

Your benefits during the coronavirus crisis

April 2020

IT'S A DIFFERENT WORLD – SO WHAT EXACTLY ARE WE TALKING ABOUT?

It is important to note that whenever you see the words “affected by coronavirus” on anything to do with DWP benefits, this means that you must “self-isolate”.

For benefits purposes, there are important distinctions between “self-isolation” and “shielding” or “distancing”.

You are only required to “self-isolate” if you or someone in your household have symptoms of coronavirus or have actually contracted the disease. You are not deemed to be self-isolating if you are staying at home due to concerns about contracting the disease.

For the Government guidelines on who should “self-isolate”, click on the following shortened link: <https://tinyurl.com/rm3wxdt>

For people with a “very high risk of severe illness from coronavirus because of an underlying health condition”, the government has deemed them “extremely vulnerable” and recommended they adopt “shielding”.

This means they must not leave their home or have face-to-face contact (except for care or medical needs) for a period of at least 12 weeks.

Again, this does not constitute “isolation” for DWP benefit purposes.

In addition, there are only a very limited number of conditions that fall under the heading of being advised to

Update from our welfare rights adviser, ANN INNES

This section is about benefits for people tested positive for Covid-19 or have the symptoms or for those who share a household with someone in this situation.

The information provided in this leaflet was correct at the time of writing – April 15 – but please be aware that the regulations and guidance are changing daily.

adopt “shielding” measures. M.E. is not one of them.

A list of those conditions can be found here: <https://tinyurl.com/v473jbj>

For everyone else, including people with M.E., here’s how the government defines “social distancing”: <https://tinyurl.com/t6ssvqa>

WHAT CAN YOU CLAIM?

For people who are unable to work because they are isolating, as of 13 March 2020 they may be able to claim either Statutory Sick Pay (if employed and earning on average £118 a week or more), New-Style Employment and Support Allowance or Universal Credit from the first day of sickness (as long as that date is on or after the 13 March 2020).

They would still need to meet all the other conditions for those particular benefits.

They may be automatically treated as having “limited capability for work” without the requirement to provide a fit note and will then be contacted at regular periods by the DWP to assess whether they are still required to

isolate. Presumably, they would still have a duty to inform the DWP as soon as they are no longer required to isolate.

For people who are already claiming New-Style ESA or Universal Credit and either providing fit notes because they have M.E., or have passed the work capability assessment, this will make no difference to their claim.

This guidance is for those people who are not already claiming New-Style ESA but who meet the conditions of entitlement for that benefit at the point of having to isolate, or for those who are claiming Universal Credit and not already being treated as having limited capability for work.

The only case I can see where this might apply to someone with M.E. is if they are required to isolate and if they were either working and not claiming benefits or are claiming Universal Credit and had been placed in the “all work requirements” group (ie not having to provide fit notes or found fit for work after a work capability assessment).

If you are working and required

to isolate, please seek advice from a welfare rights specialist straight away as to what you should claim as claims for Universal Credit can put an end to claims for certain other means-tested benefits, such as tax credits and Housing Benefit.

If you are currently on Universal Credit and in the “all work requirements” group you should contact Universal Credit straight away to inform them via your online journal.

For people receiving Carer’s Allowance, their Carer’s Allowance will continue as of 30 March 2020 if they take a temporary break in caring (England and Wales) if they or the person they care for is required to isolate.

NEW CLAIMS FOR BENEFIT

The DWP is continuing to accept new claims for all benefits at this time. You can do this online or over the telephone.

It is always wise to get a benefits check from someone who works in welfare rights as claiming certain benefits can have consequences upon others. Also, in some cases, it might be more beneficial to claim certain benefits instead of others.

Contact your local Citizens Advice, Welfare Rights Service, Law Centre, or Age UK if you are over 55 (some Age UK’s are restricted to over-60s) for free advice on what you may be able to claim.

Alternatively, Ann Innes, our welfare rights adviser, might be able to help but she makes a charge for her service. Ann works predominantly with people with M.E.. For information about Ann’s services and fees, email: info@wrafme.co.uk

Jobcentres will continue to provide support to those deemed most vulnerable who would be otherwise unable to make a claim for themselves over the phone or online. This is by appointment only.

You will need to complete any claim form you are sent. For Personal Independence Payment (PIP), the

Department for Work and Pensions will stamp the date they send it out to you on the claim form entitled ‘How your Disability Affects You’.

They have extended the return date – so you now have three months from the date they sent the form out to return it.

For any other forms you are sent, you must make sure you get it back by the deadline you are given. If you are unable to do so, contact the section that have sent you the form and ask whether you can have an extension.

