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# WELFARE RIGHTS ANNUAL REPORT

2017/18

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*An even more prosperous, safe  
and sustainable East Lothian,  
with a dynamic and thriving  
economy, that enables our people  
and communities to flourish*

## Executive Summary

This report provides analysis and evaluation of the work carried out by East Lothian Council's Welfare Rights team.

The team moved from within the Adult Wellbeing Service to the Revenues & Welfare Support Service in January 2017. This move has helped develop the service and strengthen referral links for vulnerable clients. The move has also led to greater synergy amongst a range of teams, leading to earlier intervention and positive outcomes for clients. Closer working with other teams within the Service has helped to establish improved referral links and effective joint working to assist those people who may have found themselves in council tax or rent arrears due to problems dealing with the complexity of the welfare benefits system or other welfare reforms.

The report details some of the service improvement work which has been undertaken since the team moved into the Revenues & Welfare Support Service. Examples of work carried out include reconfiguration of outreach surgeries and development of telephony and referral mechanisms. The team's new performance management framework is also highlighted as a significant improvement and it is hoped to further enhance capability with the procurement of a case management system to replace an outdated database.

This report gives information about partnership working with Macmillan Cancer Care; the advice and advocacy activities which the team is involved with and how their work has benefited people with cancer and their families and carers.

Evidence of positive outcomes for East Lothian residents is given in terms of financial gains, with clients of the team receiving additional annual income of over £3.7m in 2017/18 as a result of the work of the team. The Macmillan project alone secured income gains of over £1.1m during 2017/18.

Additionally, the report provides testimonials from clients who have used the service during 2017/18. The team and colleagues involved with the work they do are particularly pleased to have received much positive feedback from clients and some examples of this feedback are very powerful in terms of the life changing outcomes which the team has worked hard to generate.

The report also highlights a review of Advice Services in East Lothian, which will be carried out during 2018/19. Initially, the review will focus on the delivery of the current contract the Council has with the East Lothian Advice Consortium but the scope of the review is likely to then extend to include other providers, such as the Council's Welfare Rights team.

East Lothian's population is projected to grow by around 1% a year over the next 20 years – from just over 100,000 to over 125,000 by 2037. The Council has adopted a draft Local Development Plan which meets the requirement to ensure land supply for 10,050 houses and associated infrastructure over the next 10 years. Significant growth is projected across all age groups, but particularly among children and older people. The over 75 year age group is projected to grow by almost 100%; over 85s by around 150%. Around half of the clients supported by the Welfare Rights service are over 60 so, with an aging population and the large number of new houses being built in East Lothian, the demand for this service will grow.

In conclusion, with significant UK welfare reform and an economy which is still relatively fragile, the Council's highly regarded Welfare Rights team is facing an increasing demand for its services. The Welfare Rights team is helping to secure unclaimed welfare benefit money for people who cannot do this themselves and who are often in desperate need of help. Many lives are being improved immensely as a result and the team's contribution to reducing poverty in East Lothian cannot be underestimated.

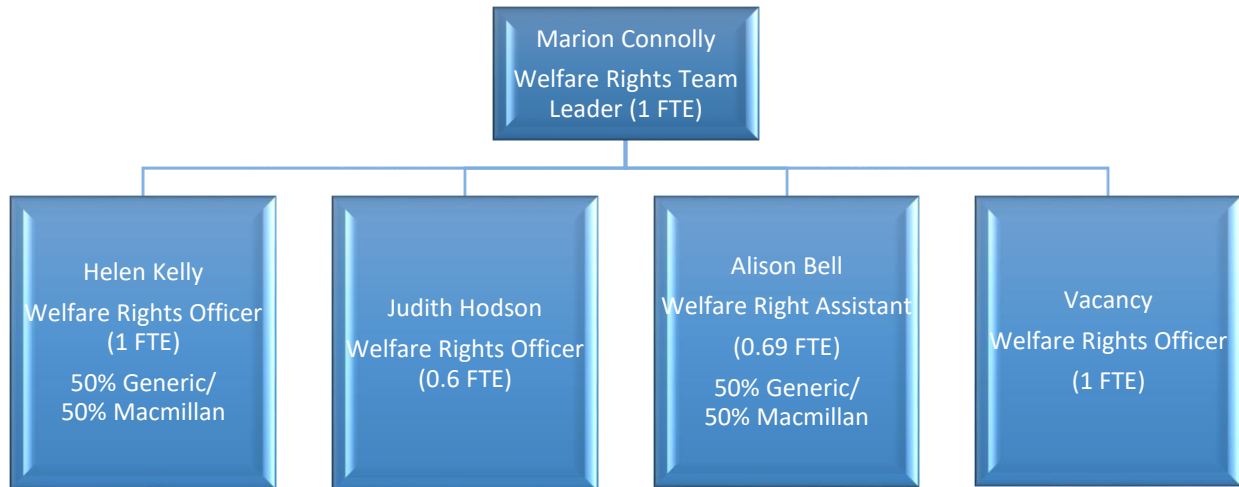
Kenny Christie

Service Manager – Revenues & Welfare Support

*The commitments we make to  
bring the real differences that will  
improve the quality of life of East  
Lothian residents*

## The Welfare Rights Team

The Welfare Rights team currently consists of a Team Leader, 3 Welfare Rights Officers and 1 Welfare Rights Assistant. One FTE Welfare Rights Officer position is currently vacant during the 12 week recruitment standstill period and a decision on filling this post has still to be taken.



Funding for the team is primarily provided by East Lothian Council, at a cost of **£170k** per annum. Temporary funding of **£23k** pa is provided by Macmillan Cancer Support as 50% of the cost of a Macmillan Welfare Rights Officer.

The team:

- ✓ Provides **free, confidential and independent advice** on welfare benefit to all residents of East Lothian
- ✓ **Increases knowledge and take-up** of social security and related benefits, including Universal Credit
- ✓ Carries out **benefit checks** to ensure claimants are getting the right amount of benefit
- ✓ Helps claimants to **fill in benefit applications and forms**
- ✓ Advocates in challenging negative benefit decisions at **Mandatory Reconsiderations** and provide representation at First Tier and Upper **Tribunals**
- ✓ Offers a **Macmillan Cancer Support** service to support the financial needs of East Lothian residents and their families affected by cancer

## Macmillan Cancer Support Service

### Background

East Lothian Council's Welfare Rights team work in partnership with Macmillan Cancer Support to provide welfare advice and support to people and their families affected by cancer.

Macmillan has built up a network of benefit and financial advice Advisers across Scotland. They have identified a need for a holistic, responsive, flexible and coordinated approach via one point of contact to reach people with cancer in the community who are unaware that help is available if they are not receiving their full benefit entitlement.

The project aims to provide an advice and advocacy service to people with cancer, their families and carers to help them live as normal a life as possible, maintain independence and improve quality of life.

The following services are mainly provided via home visits:

- ✓ Carry out a full [benefit health check](#)
- ✓ Help clients to [apply for benefits and grants](#), including those who are terminally ill
- ✓ Assist with [claiming help and health costs](#), such as travel to hospital
- ✓ Advise clients how to [access services or equipment](#) such as aids and adaptations or social care assessments
- ✓ [Liaise with other Agencies](#) and local services to get clients any help they need, for example debt advice, fuel poverty charities

The team has been working with Macmillan for four years and is very proud to deliver this valuable service.

In 2017/18:

- The team worked with **278** clients affected by cancer
- **215** of the clients were new to the Service in 2017/18
- The team secured a total income gain of **£1,111,934.85** for **245** Macmillan clients
- The team helped clients to access **£11,093.00** in Macmillan grants

