

DWP Scottish Annual Forum 2010 – Questions and Answers

Edinburgh Hilton Grosvenor Hotel

4 November 2010

Executive Summary

The DWP Scottish Annual Forum for organisations that work with DWP customers took place at the Edinburgh Hilton Grosvenor on Thursday 4 November 2010.

The event attracted an attendance of 90 representatives from organisations who work with, advise and represent our customers, mainly from the adviser world, disability lobby, and other intermediary organisations.

The format of the day included:

- an operational plenary session that included short presentations from senior representatives of Jobcentre Plus and the Pension, Disability & Carers Service, followed by a question and answer session
- a Welfare Reform plenary session
- workshops on a variety of topical subjects
- exhibition stands

Responses to the issues raised at the event are published in the DWP Scottish Annual Forum report www.dwp.gov.uk/docs/scottish-annual-forum-2010.pdf. Questions subsequently received from individual delegates (who were unable to ask their questions on the day) have been referred to the appropriate business areas and their responses are now published in this Question & Answer report.

These events give us the opportunity to hear from you about how our services are working. Your feedback is helping to improve our service in each of the key areas that are important to our customers – Right Treatment, Right Result, On Time and Easy Access. You can find out more from the DWP Customer Charter at www.direct.gov.uk/DWPcharter.

Roger Pugh
DWP Communications
corporate.stakeholders@dwp.gsi.gov.uk

The new monthly *Touchbase* e-zine is available on the DWP Adviser and Intermediaries website. The e-zine is aimed at external frontline advisers, intermediaries and other professionals who work with our customers and replaced the quarterly hard copy *Touchbase* magazine.

[Touchbase e-zine \(DWP website\)](#)

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Summary of Questions and Answers

1. Work Programme

Please provide further details of the Merlin Standard and the criteria involved.

The 'Merlin Standard' was developed to produce an industry supported accreditation process, specifically designed to address suppliers' adherence to the Departmental Code of Conduct. In addition it will offer a mediation and arbitration function to consider grievances raised by sub-contractors which have failed to be resolved through normal dispute resolution processes.

The Merlin Standard was built on four principles; supply chain design, commitment, conduct, and review. Evidence of achievement and excellence against each element of the Standard will dictate the final result of the Merlin Assessment and provide a clear indication of where an organisation needs to improve, as well as highlighting and recognising excellence. We expect the standard to provide the Department with confidence that prime contractors can evidence success in managing high value and complex multi-layered supply chains, including how well they support and help develop their sub-contractors and delivery partners.

2. Employment Support Allowance

If Professor Harrington's report into the Work Capability Assessment (WCA) is critical of the WCA and/or the ATOS role in it, what impact will that have on the national roll-out of the Incapacity Benefit migration process?

We are determined to make the WCA as fair and accurate as it can be, and are committed to a process of ongoing review and improvement. We commissioned Professor Harrington to carry out the first of five wide-ranging independent reviews of the assessment, looking at how fair and how effective it is.

The Independent Review reported on 23rd November, and focussed on improving the fairness and effectiveness of the assessment. Prof Harrington expressed the view that to write people off on Incapacity Benefit is a waste of human potential, and that using the WCA is the right approach to assessing individuals' capability for work, but that the assessment is not currently working as well as it should. He concluded that the WCA should be improved to ensure that those who genuinely can work are supported to do so, whilst those who genuinely cannot work are supported by the State.

The Government welcomed the review and has accepted all of Prof Harrington's recommendations. We will work to implement these over the coming months, building on the positive work already undertaken by Jobcentre Plus in preparation for IB Reassessment. We expect national IB Reassessment to proceed as planned.

Are people with severe mental health problems and who are on compulsory treatment orders automatically treated as having limited capacity for work? If not, where in the process (at an early stage) can information be inputted to identify people with severe mental health problems?

The Mental Health Module is currently a trial-specific product. We are planning to review it more widely in and would welcome input from customer representative groups as part of the review process.

What are the current figures for people with mental health problems in the support group?

The Departments latest ESA statistical release is available at [ESA Official Statistics](#). This shows that, at initial assessment (not including the impact of appeal) 5% of claims started where the 'primary condition' is a mental or behavioural disorder are put into the Support Group. This compares to 6% across all conditions.

