

THE INDEPENDENT LIVING CENTRE



Semington, near Trowbridge

01380 871007

www.ilc.org.uk



Latest Benefits Information – 10/11/2020

Personal Independence Payment (PIP) Claims

PIP is a non means tested benefit and is made up of two parts - Daily Living and Mobility Activities. People may qualify for one or both components depending how their illness or disability affects them, and whether they need to use aids or receive help from another person with personal care or communication. If you would like to check if you might be eligible, you can speak with our Benefits Advisor.

Challenging a PIP Decision

If you have been turned down for PIP you can ask the Dept. for Work and Pensions (DWP) for a Mandatory Reconsideration, which means you are asking them to look again at their decision. You should try and do this within one month of the date on the decision letter as they will only accept a late appeal if there is a good reason for it being late. If you have a letter or report from one of your own medical professionals, it is recommended to send it with your reconsideration request. This is because the DWP can change their decision at this stage. They have probably based the first decision on the Medical Assessment provided by their own Assessor. If your report is more accurate and shows in more detail how your condition affects you, the DWP can be sometimes be persuaded to change their decision. If they don't, you will need to make an appeal to the Tribunals Service.

Employment and Support Allowance (ESA) Appeals

In the past, if someone claiming ESA was found fit for work following a Work Capability Assessment, they would need to request a Mandatory Reconsideration. This meant they were faced with the choice of either having no income from ESA until the MR was decided (which could take many weeks, or even months), or were forced to claim Universal Credit and could never return to ESA even if their eventual appeal was successful. However, a High Court decision in July 2020 means that now if someone fails the Work Capability Assessment they can appeal directly to the Tribunal Service without having to undergo the Mandatory Reconsideration process. They can continue with their ESA (at a reduced rate) until the appeal is decided.

Note this only applies if someone has failed the Work Capability Assessment and not where they did not return the Capability for Work Questionnaire.

Claims for Housing Benefit

You can only make a claim for Housing Benefit in the following circumstances:

- You and your partner are of state pension age; or
- You are living in specified accommodation or temporary accommodation
- You are entitled to a severe disability premium as part of one of the following benefits:
 - JSA (Income Related)
 - ESA (Income Related)
 - Income Support

In all other situations, you will need to claim Universal Credit and your eligible rent will be included in your Universal Credit amount. The means test is applied to both Housing Benefit and Universal Credit. Help with Council Tax Reduction is still administered by your local Council and must be applied for separately from Universal Credit.

Housing Benefit Appeals

If you need to challenge a decision about Housing Benefit (rather than the housing element of Universal Credit), the Mandatory Reconsideration process does not apply because Housing Benefit is administered by the local Council. You can contact the Council directly, preferably in writing, and ask them to look again at their decision. If you have any evidence to support your request you can send it with your letter. If they do not change their decision, you will need to request an appeal and the Council will send your appeal to the Tribunals Service.

Contact Us

If you need help with any aspect of welfare benefits, please contact us on **01380 871007** or at **welcome.ilc.semington@googlemail.com**. Our Benefits Advisor can advise you about your entitlement to any benefit. She can help to complete forms, either over the phone, or with a face-to-face appointment (although these are limited due to Covid-19). She can also advise about challenging a decision, either by Mandatory Reconsideration or by making an appeal to the Tribunals Service.

To see previous editions of this newsletter, please visit the news section on our website at **ilc.org.uk**

Sheila Bluer
Benefits Advisor

**The Independent Living Centre,
St. George's Road, Semington, BA14 6JQ**

Registered charity number 10000659