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### Future Plans

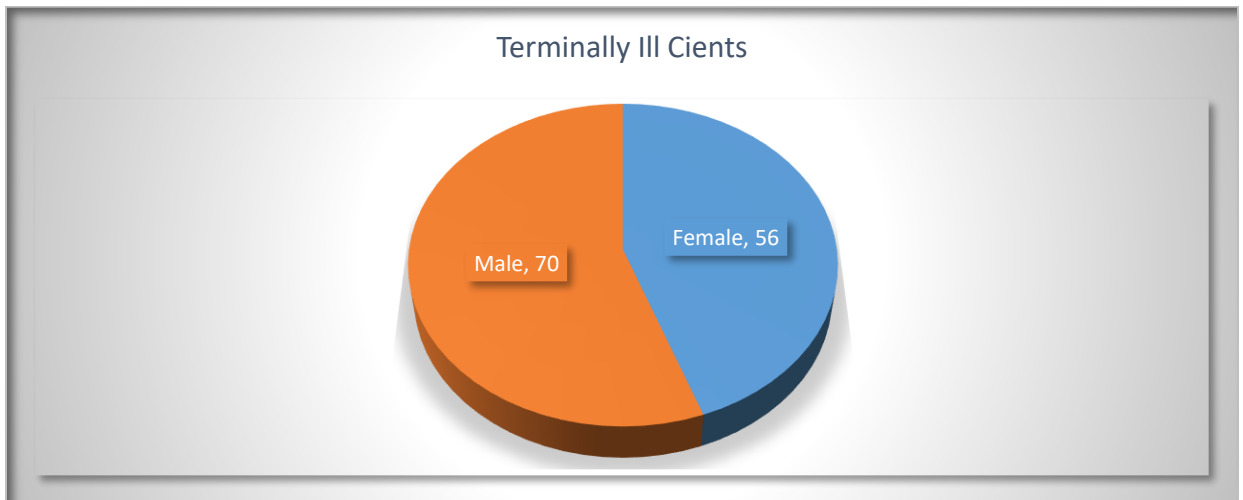
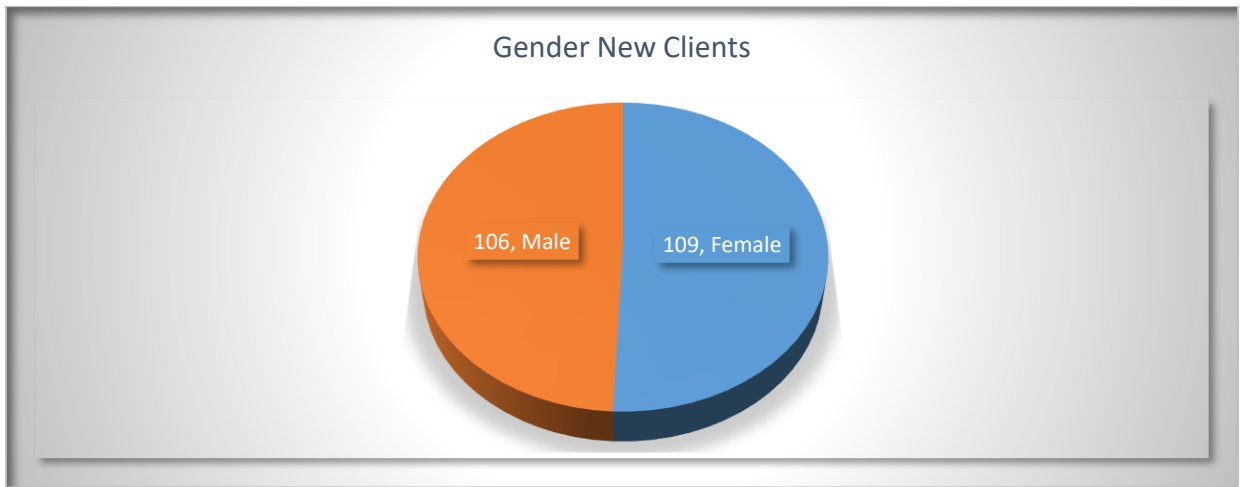
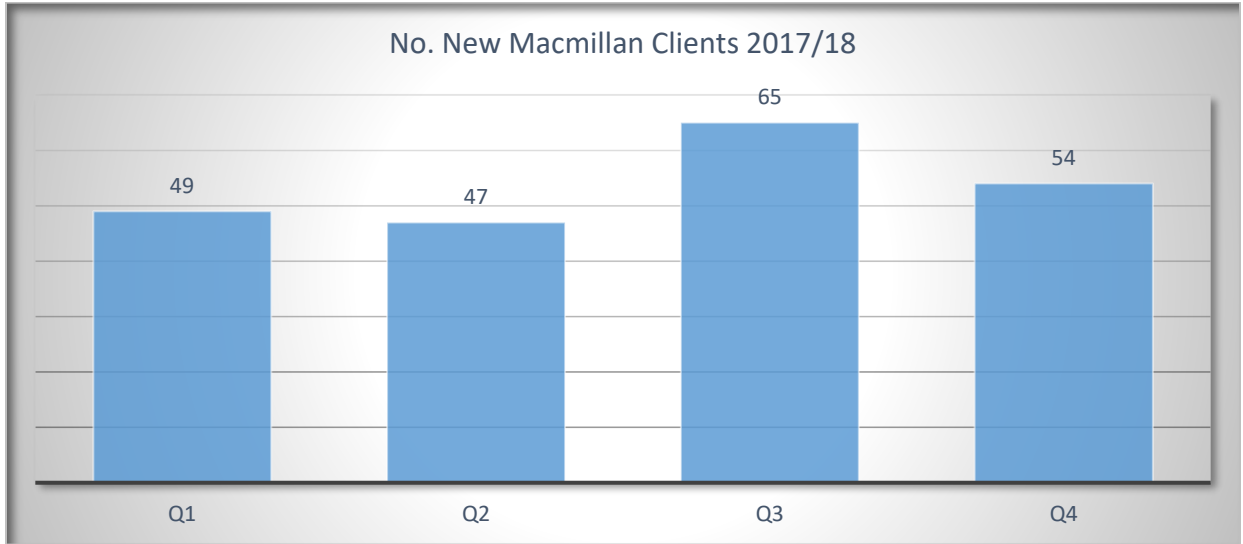
The funding provided by Macmillan for the welfare rights project ends in October 2019. When this project started in November 2013, there was a commitment from East Lothian Council to fully fund this post when the temporary Macmillan funding ended.

There could be an opportunity to create a new partnership with Macmillan within the new Community Hospital in Haddington. New funding could be made available if the Council can develop an innovative business model which meets the aims and objectives of Macmillan.

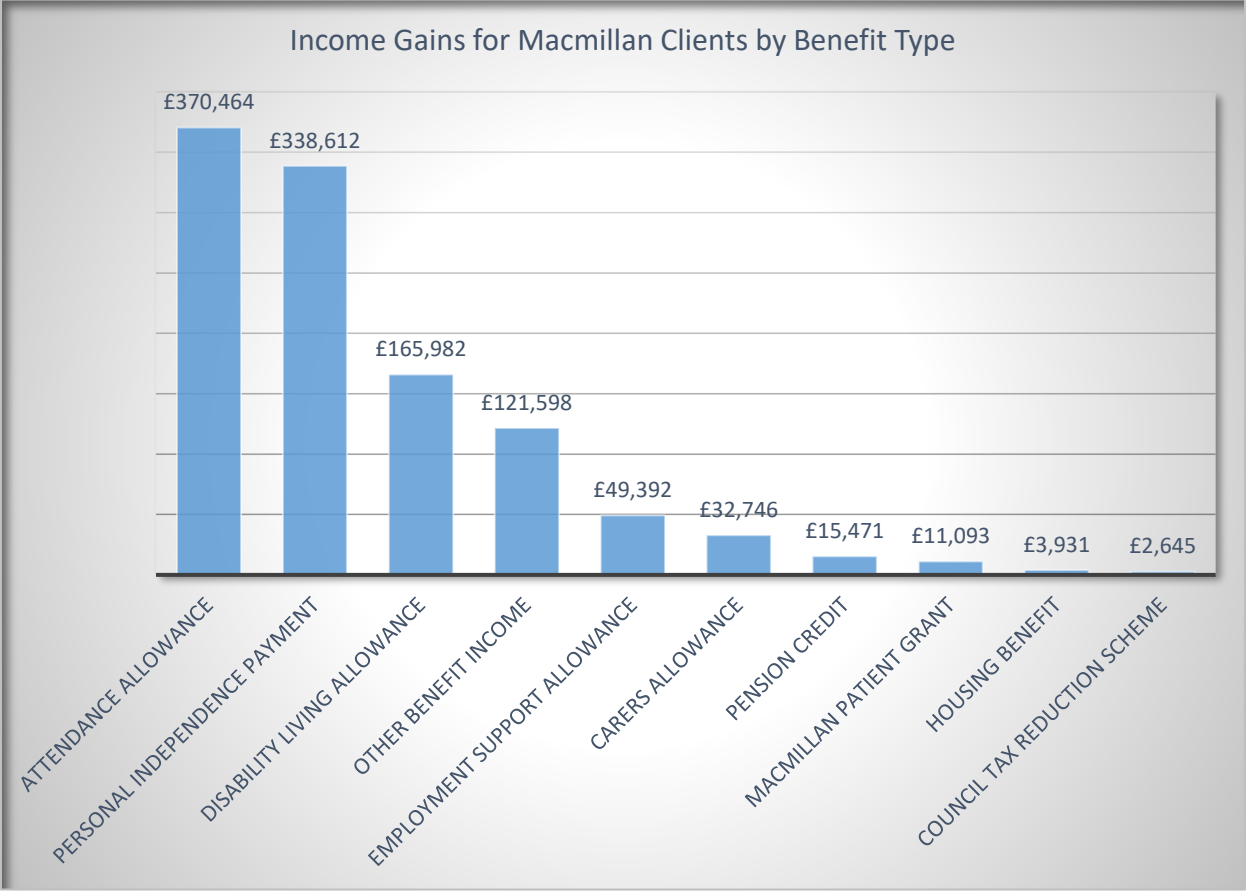
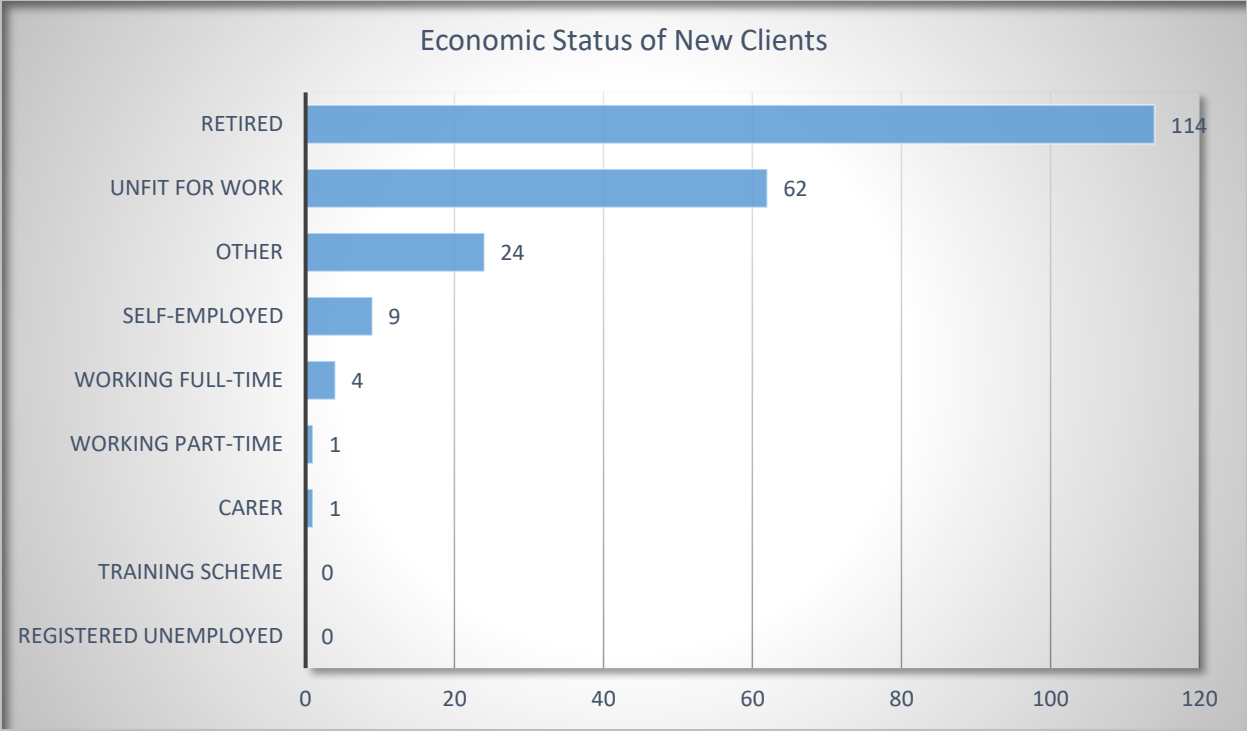