Has the ESA113 been reviewed to take into account people with severe mental health problems? What is the purpose of question 5 and what is the zero tolerance (violent behaviour) initiative?

The ESA 113 was redesigned in 2007/2008, in order to provide better quality information about customers, including those with severe mental health problems, so that fewer seriously disabled claimants would be called unnecessarily for a medical examination. The main purpose of question 5 is to identify those customers with a history of threatening or violent behaviour, so that appropriate measures can be put into place in the event that they are called to a face-to-face assessment. The zero tolerance (violent behaviour) initiative relates to guidelines issued to Health Authorities by the Department of Health, to introduce local initiatives as part of a Zero Tolerance Campaign that addresses any incident where a General Practitioner or their staff are exposed to violent behaviour.

If ESA is disallowed, can you phone a support worker with a mandate to represent the customer, if the customer does not want to speak on the phone?

This is in line with our Working with Representatives policy. There are basically two ways this can be done. There are where:

- the decision-maker has a written authority from the customer to discuss the case with a representative, or
- there is no written authority, but the decision-maker speaks to the customer on the phone, and the customer confirms that they wish the decision-maker to discuss the case with the representative directly.

The purpose of implicit consent is to determine whether informal representatives (including Citizens Advice, local authority welfare rights, other support organisations, friends and family) are actually working on behalf of the customer when they contact us by phone and ask for information. It is designed to prevent the need for formal written authorities.

If we know that a third party is currently working with the customer to represent them on a benefit claim - because they have written authority or because we have already established implicit consent - then there is no reason why we should not contact them to say that we have reached a decision, and ask if they explain this to the customer. Indeed, some representatives ask us to inform them of decisions for this sort of reason.

In most cases it is recognised that the representative is better equipped to support the customer than a letter from us. We would not proactively involve a different third party who was not known to be advising and supporting the customer on benefit matters.

ESA letters of entitlement do not always give clear information to customers to advise if ESA is based on contributions or income. Why and what is being done to rectify it? This gives difficulty to patients needing to claim fares at hospital/NHS costs.

The allowance letter will provide clarity for ESA Contributions and Income Related customers. Changes to our computer system are due April/May 2011. In the meantime there will be a supplementary letter included in the current allowance letter to highlight to the customer which element of the ESA award is applicable.

There are still major issues at appeal stage in relation to benefits being removed and appeals taking some time.

The Department recognises the impact that the increasing workload is having on the current appeals system across the whole end to end process. Joint work is underway across DWP and the Tribunals Service to mitigate the increased volumes by focussing on four areas:

- streamlining processes within both DWP and Tribunal Service – including an end-to-end review of the appeals process
- reducing the number of appeals – through looking at the messaging we use to manage customers expectations and in particular the language in the disallowance letter
- increasing capacity in the Tribunal Service – through increasing administrative, judicial and medical resources, so that it can hear more appeals
- strengthening the working relationship between DWP and Tribunal Service

We will continue to monitor, assess and improve our processes to ensure we provide an efficient service to customers.

3. Pensions Policy

Is the £140 fixed pension a definite possibility?

We have introduced the triple guarantee to help ensure that people can look forward to a decent state pension when they retire, but the existing system is complex and difficult for people to navigate. Many do not get the support they are entitled to and the incentives for saving are not always clear.

We want to look to see if we can simplify the system. Our aim is a simple, decent State Pension for future pensioners, which is easy to understand, efficient to deliver and affordable. In the current economic climate any options we are looking at will have to be self financing.

We are currently looking at the options and are aiming to bring forward proposals in due course. The Government recognises the contributions people have built up and any proposals would reflect this.

4. Pension, Disability and Carers Service

Following the shortening of DLA renewal times, if a renewal award is not decided by the end of their award period, what happens to the benefit (and other related benefits)?

We invite customers to renew their claim 20 weeks in advance of the DLA/AA award expiring. The invite encourages customers to return the enclosed claim form promptly. We have a target of 32 days to clear DLA/AA renewals. There is usually no need to consider backdating awards because we aim to meet the target.

If the customer returns the claim before the expiry of the award, but does not allow the Department sufficient time to process the claim (which often involves us making enquiries from the customer or appropriate others), we will backdate the claim.