Remember to take the name and contact centre of the person you speak to, note the date and time of the call and the extended date they have given you – if they give you one.

FACE-TO-FACE ASSESSMENTS For PIP, New-Style ESA and Universal Credit

Face-to-face benefits assessments for all disability and sickness-related benefits have been cancelled for at least three months. This action was taken on 17 March 2020.

Anyone who has completed a claim for benefit will be assessed either through a “paper-based” assessment or on the telephone.

This means that it is now more important than ever to submit any medical evidence you have to support your functional difficulties when trying to carry out the different tasks on the claim form.

If the evidence is compelling enough, it may mean that your claim is accepted just on the basis of the written information you have provided without requiring you to be assessed over the telephone.

Claimants will be contacted if a telephone assessment is thought to be necessary.

RENEWALS

The government has announced that for the next three months no reassessments of existing awards will take place. so if your ESA, DLA or PIP

claim is up for renewal and you are awaiting a renewal form, it will not be sent out. Your existing award will be extended until further notice.

For claimants who have already received renewal claim packs, I have been informed by Disability Rights UK that for DLA or PIP, they do not have to complete and return them and their existing award will be extended until further notice.

At the time of writing, this does not appear to be the case for UC50 and ESA50 forms. But I have been advised by the Child Poverty Action Group to urge caution with all renewals as they have had cases where awards were not extended and were stopped

So, if you can get the forms completed and returned by the deadline, you must do so. And, if you can’t, you should contact the department that sent you the form via telephone and ask for an extension – again noting the name and contact centre of the person you have spoken to and the date and time of the call.

If your claim for New-Style ESA is approaching its 365-day limit, you should seek advice as to whether you are entitled to claim anything else, as claims such as this which are time limited will end.

For those claimants who have recently had a face-to-face assessment and are awaiting a decision, a decision letter will be sent to you once your claim has been decided, as per usual.

TRIBUNALS

For those people with a first-tier tribunal scheduled, current guidance is changing every day.

However, as of the 19 March 2020 for six months (at the time of writing but this timescale could be revised) Her Majesty’s Courts and Tribunals Service will not be asking anyone to attend a first-tier Social Security Tribunal in person.

Staff on the HMCTS helplines have been instructed to inform all claimants with a tribunal date already listed **not**

to attend their tribunal in person. Instead, the claimant is being offered the option of either a paper-based hearing (ie the tribunal panel will look at all the written evidence in front of them to decide the case) or a telephone hearing.

As ever, it is always recommended to opt for an oral hearing as these generally have a higher success rate. If HMCTS receive no response from the claimant after attempting to contact them, the tribunal will go ahead as a paper hearing and a decision will be sent in the post.

However, official guidance from HMCTS does state that hearings can be automatically done as a paper-based hearing and a provisional decision can be given.

In some cases, there will be temporary changes to the law to allow a Judge alone to make a decision on a claim, rather than a panel of two or three members.

A claimant can ask for their tribunal to be postponed until they can attend in person, should they wish to do so – if, for example, telephone conferencing facilities cannot be arranged for your representative to take part in the call and you do not want your case decided on the papers.

For more detailed guidance, visit: <https://tinyurl.com/w5skfdd>

Should you have a hearing listed in the next six months, I suggest you contact HMCTS and request what you would like to happen.

Remember, the more detailed the evidence from professionals you have submitted, relevant to the tasks that you are being assessed on for that particular benefit, the greater your chances of a successful outcome.

If the result is unfavourable, the claimant may be able to apply for permission for the decision to be “set aside” by completing this form: <https://tinyurl.com/wuev5qk>.

You have one calendar month in which to apply for a set aside. There are limited grounds for this so, if you

are unhappy with the decision, do seek advice from a welfare rights adviser. If your application for set aside is accepted, the tribunal hearing will be re-listed.

At the time of writing, tribunals are still being listed for hearing. You should be contacted to ask whether you would like your tribunal to be conducted by telephone or on the basis of the paperwork only.

Please bear in mind, however, that exact guidance does appear to be changing daily. It also appears to alter from region to region. The main point is that nobody should attend their tribunal in person at this time. Follow instructions you have been given by Her Majesty’s Courts and Tribunals Service in relation to your case and if you are unsure what is happening, phone them and ask.

CHANGES OF CIRCUMSTANCES

If you have a change of circumstances, you must report it as soon as possible and certainly within one calendar month. This requirement still stands so please seek advice.

This includes if your condition has improved or worsened as this could mean a change to the rate of benefit you are receiving.