**MACMILLAN.**  
CANCER SUPPORT

## About our Macmillan Clients







## What's New?

The Welfare Rights team has been through a period of significant change over the last 18 months.

The team has benefited from having a Service Improvement Group, supported by a selection of Revenues staff, to review the work of the team, to streamline and update working methods, to introduce technology to ensure efficient delivery of service and to build resilience to meet future challenges and demands on the service.

The Welfare Rights team has embraced the opportunity to develop the service and have been instrumental in turning ideas and suggestions into new working practice. The team has adapted exceptionally well to the scrutiny around delivery of service and has welcomed the introduction of additional performance management information to raise awareness of the work of the team and to inform future service improvement work.

An example of some of the key operational changes made are shown below:

<p>Sharing of Information</p>	<p>The team has been able to access Council Tax, Rent and Benefits systems and also the Council's EDRMS system (management of this system is within the Revenues Service). Welfare Rights staff have been provided with training, support and guidance on the use of these systems to allow better sharing of information relating to mutual clients.</p>
<p>Performance Management</p>	<p>Historically, performance management information and reports have been produced by the Welfare Rights team themselves.</p> <p>This function has now been passed to the Revenues Performance &amp; Business Development Officer and work has been ongoing throughout 2017/18 with team members to capture more complete and accurate records so that robust and clean data can be extracted from systems more easily. Although a significant amount of information is now being recorded, there are plans to develop this further in 2018/19.</p> <p>A Performance Management Framework is now in place to allow more scrutiny of the service and to benchmark with other Scottish Local Authorities, in particular via the Common Advice Performance Management Framework (CAPMF). This is delivered jointly by the Improvement Service's Money Advice Outcome (MAO) Project, which is supported financially by the Money Advice Service.</p>
<p>Modern Apprenticeship</p>	<p>The Revenues &amp; Welfare Support Service have supported the Modern Apprenticeship scheme for a number of years and has been extremely successful in developing young people.</p> <p>Early discussions with the Welfare Rights team were positive around introducing a Modern Apprenticeship into the team, for one or two days a week to assist the team and to help with their own learning and development.</p> <p>A Modern Apprenticeship now works with the team two days a week and this has proved to be an extremely successful venture.</p>

<p>Outreach Surgeries</p>	<p>Historically, the Welfare Rights outreach surgeries have been held on a drop-in basis. In order to ensure the team is operating more efficiently, and resource is focused to the areas where there is a greater demand for this service, we have now changed all outreach surgeries to an appointment system.</p> <p>We have worked closely with our colleagues in Customer Service in recent months to help clients make the transition to an appointment system and I am pleased to report that all surgeries are now operating in this way.</p> <p>Customer Service colleagues have helped us greatly and their support is appreciated.</p>
<p>Telephony Advice Line</p>	<p>In addition to changing the way we manage outreach surgeries, we have also reviewed the way we manage phone calls coming into the team from clients.</p> <p>Historically, the Welfare Rights team has tried to cover incoming phone calls Monday to Friday, from 9am to 5pm. This has proved extremely difficult for a small team, who also work remotely from local Council offices and carry out home visits when necessary.</p> <p>We have been trialing a reduced hour telephony service in recent months, and I am again pleased to report that this new system has proved to be extremely successful and very effective for the team.</p> <p>All incoming phone calls are now directed to the main Council switchboard on 01620 827827. A small number of IVR options have been built into the virtual switchboard to advise clients of the advice line opening hours and to route calls to generic Welfare Rights team members, or Macmillan team members. An option to leave a voicemail message has been included and these messages are transferred to the team's generic mailbox <a href="mailto:welfarerights@eastlothian.gov.uk">welfarerights@eastlothian.gov.uk</a> for call backs.</p> <p>The team will respond to all phone calls and emails within 3 working days.</p>
<p>Referrals</p>	<p>The Welfare Rights team receives referrals from a number of Council teams.</p> <p>In the past, referrals have come into the team in a number of different ways, however to ensure that when referrals are made, they are consistent and provide key information at the first point of contact, a Referral Form was developed and introduced which is now emailed to the team's generic mailbox <a href="mailto:welfarerights@eastlothian.gov.uk">welfarerights@eastlothian.gov.uk</a></p> <p>This has made a big difference to the quality of referrals coming into the team and has allowed for a fuller first stage assessment of need to be carried out prior to contact being established with the client.</p>
<p>Publicity Material</p>	<p>We have been working with colleagues in the Council's Corporate Communications team to produce publicity material to raise awareness of the services provided by the Welfare Rights team.</p> <p>This material will be shared with stakeholders when available in early 2018/19.</p>

## Outcomes 2017/18

The key objective for the Welfare Rights team is to maximize client income from welfare benefit take-up.

In 2017/18, **1,304** clients required one to one, **in-depth casework** with a Welfare Rights Officer:

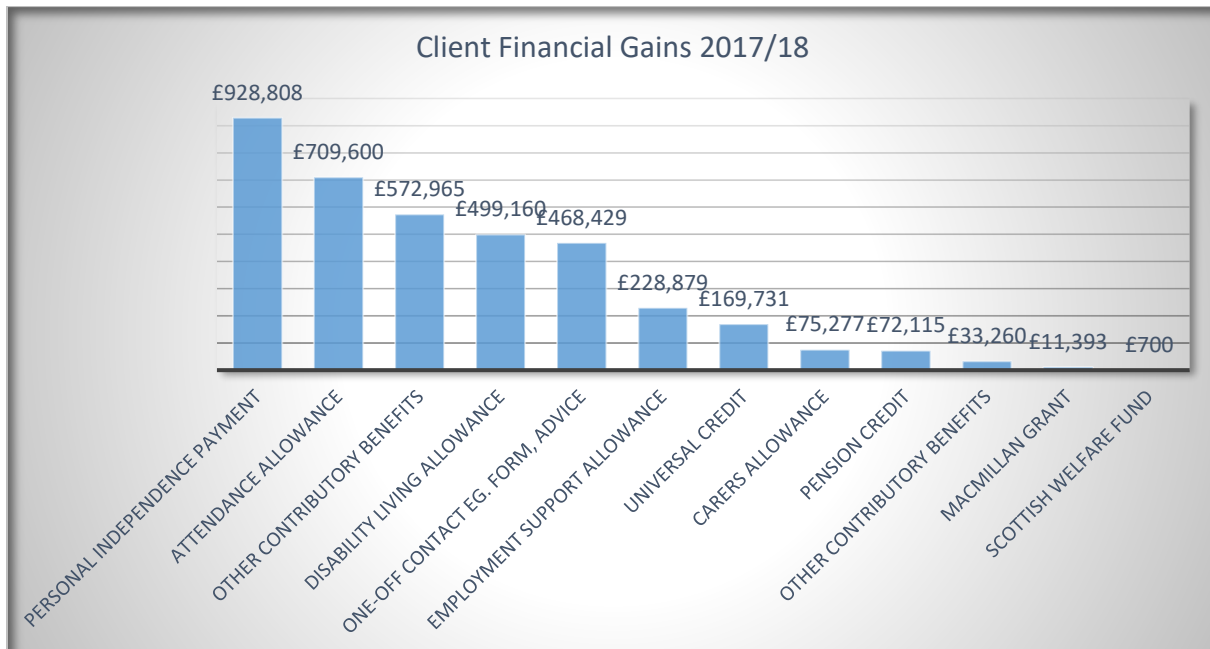
- **508** of these clients were known to the team in 2016/17 and their casework continued into 2017/18
- **796** new clients were introduced to the service 2017/18
- **926** client cases were closed by end 2017/18 and a total financial gain of **£2,958,791.94** recorded for these clients. This equates to an income gain of **£3,195.24** per annum for each household.
- The remaining **378** open cases have continued into 2018/19. To date, a total financial gain of **£343,094.94** has been recorded for these clients.