There has been no change to the benefit procedure (including for related benefits) where a renewal award is not decided by the end of the award period.

Can PDCS make all Alternative Offices aware of changes to contacts? For example, changes to contacts for local service referrals.

PDCS Local Service is currently reviewing all existing partnership links with a view to informing how best to deliver face-to-face PDCS services in the community in the future. Alternative Offices are part of this review and interim contact links need updating as part of this process.

On the trial of Pension Credit being paid without a claim, what steps are being taken to ensure entitlement, and will overpayments be written off if the original claim is determined to be incorrect?

Entitlement will be defined by applying a Pension Credit calculation using data already held on benefits, incomes and savings by DWP and HMRC. All the elements of a 'real' Pension Credit award will be included in that calculation; Guarantee Credit, Savings Credit, and the various premiums available for disability and caring.

Any eligible housing costs will not be considered for the purposes of the pilot as information on these will not be available.

The payments will be 'stand alone', they will not passport customers on to other benefits, the payments will not be recoverable under any circumstances, and they will be disregarded where other benefits are concerned.

Why, if their birthday is on any other day than a Monday, do people lose a week's pension on reaching pensionable age?

The basic State Pension is paid in whole weeks from the start of a benefit week rather than the day on which a customer reaches State Pension age. This has been the position since the immediate post-war period, when it was decided that entitlement to State Pension should begin on a payday and end on a payday.

Before 6 April 2010, the payday for most people reaching State Pension age was the first Monday following their reaching State Pension age, unless their birthday happened to fall on the payday. These weekly payments were made in advance from the person's payday.

The payment arrangements for State Pension and Pension Credit were changed from 6 April 2010. The payday arrangements are now based on the last two digits of a person's National Insurance number and payments are made in arrears rather than in advance. The paydays are now spread across five days, and payment is made at the end of the person's benefit week, not the start of it.

This now aligns State Pension and Pension Credit with the system currently in place to pay in-work benefits. The changes were made to improve the transition from one benefit to another for customers who rely on social security benefits as they approach State Pension age, and also mirror the arrangements of people who are paid in arrears when working before they claim their State Pension.

People continue to be entitled to State Pension for a full week on their payday. It is the day of the week on which it is payable that has changed. This, coupled with the move to payment in arrears, means that some people will still experience a gap between the date they reach State Pension age, and the date they receive their first payment, but it does mean that a State Pension recipient is paid a full week's benefit on their payday because that is their entitlement.

If customers or their representatives have any queries about the way their State Pension has been calculated they may wish to contact their local Pension Centre by telephone or write to The Pension Service, PO Box 6, Gateshead, NE92 1BF.

There needs to be a better process for asking security questions to ethnic minority customers in the presence of their representative. Not allowing

representatives to assist, in the case of a language barrier or literacy issue, can cause the process to fail.

PDCS has processes in place both for working with representatives and for help with interpretation.

We apologise for any frustrations experienced by customers and their representatives in these circumstances. Security is very high on our agenda and we have been doing a lot of work with our staff to raise awareness of the correct policies and procedures. As security questions are generated purely on a random basis we cannot predict what a customer is likely to be asked but they are given the opportunity to answer three questions correctly out of a maximum of five.

We are now focusing our efforts on improving the knowledge and awareness of implicit consent and how third parties and representatives can be assisted to ensure correct procedures are applied.

In some instances we recognise it may be more conducive to continue the claim with the help an interpreter; we have recently done some work in Dundee to raise awareness of how to do this.

5. Directgov

The Directgov website is cumbersome to use. If looking for information specific to Scotland it is difficult to find information as it is primarily England and Wales focused. Why are there no links to information specifically for Scotland?

The Scottish Government, in conjunction with the Improvement Service and Scottish local authorities, is considering a 'public services portal' that would in effect be a Scottish-specific version of Directgov. It is provisionally termed Direct Scot.

This has arisen from perceived dissatisfaction with Directgov's presentation of devolved information such as education, health and transport, etc, that does tend to be primarily England and Wales focused. This is a practical consequence of the population spread within the UK and the devolved structure.

Scottish Government officials have been in talks with Directgov and this has led to the concept of Direct Scot. This aims to take content on reserved matters from Directgov, while providing its own content on wholly devolved issues, within a platform built from the Scottish perspective.