**Response to Call for Input for Special Rapporteur’s visit to the UK**

**Background**

Central England Law Centre would like to submit evidence to assist the preparation of the visit to the UK of the UN Special Rapporteur. Will be submitting our views and experience of Universal Credit and its effect on some of the most vulnerable claimants that use our services.

As the largest law centre in the UK, with 2 branches in Coventry and Birmingham, we are well placed to report on the issues that we see on a daily basis.

Universal Credit was fully rolled out to new claimants in Birmingham postcodes between November 2017 and February 2018 and Coventry in July 2018– managed migration of existing legacy benefit claimants will begin from 2019. Certain legacy benefit claimants who have a change of circumstances will have to claim Universal Credit at a sooner date.

We have chosen to look at the section on Universal Credit and will seek to address the 5 questions outlined below.

Universal Credit, which was first announced in 2010, is a key element of welfare reform in the United Kingdom.  Its stated aims are to simplify and streamline the benefits system for claimants and administrators, to improve work incentives, to tackle poverty and to reduce fraud and error. The Special Rapporteur is interested in learning more about Universal Credit, including its impact on poverty in the United Kingdom and on the human rights of those living in poverty. Below are some of the questions the Special Rapporteur has in that regard:

**(15) To what extent has the Universal Credit been able to achieve the goals identified above?**

**(16) What has the impact of Universal Credit been on poverty and the lives of the poor in the United Kingdom until now? It would be helpful to also distinguish the specific impact of Universal Credit on specific groups, including for example children, persons with disabilities, women and other groups which may be more vulnerable on the basis of their identity and circumstances.**

**(17) Claimants apply for Universal Credit online. What has been the impact of Universal Credit being a ‘digital-only benefit’ on the ability of potential claimants to apply for this benefit? How does this relate to broadband internet access in the UK and the so-called ‘digital divide’? What is the role of public libraries and Jobcentres in enabling access to broadband internet for those applying for Universal Credit and have these public services been adequate for the purpose?**

**(18) What has the impact been of various forms of ‘welfare conditionality’ in the context of Universal Credit in terms of incentivizing work?**

**(19) To what extent has the introduction of Universal Credit reduced the incidence of fraud and error in the welfare system?**

**To what extent has Universal Credit been able to achieve the identified goals?**

**Background to introduction of Universal Credit**

When Universal Credit was first introduced in 2013 there were some positive signs for claimants – namely generous work allowances and, it was hoped, a more streamlined and less bureaucratic system for claimants. A legacy benefit claimant who was renting a property, unemployed and had children would deal with three different authorities – namely the local authority for their Housing Benefit and Council Tax Benefit (now Council Tax Support), the Department for Work and Pensions (DWP) for their Jobseekers Allowance and Her Majesty’s Revenues and Customs (HMRC) for their Child Tax Credit and Child Benefit.

Universal Credit aimed to cut this by combining 6 benefits, including Jobseekers Allowance, Child Tax Credit and Housing Benefit, thus making it more straightforward to claim and also to report a change of circumstances. Child Benefit and Council Tax Benefit/Support would remain outside this system along with many other welfare benefits – this has proved to be fraught with difficulties – especially around the issue of Council Tax Support that claimants simply didn’t claim as they either thought it was being paid directly by the local authority or that Universal Credit included amounts for CTS along with HB and were paying it themselves, leading to hardship.

**Work Allowances(Earnings disregards)**

The work incentive was initially to be encouraged through a system of work allowances that allowed claimants to retain an amount of wages before their UC was calculated, depending on their situation – such as if they were a lone parent, a single claimant or a couple without dependent children. However these were amended from April 2016 and now the only claimants who are able to receive a work allowance are those that are responsible for a child or who have limited capability for work (either worker or partner).

The amount of work allowances was also reduced and those without children or disability were excluded from the system altogether, thereby losing an incentive to return to work.