In 2017/18, a further **368** clients were assisted by the team, where only a **one-off contact** was required, for example to provide benefit advice or a benefit check, or to fill in a benefit form.

- **106** of these client cases resulted in an award of benefit, with a total income gain of **£468,429.00**. This equates to an income gain of **£4,419.14** per annum for each household.

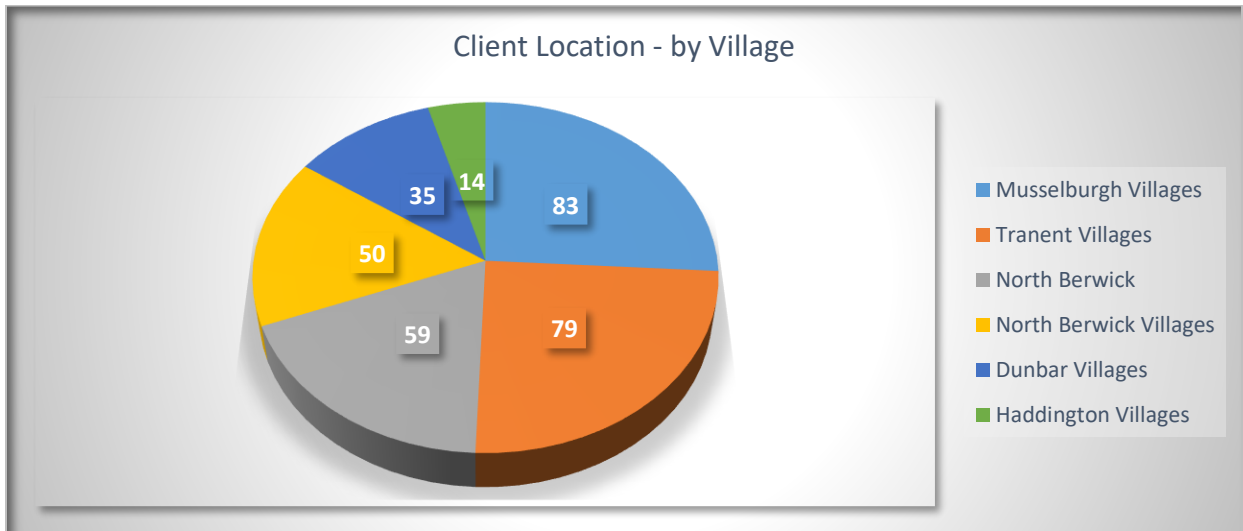
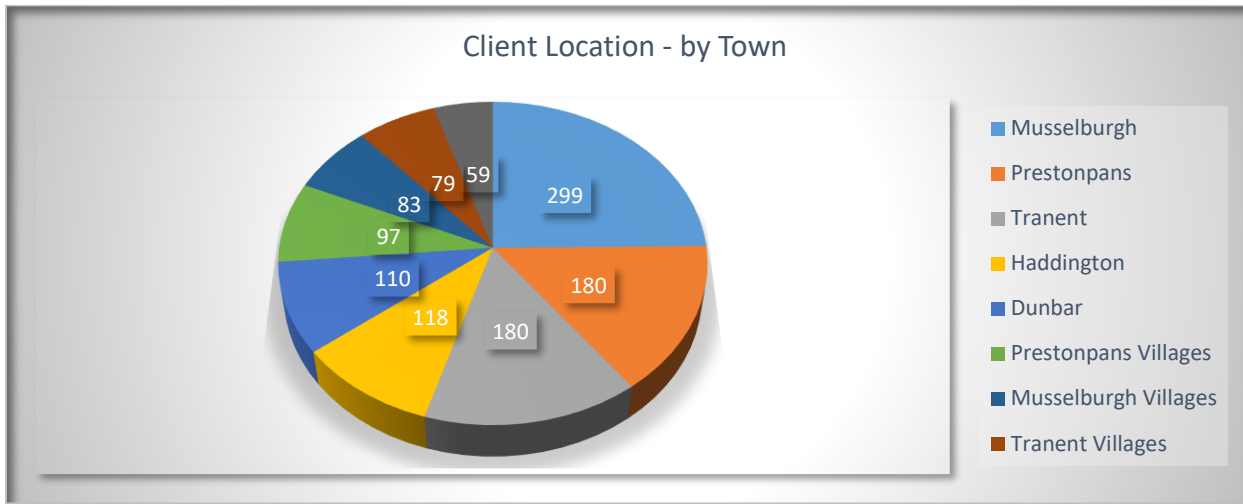
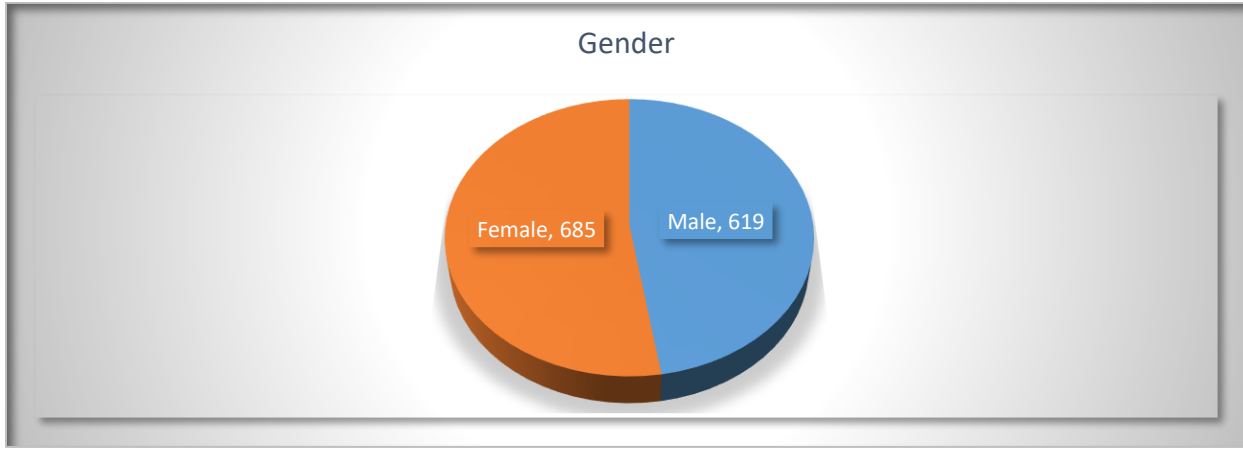
### Client Financial Gains

- The client financial gains reported at end 2016/17 were **£2,704,637.02**
- The client financial gains reported at end 2017/18 were **£3,770,315.88**
- An increase of **£1,065,678.86** when compared to previous year

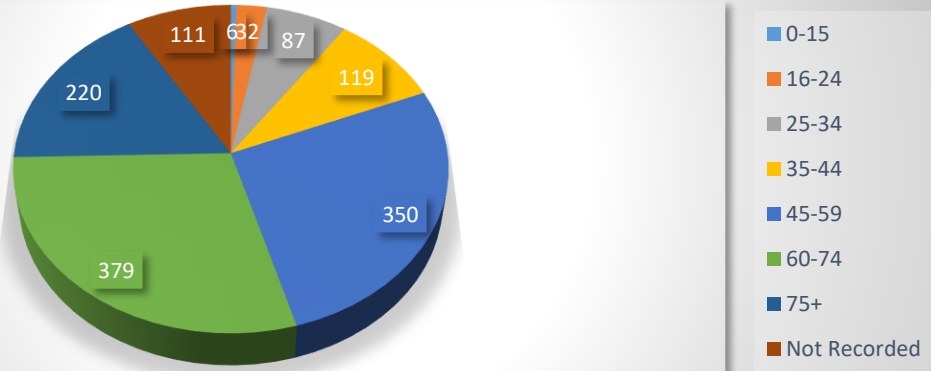


## About our Clients

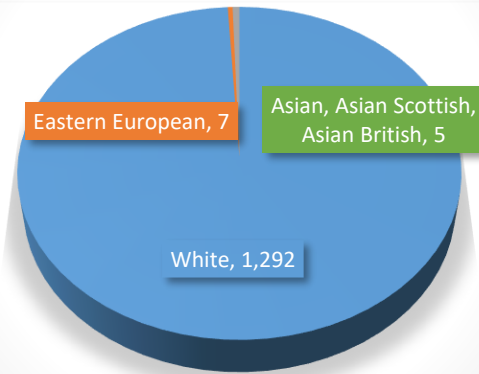
The statistical data shown below relates to the in-depth casework carried out for the 1,304 clients we worked with in 2017/18.



