaidnetwork.org.uk/our-members>
 - x <http://www.cpag.org.uk/bookshop/wbposter>
 - xi <http://www.cpag.org.uk/content/ask-cpag-online-uc-and-limited-capability>
 - xii <http://www.cpag.org.uk/content/ask-cpag-online-benefit-sanctions>
 - xiii <http://www.cpag.org.uk/content/ask-cpag-online-avoiding-and-challenging-universal-credit-sanctions>
 - xiv <http://www.cpag.org.uk/content/ask-cpag-online-how-do-you-dispute-pip-disability-decision>
 - xv <http://www.cpag.org.uk/content/ask-cpag-online-when-does-natural-migration-universal-credit-happen>
 - xvi <http://www.cpag.org.uk/content/ask-cpag-online-universal-credit-natural-migration>
 - xvii <http://www.cpag.org.uk/content/uc-earnings-and-problems>
 - xviii <http://www.cpag.org.uk/content/ask-cpag-online-universal-credit-alternative-payment-arrangements>
 - xix <http://www.cpag.org.uk/content/ask-cpag-online-what-discretionary-housing-payment>
 - xx <http://www.cpag.org.uk/content/universal-credit-problems-and-solutions>
 - xxi http://www.cpag.org.uk/content/universal-credit-problems-and-solutions#footnote5_3s7sfrh
 - xxii <https://www.gov.uk/employment-support-allowance/how-to-claim>
 - xxiii <https://www.gov.uk/jobseekers-allowance/how-to-claim>
 - xxiv <https://www.gov.uk/government/organisations/department-for-work-pensions/about/complaints-procedure>
 - xxv <https://www.gov.uk/government/publications/compensation-for-poor-service-a-guide-for-dwp-staff>
 - xxvi <http://www.cpag.org.uk/content/ask-cpag-online-avoiding-and-challenging-universal-credit-sanctions>
 - xxvii <http://www.cpag.org.uk/sites/default/files/2.%20UC%20Conditionality%20-%202017%20Conference.pdf>
 - xxviii <http://www.cpag.org.uk/sites/default/files/2.%20UC%20Conditionality%20-%202017%20Conference.pdf>
 - xxix <https://www.gov.uk/government/publications/universal-credit-and-your-claimant-commitment-quick-guide>
 - xxx <https://www.turn2us.org.uk/Benefit-guides/Work-Capability-Assessment/What-is-a-Work-Capability-Assessment>
 - xxxi <https://cpag-mail.org.uk/5MI-5ELKA-25REOJ4B6A/cr.aspx#ews-what-it-tells>
 - xxxii <http://www.cpag.org.uk/content/ask-cpag-online-can-you-get-esa-while-you-are-challenging-decision>
 - xxxiii <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-03-13/HCWS528>
 - xxxiv <http://www.cpag.org.uk/advisers>
 - xxxv <http://www.cpag.org.uk/training>
 - xxxvi <https://www.shop.cpag.org.uk/>
 - xxxvii <http://www.cpag.org.uk/early-warning-system>