**Process of claiming and maintaining a Universal Credit claim**

We have experienced great difficulties with the process of Universal Credit – for example the interaction between the DWP, the HMRC and the Local Authority – this is particularly noticeable when claimants who have been in receipt of legacy benefits have to make a claim for UC due to a change of circumstances (these include moving address from one local authority to another or having a first child for example). We have found that the interaction, particularly around housing costs, where HB has continued and UC paid at the same time leading to an overpayment, ESA (income related) being paid at the same time as UC and deducted as income, and DWP staff being unaware seemingly that the contributory equivalents of ESA and JSA (now called “New Style) exist and advising claimants to claim UC, even when they are not entitled (for example they have savings or a partner is in full time employment).

The process of claiming UC initially and the original 42 day wait (now 35 days) for a first payment has led to great difficulties – food bank usage has soared and many claimants are claiming advance payments of UC when they are able to, leading to future hardship as the amount is deducted monthly over a period of 12 months – we have found that several claimants were not aware that this was in effect a loan that must be repaid. We have experience of claimants in arrears with rent due to the delay and as they have waited 5 weeks then using the housing costs money for other day to day expenses leading to further arrears.

**Issues with the claim itself**

Another concern we have is that national figures are showing up to 20% of initial applications do not result in a completed claim– as claimants are not able to provide relevant information or fail to attend a meeting with a work coach or fail to sign and adhere to their claimant commitment – we are very concerned about this as if this figure is replicated with managed migration (this is under consultation regarding whether legacy benefit claimants must apply for UC rather than be simply transferred) then many legacy benefit claimants may struggle and if their initial application is refused or shut down and they need to reapply, any potential transitional protection will be lost.

**There are many concerns with specific groups – we will outline them below.**

* Young lone parents (under legacy benefits they would receive an increased amount at 18, now this has been raised to 25)
* Young couples (not getting an increased amount until one of them is over 25 – legacy benefits 18)
* Young disabled people (under legacy benefits an increased amount is paid when limited capability for work is ascertained – now this will be received when they reach 25
* Loss of Severe Disability Premium (this is under review at present)
* Loss of Enhanced Disability Premium
* Loss of Disabled Worker and Severely Disabled element of Working Tax Credit
* Reduction of elements for disabled children
* Removal of limited capability for work element
* Mixed age pensioner couples where at present the older member of the couple claims Pension Credit, in future the younger member if below pension age will claim UC for the couple – at a far lower rate and more conditionality – as the state pension age rises then more new claimants will fall into this category (not yet introduced so may change)
* Impact on those from the EU/EEA as no longer a jobseeker category for UC
* Impact on refugees and/or those coming off Section 17 local Authority funding as there is a gap between the funding ending and UC starting and often an issue with National Insurance number allocation.
* Impact on homeless claimants due to the lack of ID, bank accounts
* Impact off the Benefit Cap on poverty

We are concerned that the majority of those affected by the Benefit cap are lone parents most of whom are women.

The impact of the reduced benefit cap is a concern – when a lone parent has to claim UC (when their youngest child turns 5 for example) they will potentially lose more as they will be hit by the full force of the cap whereas under HB they would lose the excess from their HB, under UC it will come off their entire UC amount.

17 **Universal Credit claims process**

The full service stage of Universal Credit requires claimants to apply online and manage their claims on line. This digital only benefit has a direct impact on the most vulnerable claimants who are unable to navigate this process themselves to any adequate extent. Law Centre staff report that they have spent up to 2 and a half hours assisting claimants to negotiate the online claims process. The process can take much longer when an interpreter is required. We also have experience of the website going down during the process. Even those claimants who we feel should have the digital skills needed are finding they cannot manage for example because of having to use a mobile phone and being repeatedly disconnected from the website. This has led to one eligible claimants deciding not to bother pursuing a valid claim. Some of our clients also have old mobile phones which are unable to access the website.

We are also aware of illiterate clients who have no computer skills. We have had instances of DWP refusing to assist with making Universal Credit claims in these circumstances. In Coventry the city council are assisting with helping people make their first claim but they have not had enough appointments to meet the level of need and we are aware of claimants who have been refused help from them as well.