Age Range



Ethnic Origin



*Reducing Inequalities  
Growing our Economy  
Growing our People  
Growing our Communities  
Growing our Capacity*

## Cost of Service

In order to determine value for money, we have introduced a performance indicator to calculate the amount of extra customer income gained as a ratio of the cost of the service (a leverage figure).

This figure was set at **20:1** for financial year 2017/18.

The total income gained in 2017/18 was £3,770,315.88 and the cost of the service was £170,239.60.

$£3,770,315.88 / £170,239.60 = 22.15\%$

A ratio of **22:1** has been achieved in 2017/18.

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## Cost per Client

The cost per client can be calculated in different ways. As we have no dedicated case management system, we currently rely on an Access database to record information. This is primarily used for in-depth casework, although one off face to face contacts are recorded also. This means that there are gaps in the information recorded, for example the number of enquiries coming into the team.

In addition to this, there will be multiple contacts with some clients, some of which will be more time consuming, particularly those which progress to Appeal stage.

An overall cost per client has been calculated, based on the cost of the service in 2017/18 against the number of clients recorded (in-depth casework and one off face to face contacts only).

Cost per client  $£170,239.6 / 1,672 =$  **£101.82** (estimate)

One of the key aims in 2018/19 is to re-run the procurement exercise to acquire a dedicated case management system, which in 2017/18 was unsuccessful.

*Realising operational and cost efficiencies through improved and streamlined business processes.*

## Outreach Surgery Statistics

The Welfare Rights team hold outreach surgeries across East Lothian on a regular basis to assist clients locally.

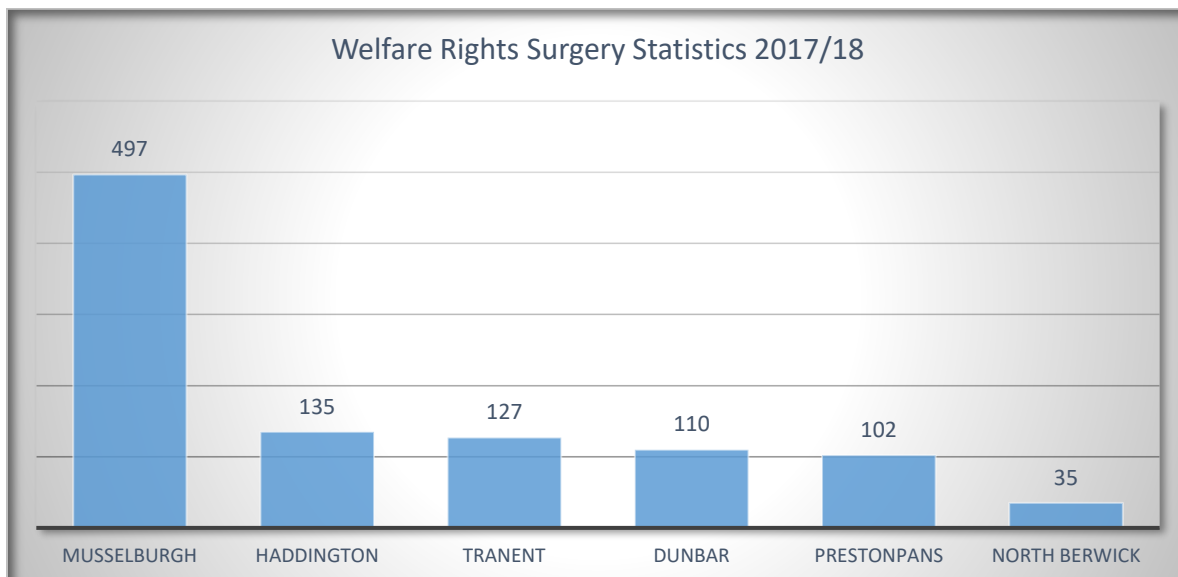
As mentioned previously, these surgeries have been moved to an appointment only basis in 2017/18.

Surgery locations and times are shown below:

Musselburgh	Brunton Hall	every Wednesday (am)
North Berwick	Library, School Road	1 <sup>st</sup> & 3 <sup>rd</sup> Wednesday (pm)
Dunbar	Bleachingfield Centre, Countess Road	every 2 <sup>nd</sup> & 4 <sup>th</sup> Wednesday (pm)
Prestonpans	Aldhammer House	1 <sup>st</sup> & 3 <sup>rd</sup> Thursday (am)
Tranent	George Johnstone Centre	2 <sup>nd</sup> & 4 <sup>th</sup> Thursday (am)
Haddington	Court Street	1 <sup>st</sup> & 3 <sup>rd</sup> Thursday (pm)

1,006 clients attended a Welfare Rights outreach surgery at a local Council office in 2017/18.

The surgery statistics, by local Council office, are shown below.



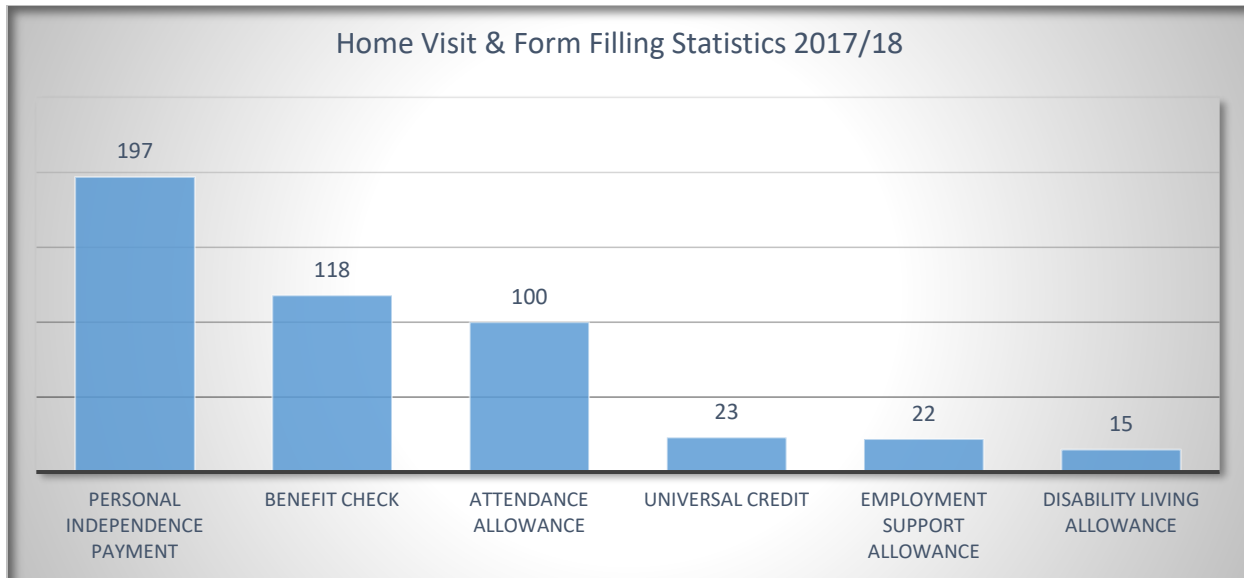
More statistical information about the reason for surgery attendance will be recorded in 2018/19.



## Home Visit Statistics

A number of clients require a home visit, particularly Macmillan clients or those with severe health problems. The main reasons for home visits is to assist with completion of benefit applications and forms, in particular for Attendance Allowance, Disability Living Allowance and Personal Independence Payment and also to carry out a benefit health check. Where possible, clients will be asked to make an appointment at a local Council office and we are encouraging this practice more, where possible, however some clients do require assistance at home.

475 clients required a home visit in 2017/18. Statistics, by benefit type, are shown below:



## Referral Statistics

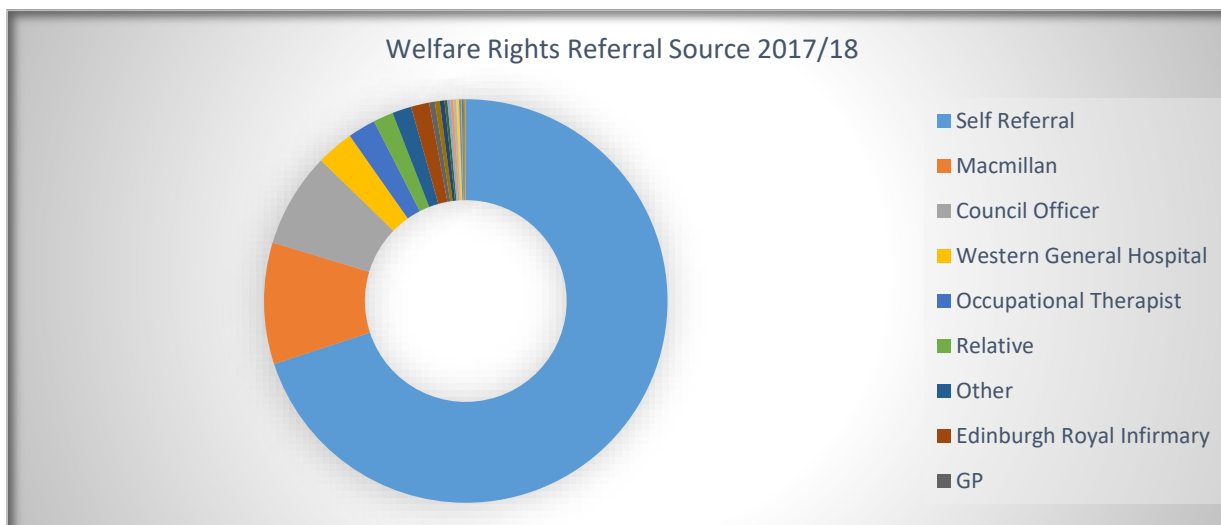
Self-referral to the Welfare Rights team continues to be the highest referral mechanism.