Also be aware that changes of circumstances for adults with Disability

Living Allowance, which is gradually being phased out, may result in you being asked to claim PIP instead. This may well lead to an unfavourable decision – so, again, seek professional advice from a welfare rights adviser who can advise whether your change of circumstances is a relevant change that requires reporting.

People on working tax credits whose hours of work have temporarily reduced, even to zero, due to anything whatsoever to do with coronavirus not just isolating, are not required to report a change in their working hours for eight weeks from the date of that change.

However, people whose job has ended permanently or whose hours have been permanently reduced will still be required to report that change within one calendar month.

If the reduction in hours has resulted in a reduction in earnings for the tax year, remember to give tax credits a new estimated income figure for the said tax year on or after the 6th April 2020 as it may increase the amount of tax credits you are entitled to.

ATTENDING JOBCENTRE PLUS FOR APPOINTMENTS

Claimants do not have to attend jobcentre appointments in person for at least until the end of June.

This section is for people on Universal Credit or ESA who have been treated as having limited capability for work but not limited capability for work-related activity (ie “work preparation group” or “limited capability for work” respectively).

The information provided in this leaflet was correct at the time of writing – April 15 – but please be aware that the regulations and guidance are changing daily.

Claimants who have to take part in work-related activity are not required to attend appointments at Jobcentre Plus until at least the end of June.

But they may still be asked by their

job coach to prepare for work online or at home, for example by taking part in an online seminar.

DEEMED FIT FOR WORK

Work-search requirements imposed

as a condition of their claim on people awarded Jobseeker's Allowance or Universal Credit have been suspended from 30 March 2020 for an initial period of three months.

If you are on Universal Credit and self-employed in the "all work-related requirements" group you are, after one year of self-employment, subject to something called the "Minimum Income Floor". This is an amount of money the government expect you to earn each month. At the time of writing, the minimum income floor was suspended for the duration of the coronavirus crisis for all Universal Credit claimants.

CHANGES TO BENEFIT RATES

For one year only from 6 April 2020, the standard rate of Universal Credit and the basic element of Working Tax Credit for existing Working Tax Credit claimants will increase by £20 per week.

At the time of writing, there are no plans to increase the rate of New-Style ESA, as the above increases are part of the government's proposals to support self-employed people.

From April, Local Housing Allowance rates which are used to calculate Housing Benefit awards will pay for at least 30% of market rents in each area.

DEBT RECOVERY

All attempts to recover debts for benefit over-payment, Social Loan funds and Tax Credit debts will stop as soon as possible – except for advances which will still continue to be deducted from Universal Credit payments.

HELP WITH MORTGAGE PAYMENTS

For information about support available to homeowners and buy-to-let landlords whose tenants are experiencing financial issues as a result of coronavirus, see the UK Finance website:

www.ukfinance.org.uk/covid-19.

If you claim Universal Credit, Income Support, income-based Jobseeker's

Allowance, income-related Employment and Support Allowance, or Pension Credit, you should be asked extra questions to check whether you qualify for loan support for mortgage interest:

<https://tinyurl.com/ybajwgeh>

If you qualify you should be offered a loan. However, unless you are claiming Pension Credit, you have to be getting benefit for nine months before loan payments will begin.

EVICTION SAFEGUARDS

The government has also bought in new laws to protect tenants from eviction during the coronavirus outbreak.

You are still be required to pay your weekly rent but, if you are struggling to do so, you may be able to get help

See here for further details:
<https://tinyurl.com/w2bhtgj>

FUEL DEBT AS A RESULT OF HAVING TO SELF-ISOLATE

The government has put measures in place to support those people having to self-isolate with fuel debt. More information here: <https://tinyurl.com/tpfbr9a>

FURTHER RESOURCES

Daily benefits updates

Child Poverty Action Group
<https://tinyurl.com/y9ydl4kp>

Turn2Us
<https://tinyurl.com/y73ttjx6>

General and Local Sources of Information
<https://advice.local.uk/covid19>

ME/CFS Specialist Benefits Advice
Ann Innes, author of this leaflet
Tel: 07535 270985
Email: info@wrafme.co.uk

ME CONNECT

We're here to help



Do you need to talk?

ME Connect is the telephone helpline service of the ME Association. It provides information and support for people with ME and those who live with or care for them. ME Connect provides a safe and understanding environment for people with ME so that they know they are being heard and understood.

ME Connect is a member of the Helplines Partnership which promotes high standards.

CALL 0344 576 5326

10am-12noon
2pm-4pm, 7pm-9pm
every day of the year



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