We have had one instance where the UC computer would not recognise the bank account and sort code details for a client’s bank account which was with a building society. In this case we were forced to book the claimant an appointment at the Job Centre to resolve this but we were left unclear as to whether or not the claim had been accepted. In this case the client had an outstanding housing possession case pending and we needed evidence that the UC claim had been made in order to get the possession claim adjourned. Because of the problem with the bank account this also had to be obtained from the job centre. If it had not been possible to achieve this in the time available the client could have faced eviction proceedings.

Overall it is clear that the DWP are failing to provide sufficient help with the claims process. This is putting vulnerable people such as those with language, literacy and mental health problems at particular risk and is imposing an unreasonable burden on advice agencies to help with these basic processes.

**18 Welfare Conditionality**

Our main concern about conditionality is that claimants may have unreasonable levels of work search imposed on them. We deal with many cases of difficulties arising as a consequence of this particularly at the Coventry office. One cause of these problems is that records of reasons for vulnerability recorded on pre UC computer systems (ie ESA or JSA) were not transferred over on to UC and are not accessible to UC staff. Claimants are not advised of this. This means that even though the client may be dealing with the same person at the Jobcentre and work programme they have always dealt with suddenly they are treated as having no difficulties. This then leads to sanctions being incorrectly applied.

We are dealing with a case of someone who has attended regularly at the Job Centre in Coventry for 15 years and has Aspergers which was well known to the DWP. He had never previously been sanctioned and everyone dealt with him appropriately because they knew about his difficulties. Since transferring to UC about 18 months ago he has had 13 sanctions as he was expected to do vastly more work search than he could manage. One decision was changed at Mandatory Reconsideration because it was applied just after the client sent in a complaint mentioning his health problems. The decision makers are clearly unaware that the health problems persisted throughout the process. The 12 remaining sanctions are now at appeal stage and the client is left living on hardship payments, with sanctions currently scheduled to last for another 200+ days. The client is in severe financial difficulties, requiring additional advice service support to cope with this and additional support from the health services as well to deal with the additional stress he faces.

We have dealt with someone who was claiming Universal Credit on the basis of sickness who was expected to prepare a CV before the sick note expired. Presumably DWP thought she would then be well but they were not prepared to wait until she was well enough to manage this before expecting the task to be achieved.

There is no evidence that the conditionality regime is assisting people to find work. It is very clearly a source of stress and anxiety for clients who feel that if they make a mistake they can be sanctioned. For many the impact of this stress is to drive them further away from being able to manage to work or do more work.

18 **Fraud and Error**

We have no evidence of any impact on fraud of Universal Credit.

As regards DWP errors in payments we have evidence of people not getting paid the correct rates of benefit and of unreasonable requests for evidence. For example a client whose partner had left her and had reported this was given only 50% of the housing costs for the private tenancy where she lived. The DWP said she needed to get either a new tenancy or a letter from her landlord to prove that her ex-partner was not paying half of the rent and meanwhile she was eligible for half only. The landlord was refusing to assist with this and it took quite a lot of effort to get this decision changed. This sort of error puts claimants at risk.

Most of the errors we are seeing are of claimants being underpaid but we do have concerns that DWP are likely to make even less effort than before to ensure they do not pay too much because the arguments preventing recovery of overpayments arising due to DWP error are not available to assist claimants under Universal Credit. If there is an increase in overpayments as a result of DWP error this will have serious repercussions in terms of more claimants experiencing high levels of deductions while these overpayments are being recovered.

**Impact on Convention rights**

The evidence clearly indicates specific and disproportionate impacts linked to age, disability, gender and immigration status as identified above. Not only may those affected experience reductions in entitlements or delays in receiving, or suspension from, benefits to which they are otherwise entitled , but this can lead to such hardship that they are unable to afford to pay their rent, thereby putting their home at risk, or buy food. The implementation of this welfare reform clearly impacts on fundamental rights (Articles 3 and 8 and Article 1 of Protocol 1 are clearly engaged) and it does so in a way that discriminates in significant and sometimes cumulative ways.