In 2017/18:

- 912 clients accessed the service directly
- 232 referrals were made to the team on behalf of clients by a Primary Health Care associate
- 99 referrals were made to the team by Council Officers

*Target our resources towards East Lothian residents and communities that are most affected by poverty and deprivation*

A breakdown of referral source can be found below.



## Mandatory Reconsiderations & Appeals

**148** Mandatory Reconsiderations were instructed by the Welfare Rights team in 2017/18.

**103** of these were not overturned and therefore progressed to Appeal stage.

By end 2017/18, **62** of the Appeals were complete and successful, with an overall success rate of **60.19%**.

**27** were unsuccessful, **3** were adjourned, **1** client withdrew and the remainder are in progress.

	No. Mandatory Reconsiderations	No Appeals	No. Won	% Won
<i>Disability Living Allowance</i>	13	3	2	66.67%
<i>Personal Independence Payment</i>	77	70	40	57.14%
<i>Carers Allowance</i>	2	0	n/a	n/a
<i>Employment Support Allowance</i>	34	24	18	75.00%
<i>Universal Credit</i>	9	5	2	40.00%
<i>Other Contributory Benefits</i>	11	1	n/k	n/k
<i>Pension Credit</i>	1	0	n/a	n/a
<i>Other</i>	1	0	n/a	n/a
	<b>148</b>	<b>103</b>	<b>62</b>	<b>60.19%</b>

Where an error of law is identified in First Tier Tribunal decisions, cases are taken to the Upper Tribunal. No statistics are available for these at present.

## Case Studies

### Generic Welfare Rights Case Study 1 – Disability Living Allowance

An 18 year old with mutism (inability to speak due to mental health issues) had claimed Disability Living Allowance (DLA) due to difficulties with communicating and getting to places on her own. Claim was refused and Welfare Rights Officer helped firstly with Mandatory Reconsideration (MR) which then progressed from Appeal stage to First Tier Tribunal when MR was refused. All details had to be obtained through the client's mother due to the mutism.

Welfare Rights Officer provided a written submission to Tribunal Service and then representation on the day, which the client and her mother attended. The Tribunal Service awarded Personal Independence Payment (PIP) standard rate daily living component but no mobility component.

Welfare Rights Officer requested a full written statement of reasons for the First Tier Tribunal's decision and identified an error of law in the Tribunal not applying the correct criteria for the mobility component due to a change in the interpretation of the law. Due to this, the Welfare Rights Officer obtained permission to appeal to the Upper Tribunal, which agreed an error of law had been made and referred the Appeal back to be re-heard by another First Tier Tribunal.

Welfare Rights Officer again represented at this second Tribunal and the standard rate of the mobility component (£22.65 per week) was awarded as well as the standard rate of the daily living component (£57.30 per week).

### Generic Welfare Rights Case Study 2 – Universal Credit

A young woman with severe mental health problems as a result of tragic family circumstances was referred to the Welfare Rights team. She had moved to live with another sibling due to her trauma. This move triggered a claim for Universal Credit (UC).

Her UC claim was mishandled in a number of ways causing her extreme stress and anxiety and exacerbating her mental health issues; she was not paid the correct amount of rent; the extra amount due to her illness was not included in the award; her previous sickness benefit continued to be paid incorrectly. Due to this, the client had both an overpayment of £3,049.08 and an underpayment of £1,593.80 UC, which increased her anxiety.

During six appointments with this client, the Welfare Rights Officer submitted a Mandatory Reconsideration for the over and underpayments via the client's UC online journal, along with a request for the correct housing costs be paid. This resulted in £739.12 housing cost arrears being paid, an extra £328.32 per month sickness element and also a lump sum of £1,593.80.

The Welfare Rights Officer then negotiated with DWP not to recover the overpayment of UC due to the stress it was causing and submitting a letter obtained from the client's consultant psychiatrist in support of this, thus reducing pressure on this client.

## Generic Welfare Rights Case Study 3 – Multiple Benefits

An elderly couple struggling to survive from a limited income of two state pensions and one Attendance Allowance, paying their full council tax came to a Welfare Rights surgery for advice.

It was identified that they had an underlying entitlement to Carer's Premium plus Pension Credit (PC) and full Council Tax Reduction (CTR). Two further appointments were made with a Welfare Rights Officer to assist in making these claims which culminated in an award of PC of £97.83 per week, backdated for 3 months, CTR of £20.21 per week with £391.58 arrears and a Blue Badge.

## Macmillan Case Study 1 – Personal Independence Payment

Client has lived with a brain tumour for 16 years and has over time been in receipt of either Disability Living Allowance (DLA) or Personal Independence Payment (PIP). Treatment over the years has involved surgery the most recent being a craniotomy whilst awake, along with radiotherapy and chemotherapy. Despite what could be regarded as significant clinical evidence of impaired ability to function, her review application for PIP was turned down in March of 2017 as no points were given for either daily living or getting around and unfortunately this case did have to go as far as a First Tier Tribunal.

When considering clients application for PIP the decision maker relied very much on the evidence provided by one of the DWP's partner organisations who were given the task of carrying out a face to face consultation whereby a Health Care Professional (HCP) compiled a report. The HCP's clinical background was in midwifery. Whilst clearly a specialist in this field of medicine, there were concerns that there was limited medical experience relating to cancer care..

The decision maker referenced the fact that the client was employed part time and implied that this work was incompatible with stated needs. This was a disappointing approach as once again it appeared to indicate a lack of cancer awareness.

For this client, employment has been essential in relation to occupational and psychological wellbeing. The client has worked with this employer for many years and has been supported over the 16 years of ups and downs and the impact of treatments. The client has had to give up any hope of promotion and can only work very limited hours and relies very much on the good will of colleagues.

The PIP Appeal was successful but the strain of the whole process did take its toll.

## Macmillan Case Study 2 - Universal Credit

Client presented to the Welfare Rights outreach surgery in November of 2017. The primary issue was non-payment of UC despite showing entitlement in the UC Journal. On further examination of the UC payment schedule, client's full UC entitlement and been taken off to cover an overpayment of housing costs, hence left financially destitute. There are ongoing issues in relation to the recovery of overpayments.

Client transferred from the old style Income Based Employment Support Allowance (IBESA) to UC as had been found fit for work. Unfortunately client did not seek support to challenge this decision. Any challenge now would be have been out of time and circumstances had changed as they had just been given a very recent diagnosis of cancer.

The Council's Housing Benefit (HB) team were not notified of this change, therefore HB continued to be in payment for some time. At the same time, DWP were awarding UC payments to cover housing costs, resulting in an overpayment. The overpayment was not pursued by the HB team, DWP pursued the overpayment.

The rules regarding recovery within UC are very restrictive and there are very few grounds where you can argue that the overpayment is not recoverable and it has been necessary to resort to requesting that discretion is used. It is extremely concerning that DWP give no thought or consideration to individual circumstances and will literally leave clients financially destitute in the pursuit of recovery of other benefits.

In the case of this client, the team was able to secure a significant advance payment of UC on the day and the client was also referred to the local Foodbank. A Macmillan grant was applied for and an application for PIP was completed. An entry was also added to the UC journal informing DWP that the client was starting chemotherapy and that his award of UC should reflect this.

Significant support was given by the Foodbank. A Macmillan Grant was awarded as well as PIP and the client did receive UC standard rate and the additional Work Capability Allowance.

## Macmillan Case Study 3 - Universal Credit

Client was off work long term sick due to a cancer diagnosis and treatments. They were issued with an SSP1 form and contacted the local Job Centre who advised that the client would have to complete an online application for UC. One of the requirements of UC is that a partner also has to complete an online application. Both did as advised and made the online application for UC.

This advice was wrong at the outset. Client had a long work record and should have been advised to apply for New Style ESA Contribution Based, furthermore the partner is in full time employment. None of this was researched or investigated by either the local Job Centre or DWP.

There seems to be a blanket response in UCFS areas, whereby anyone presenting themselves as out of work and no longer qualifying for any statutory benefits are told they have no option and need to apply online for UC.

As requested, the clients attended an interview at the Job Centre. The first question asked of the partner was "what do you intend to do to find work?" Client's partner informed the member of staff that they were in employment, which had already been stated on the online UC application. Client was also asked this question by

a different member of staff and informed them that they were still employed but no longer being paid statutory sick pay from the employer.

This is a current case and is extremely difficult for client and their partner. This is the third cancer diagnosis, coping with this and dealing with their UC claim is causing a tremendous strain.

Client had contacted Macmillan Welfare Rights as UC had stopped as the client failed to attend a back to work interview which, given the circumstances and medical history, is extremely harsh. This client should never have been paid UC and should have been directed to New Style ESA CB. Once in place, then a UC application could have been considered. This case is a work in progress and unfortunately not the only case of this type.

#### Macmillan Case Study 4 - New Style Employment and Support Allowance Contribution Based

Client has a cancer diagnosis and had been of work sick 26 weeks. The employer issued client with an SSP1 form with advice to take this document to the DWP. The client and partner took the document to the local Job Centre who asked about household income. The client's partner explained they had a salary. The member of staff simply said there was no entitlement as they were in a UCFS area and as the income was above the threshold, there were no other benefits that could be applied for.

Client put the SSP1 form in the bin as had no reason to doubt the information given by the Job Centre. Client had contact with a Macmillan Welfare Rights Officer who picked up on this issue. The appropriate forms were completed along with a request to the employer to re-issue the SSP1 form and a compliant was sent to the DWP Complaints and Compliance team. This case was eventually resolved and relevant NS ESA CB was paid from the appropriate date.

*Improve the life chances of the  
most vulnerable people in our  
society*

## Client Feedback

The feedback received from clients assisted by the Welfare Rights team is exceptional and particularly emotive given the difficult and often distressing situations many clients are dealing with.

Although clients are provided with surveys so that the team can gather feedback, we are keen to develop this area further in 2018/19. In place of this, some examples of stakeholder feedback are provided.



*Thank you so much for all your support and hard work for A's tribunal.*

*We really appreciated all you did and the great job Welfare Rights do.*

*Wishing you all the best.*

*Just to say thank you so much for filling in my PIP form for me.*

*I had the assessment a few weeks ago and have just got a letter to say they have awarded me the same rates as I am on from DLA.*

*Thanks for all your help.*

*To the people who work tirelessly without judgement, prejudice and receive no acknowledgement for their endless patience in helping others actually living in this country when disaster strikes their lives.*

*If it was not for the amazing lady who answered my call straight away I would definitely have ended up in a box, not through my disability. It would have been through suicide due to my benefit situation.*

*You provide an amazing service, you may not be able to help me at all but the fact you answered the phone and treated me like a human being was the beam of hope I so desperately needed. You must have hearts of gold to do the work you do. I don't want to either be on benefits or need help or hand-outs but my health has decided for me otherwise. I feel a fraud for asking for help with calls I should be able to make on my own but I can't...*

*So for answering the phone, for being kind and for your very existence, THANK YOU.*

*Just to let you know I am receiving Carer's Allowance.*

*It has been backdated to when R's PIP application was first received. I will also be receiving regular weekly payments from DWP.*

*I would like to take this opportunity to thank you for your help which is very much appreciated.*

*Thank you so much for your advice to contact the DWP regarding Pension Credit now that I've been awarded PIP.*

*I'm delighted to say that I've been awarded the highest amount of Pension Credit and this has been backdated to when the PIP began which has enabled me to get a few things to make my life easier. New cooker and Hoover for instance.*

*Thank you again.*

*Once again, thank you for your help with the monster ESA form the other day. You have certainly removed a lot of stress from my life over the past weeks handling DWPs bureaucratic nightmare of phone calls, forms and repeated phone calls, hours spend on hold listening to music.*

*I wish you well in the future and applaud the patience you display in helping out people like me.*

*Yes, I received the child benefit, and as a consequence of this I am now on the higher rate of the bereavement benefit. So I am fully up to date.*

*If this means that your job is done we cannot thank you enough for all your help before and after the tragic event. We both warmed to you and felt the same back. You are terrific at your job and this deserves to be recognised. If appropriate, I would like you to forward this to your manager/employer.*

*Thank you so much, we are so grateful.*



*Thank you for your help and support over the past few months, it has been a great help and very much appreciated.*

*Just wanted to drop you a quick line to say that my uncle passed away peacefully with his loved ones by his side last Thursday. His passing was quicker than anticipated but at least he didn't suffer too long.*

*I would like to extend my gratitude at all you did for my uncle and the support you gave him, and me, at a very difficult time.*

*I just wanted to thank you very much for your help at the Tribunal last week. It was pretty grueling, but having you there helped with my confidence levels tremendously.*

*Wishing you all the very best with the next chapter in your life.*

*Thank you for vetting my PIP application at Brunton Hall surgery.*

*I am pleased to confirm I am successful in my application and my award starts today.*

*To paraphrase that well known poet, I wish you could see yourself as others see you, then perhaps you'd realise how brilliant you are!*

*Honestly, one call from you and the world seems alright after all. So once again, many thanks for all your help, kindness and patience, it's a great gift you have, making your clients feel so much better and boosting their morale in the process.*

*Meantime, I hope you know how much all you do is appreciated greatly.*

*Meantime, I hope you know how much all you do is appreciated greatly.*

## Challenges During 2017/18

<p>Welfare Rights Case Management System &amp; EDRMS</p>	<p>We have mentioned previously in this report that the lack of a dedicated Welfare Rights case management system continues to present real difficulties for the team. It is critical that we streamline working processes and work efficiently and electronically. It is also imperative that the work of the team can be clearly evidenced and that good, clean and accurate performance information can be extracted from systems.</p>
<p>Adult Wellbeing Charges</p>	<p>The introduction of new Adult Wellbeing charges plus increases to existing charges e.g. home care, personal alarms, etc. has generated a lot of work for the team as the team's contact details were provided to service users so that benefit checks could be carried out to maximise client income to help pay these costs.</p>
<p>Universal Credit (UC)</p>	<p>East Lothian was the first Scottish Local Authority to go live with Universal Credit Full Service (UCFS) and we continue to experience particular problems with this benefit.</p> <p>During this 'Test and Learn' phase of the UCFS digital service, the lack of IT skills amongst significant numbers of claimants has become apparent and access to computers can also be challenging, particularly for clients who are in hospital.</p> <p>There continue to be ongoing issues for claimants who do not have adequate computer skills, have learning disabilities or mental health problems, have literacy or numeracy problems. Many of these clients are considered vulnerable and require additional support and assistance to claim and maintain their UC online.</p> <p>There have been significant difficulties with regard to UC and the relationship with Contribution Based Benefits, especially Employment Support Allowance (ESA). Case studies have been provided to evidence the challenges faced by the Welfare Rights team as there appears to be a lack of understanding from the DWP and the local Job Centre around rules for claiming contributory based ESA and are therefore providing incorrect advice.</p>
<p>Migration from Employment Support Allowance (ESA) to Universal Credit (UC)</p>	<p>Extra components due to ill health are frequently not included in the UC award when transferred from ESA, with a potential loss of up to £318.76 each month. There is a lot of intervention work needed around this complex area as DWP UC Helpline are unaware of the issue, relevant legislation and it can take months to rectify.</p> <p>The High Court has found that the loss of two premiums on transfer from ESA to UC discriminatory with loss of up to £87.85 a week. The DWP will now need to identify people already transferred to compensate for this loss. This issue was raised by the Welfare Rights team who will assist with ongoing claims.</p>

<p>Mandatory Reconsiderations &amp; Appeals</p>	<p>It is very difficult to give clients advice when dealing with Employment Support Allowance (ESA) Mandatory Reconsiderations and Appeals as clients are often left with a much reduced income while the process is worked through or have to claim UC, but then claimants will not get their full entitlement back even if a Mandatory Reconsideration or Appeal is successful.</p> <p>Where a decision is made that a client is not entitled to UC, their claim is closed down. However, this means they cannot access their UC journal to challenge this decision.</p> <p>The Welfare Rights team are assisting with these appeals.</p>
<p>Department for Work &amp; Pensions (DWP) - Explicit Consent</p>	<p>DWP has previously accepted implied consent for a third party, e.g. a Welfare Rights Officer to speak on claimant's behalf, however DWP will not accept this and require explicit consent specific to each individual query. This is time limited and cannot be used repeatedly. This makes it very difficult for the Welfare Rights team to assist claimants.</p>
<p>Macmillan - Personal Independence Payment &amp; Health Care Professional Assessment Reports</p>	<p>A Health Care Assessment is used as a tool to establish if an individual claimant meets criteria as set out in legislation for specific disability benefits. The primary benefits being PIP, aged 16 to 65; Disability Living Allowance (DLA), up to 16 years of age; Attendance Allowance (AA), over 65 years of age and Employment and Support Allowance (ESA) and Industrial Injuries Disablement Benefit (IIDB).</p> <p>Some years ago the Department for Work &amp; Pensions (DWP) outsourced their medical services and a new partnership arrangement was formed with the main partner companies being ATOS and Maximus. These private companies carried out a huge recruitment drive employing medics and clinicians from different medical disciplines.</p> <p>A Health Care Professional's clinical background can be in a particular specialist area. An HCP can be a nurse, occupational therapist, physiotherapist, midwife, paramedic, etc. The difficulty then is they may not be well versed in particular long term or complex medical conditions. An example could be a client with learning disabilities who is assessed by a physiotherapist. Learning disabilities are a particular field in relation to barriers to work and abilities to self-care and getting around, it can often be the case that the HCP is not matched with a given disability, taking into account their clinical background and experience.</p> <p>This can result in additional work for the Welfare Rights team having to support claimant Appeals, which could have been avoided if the assessment had been carried out by a HCP with specialist knowledge of the condition.</p>

Macmillan - Blue Badge

Currently any client presenting with a DS1500 form (terminally ill) will nearly always qualify automatically for a blue badge. This gives clients preferential parking rights.

However, our Transportation colleagues in East Lothian Council have been notified by Transport Scotland that this should not be the case and that terminally ill clients applying for a blue badge will have to meet the ordinary criteria and either attend an Assessment or be in receipt of qualifying benefits.

This will impact claimants over the age of 65 who can no longer be considered for any rate of PIP. Attendance Allowance (AA) does not consider a claimants walking needs.

The blue badge is a popular means of welfare support in relation to welfare and health. Clients make a contribution to the cost and at the same time it is not seen as a welfare benefit from the state. It is generally only offered for one year and makes a significant difference with regards transport costs and accessible parking. It is relatively uncomplicated to apply for a blue badge when a DS1500 is in place.

Our Macmillan Welfare Rights Officer has referred this matter to Macmillan Cancer Support with a view to the DS1500 being an appropriate passport for entitlement to the blue badge. She has also raised with the Scottish Government.

*Reducing inequalities across and within our communities*

## Challenges for 2018/19

Many of the challenges faced during 2017/18 will continue into 2018/19, however the main challenge for the team in this new financial year will be to manage the demand for their services with the resources available. Already this financial year, as a result of a vacant post arising within the team, we have had to make some changes to the way we work:

<p>Outreach Surgeries</p>	<p>Some outreach surgeries have had to be cancelled temporarily to allow cover for Tribunals and during periods of leave with reduced staffing levels.</p> <p>The number of surgery appointments being offered in some surgeries has been cut as the volume of work these appointments generate has become very difficult to manage. Customers are being asked to come back at a later date or to visit an alternative surgery in another town if possible.</p>
<p>Representation at Tribunals</p>	<p>We have reduced the amount of representation at Tribunals.</p> <p>This is currently a temporary measure as the Tribunal Service has targets to meet in terms of how quickly an Appeal has to be heard. If we are unable to offer representation within a set period of time then this would put East Lothian residents at a disadvantage in that they would have to wait an unacceptable length of time until their Appeal is heard.</p>

Other action being considered if resource within the team continues to be a concern:

<p>Outreach Surgeries</p>	<p>We may need to cut back on the number of surgeries we offer across East Lothian and consider closing the least used surgeries.</p>
<p>Home Visits</p>	<p>Reduce the number of home visits we carry out. Home visits are only carried out at present if a client is unable to attend an outreach surgery, but we may need to reduce this further.</p>
<p>Completion of Forms</p>	<p>Limit the numbers of requests we accept to complete Personal Independence Payment, Disability Living Allowance and Attendance Allowance forms.</p>

The impact of these changes, will have a considerable adverse effect on local residents and this remains a major concern for the Service.

Other Advice Services share this concern at a time when Universal Credit managed migration and devolved social security benefits are both looming large on the horizon. There is a risk that Advice Services in East Lothian may be unable to cope with the challenges all of this will present. There is also a risk that if demand is not met, Council income streams may be adversely affected as East Lothian residents may not have the means to pay rent and council tax.

## Review of Advice Services in East Lothian

The Council currently provides funding to the East Lothian Advice Consortium (Haddington CAB, Musselburgh CAB and Carers of East Lothian) to provide a range of advice services, covering:

Income maximisation

Money (debt) advice

Housing (debt) advice

General advice

During 2018/19, the Council will commission a review of the Consortium contract and the wider service provision within East Lothian, likely to be in two phases:

**Phase 1:** a review of delivery of current contract – including outcomes, cost/best value and impact on reducing poverty. This will inform decision making on any potential extension of contract. This phase is to be completed by August to allow a decision to be made three months prior to contract end.

**Phase 2:** consideration of future contract and service scope requirements taking account of current context and future challenges and opportunities such as Universal Credit and the new Scottish Social Security system. This phase is to be completed by April 2019.

*Investing in prevention and early intervention to avoid more costly crisis intervention*

## What next for us in Revenues & Welfare Support?

The review of Advice Service in East Lothian will carry on, but notwithstanding any outcomes from the review, this is what we plan to do in 2018/19:

<p>Managed Migration to Universal Credit</p>	<p>The Department for Work &amp; Pensions is planning to transfer all remaining working age Housing Benefit claimants to UC in a managed migration exercise. It is not yet known when East Lothian claimants will be transferred to UC but this looks certain to begin during 2019. It is expected that this migration will significantly increase the demand for the services of the Welfare Rights team, given the ongoing issues outlined in this document.</p>
<p>Campaign work to help Council tenants prepare for UC managed migration</p>	<p>From the Council's experience of managing the impact of UC on East Lothian tenants and residents, working age Housing Benefit claimants who have not yet had a change in circumstances which would trigger a move to UC are considered to be at high risk of being ill prepared for the challenges they will face when moving to the new welfare system e.g. they could need budgeting support and help to develop digital skills etc. This lead in time presents an opportunity to help prepare Council tenants for their move to UC and it is proposed that two temporary positions will be created, within current budget, to arrange to engage with all affected tenants prior to the UC managed migration to work through a comprehensive checklist, providing immediate support and assistance where they can and signposting any other help available to ensure readiness for the significant changes these tenants will face. This pre managed migration campaign work will help to mitigate against the financial impact for Council tenants and will also help to reduce potential stress and anxiety which may be caused by such major changes. The pre managed migration work will also help safeguard the Council's rental income.</p>
<p>Personal Budgeting Support for UC claimants</p>	<p>To assist with the local delivery of Universal Credit, the Council has received funding from the Department of Work &amp; Pensions (DWP) to provide a Personal Budgeting Support (PBS) service for claimants who are experiencing difficulty in managing their own financial affairs, in particular, those who may struggle with household budgets when receiving UC (including housing costs) direct. Castle Rock Edinvar Housing Association provided this service on behalf of the Council until December 2017, at which point the Association advised that it could no longer deliver the service. The Council has received an increased level of DWP funding for PBS during 2018/19 and this will be sufficient to fully finance a part time post to deliver PBS for UC claimants in public and private sector housing. This position will initially subsist until 29/3/19.</p>

Macmillan Cancer Support	It is hoped that there could be an opportunity to create a new partnership with Macmillan within the new Community Hospital in Haddington. New funding could be made available if the Council can develop an innovative business model which meets the aims and objectives of Macmillan.
Devolved Social Security Benefits	It is expected that the devolution of a range of welfare powers from the UK Government to the Scottish Government during the next 3 years will further increase the demand for the Welfare Rights service. The impact on service delivery will be monitored closely as these changes take effect.
Welfare Rights IT System	The Welfare Rights team currently does not have a dedicated system to manage their caseload. After a review of technology available, the Revenues & Welfare Support Service tried to procure a system called Advice Pro, which is used by around 1/3 of Scottish Local Councils and Macmillan Cancer Support, however this system did not meet the East Lothian Council IT specification. Work continues to review other software available, as the use of a dedicated Welfare Rights system is seen as a key gap in service delivery and the production of performance data.
Performance Management Framework	We will continue to build up the level of performance data being captured in 2018/19 to allow more detailed data analysis work to be carried out. As more data is captured in 2018/19, we will be able to better analyse data and identify emerging trends.
Web Service & Online Forms	Although there is a small section contained in the new Council website about Welfare Rights, we are keen to develop this further, to promote awareness of the service across East Lothian. Where relevant, online forms will be developed to further assist with digital service delivery.
Client Surveys	At present, paper surveys are issued to clients after their case has been closed to gather feedback about the service provided. Response rates are low, so we are looking to develop this area further in 2018/19. Although many clients prefer to complete paper forms, we will also look to introduce digital surveys via Survey Monkey.
Campaigns	This area will depend on capacity within the team, however we are keen to look at targeted campaigns and projects to raise awareness of the service across East Lothian. Campaigns would include targeting pensioners to ensure they are claiming what they are entitled to, targeting those already in receipt of benefit to make sure claimants are receiving the right amount of benefit and targeting UC claimants to ensure they are receiving all entitled elements.
Training & Awareness Sessions	Again, this will depend on capacity within the team, however we are keen to develop a scheduled programme of training and awareness sessions for Council staff.

*Further work needs to be done to  
break the persistent cycle of  
poverty*



## Contact Revenues & Welfare Support

If you would like more information about East Lothian Council's Welfare Rights service, please do not hesitate to contact us.

<i>Name</i>	<i>Designation</i>	<i>Telephone No.</i>	<i>Email Address</i>
<i>Kenny Christie</i>	Service Manager – Revenues & Welfare Support	01620 827431	kchristie@eastlothian.gov.uk
<i>Marion Connolly</i>	Team Leader – Welfare Rights	01620 827827	welfarerights@eastlothian.gov.uk
<i>Helen Kelly</i>	Welfare Rights Officer (including Macmillan)	01620 827827	welfarerights@eastlothian.gov.uk
<i>Judith Hodson</i>	Welfare Rights Officer	01620 827827	welfarerights@eastlothian.gov.uk
<i>Alison Bell</i>	Welfare Rights Assistant (including Macmillan)	01620 827827	welfarerights@eastlothian.gov.uk
<i>Tonia Moncrieff</i>	Welfare Development Officer	01620 827555	tmoncrieff@eastlothian.gov.uk
<i>Ashley McIntyre</i>	Performance & Business Development Officer	01620 827883	amcintyre@eastlothian.gov.uk

### Welfare Rights Advice Line

Just phone 01620 827827 and ask for Welfare Rights. Our opening hours for clients are shown below.



Monday	9am to 12noon
Wednesday	9am to 12noon
Thursday	1pm to 4pm