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Scrutiny Report to the City Council

Review Of The Benefits Agency

Further copies of this report can be obtained from:

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2. Executive Summary

- 2.1 A proposal to review the work of the Benefits Agency and its interaction with the City Council was agreed by the Equalities Scrutiny Committee on April 24th 2001. The Committee identified a number of issues which exemplified the difficulties experienced by vulnerable and disadvantaged groups in the City.
- 2.2 The terms of reference required the Scrutiny Committee to review aspects of the Benefit Agency's operations in Birmingham as they affect claimants directly and the activities of the City Council and its partners in the statutory and voluntary sectors and vice versa with a view to identifying opportunities to improve services or identify obstacles to change.
- 2.3 Following an initial briefing by the Benefits Agency, the Committee heard evidence from a range of witnesses as well as considering written evidence from interested individuals and agencies
- 2.4 The evidence submitted to the Committee covered a wide range of issues relating to the delivery of benefits within the City. While the Committee did not attempt to quantify the scale of concerns outlined, a clear consensus emerged about the general nature of difficulties experienced by the claimants and agencies working on their behalf.
- 2.5 Recommendations were made under three broad headings
 - Partnership Working
 - Changes in Local Practices
 - Issues of National Policy

While noting a considerable degree of liaison between agencies, the Committee were concerned to ensure that it worked effectively to produce change. There was also evidence to suggest that the membership of existing liaison bodies should be extended to ensure all relevant agencies have an opportunity to be heard.

- 2.6 Examination of local procedures suggested a number of ways in which performance could be enhanced to improve the quality of benefit delivery across the city from both the Department of Work and Pensions and the Benefit Service.
- 2.7 Notwithstanding the potential for work at the local level, a significant number of national issues were identified which provide obstacles to improved service delivery. In some instances a change in the law would be required to achieve the Committee's objectives.

3 Introduction

3.1 Background to the Scrutiny

A proposal to review the work of the Benefits Agency and its interaction with the City Council was agreed by the Equalities Scrutiny Committee on April 24th 2001. The committee identified a number of issues which exemplified the difficulties experienced by vulnerable and disadvantaged groups in the City. These were:

- Availability of interpreters where the claimant's first language is not English.
- Understanding and completing long and complex forms presents difficulties for many claimants, but particularly for those whose first language is not English, and for some people with disabilities.
- The assessment of incapacity for Incapacity Benefit and disability for Disability Living Allowance or Attendance Allowance.
- First claims for people fleeing domestic violence or for refugees.

At the end of the review the committee hoped to be able to identify opportunities for improvement in service delivery through:

- Extended partnership working
- Changes in local procedures
- Enhanced arrangements for customers of the Benefits Agency and Council Services.

It was also recognised that the review process was likely to identify obstacles to service improvement requiring intervention at a national level to change policy or legislation.

3.2 Membership of the Scrutiny Committee

Margaret Byrne
Nigel Dawkins
Barbara Jackson
Margaret Langleigh
John Lines
Paul Pyke (Chairperson)
Theresa Stewart

4. Terms of Reference

To review aspects of the Benefits Agency's operations in Birmingham covering:

- Claiming procedures
- Assessment of claims

as they affect claimants directly and the activities of the City Council and its partners in the statutory and voluntary sectors.

To review how operations of the City Council and its partners affect the Benefits Agency's service to disadvantaged groups.

To identify:

- Opportunities to improve the services of the Benefits Agency, City Council and other partners to disadvantaged groups.
- Obstacles to service improvement which require changes in policy or legislation affecting the Benefits Agency at the national level.

5. Method of Investigation

5.1 The review was conducted in five stages:

Stage 1 An initial briefing by the Benefits Agency set the context of benefit administration and outlined the salient features of the claiming and adjudication processes. It also provided an opportunity for the agency to outline its own issues of concern in working with others to deliver benefits.

Stage 2 Sessions to take evidence from agencies working with, or on behalf of, claimants and disadvantaged groups. (Written evidence was also invited from agencies and individuals not giving oral evidence by an advertisement in the Birmingham Voice).

Stage 3 Interviews with agencies unable to attend in person.

Stage 4 A follow up session with the Benefits Agency to explore issues identified in the evidence sessions.

Stage 5 Analysis and report writing.

6. Findings

6.1 Changing Nature of Benefit Delivery

The review took place during a period of great change for the organisational delivery of benefits from central government. From April 2002 the Department of Social Security was merged with the employment side of the Department for Education and Employment to form a new Department for Work and Pensions. Jobcentre Plus and the Pension Service are two of the core components of the Department of Work and Pensions and have taken over the work of the Benefits Agency and Employment Service which ceased to exist from 31st March 2002.

'The new Department will enable a single approach to the development of employment, disability and benefit policies for people of working age and pensioners needing advice and support. It will provide a joined up, efficient, modern organisation responding to our customers' needs and the changing way they wish to access our services. Our priorities are:

- *A single point of delivery for jobs, benefits advice and support through a modern nationwide service – Jobcentre Plus.*
- *To provide employers with a professional service for filling job vacancies.*
- *A new Pension Service to provide information and support to today's and tomorrow's pensioners.*
- *Delivery of a simplified and efficient Child Support System.*
- *Equality of opportunity and social inclusion for all.'*

(Touchbase, Issue 4 Summer 2001, the Department of Work and Pensions newsletter for advisers and professionals).

The Committee has taken account of these changes in the construction of its recommendations.

The Committee recognise that fraud prevention is a matter of universal concern but believe that in individual cases this must be balanced against pressing needs of individuals and realistic views about evidence.

7. Evidence and Recommendations

7.1 Introduction

The evidence submitted to the committee covered a large number of matters relating to the delivery of benefits in the City. Notwithstanding the range of responses, a significant number of issues were raised by most, if not all, respondent agencies. While the committee did not attempt to quantify the scale of the concerns outlined, a clear consensus emerged about the general nature of difficulties experienced by claimants and agencies working on their behalf.

7.1.1 Analysis of the evidence suggests a number of common areas of concern around which the evidence has been summarised. These are:

- Complexity of the system and accessing benefits
- Need for advice and support
- Delay in processing claims
- Provision of national insurance numbers
- Proof of identity
- Responding to claimants in crisis
- Quality of decision making
- Housing benefit and council tax assessment
- Agency liaison

7.2 Complexity of the system and accessing benefits

This issue was raised by all respondents. The most commonly expressed concerns were:

- 7.2.1 Claim forms are long and complex and this deters claims. Although this partly reflects complex rules for claiming particular benefits, it is felt that there remains room for simplification. Particular mention was made of the size of the claim form for Income Support for older people and the Disability Living Allowance claim form which was considered to be repetitious.

However the committee were informed that recently the Department of Work and Pensions has introduced a shorter Income Support form for pensioners and work is in progress to simplify the Attendance Allowance claim form. Witnesses emphasised repeatedly that forms should be written in plain English and in simple terms, requesting only essential information. The point was also made that the cost to any agency in resource terms of helping people to complete claim forms is considerable. The committee were advised that the former Department of Social Security have invested significant resources and developed considerable expertise in form design. **The committee recommends that work to make forms easier to understand and more accessible should continue.** The work to reduce the length of the Income Support form for pensioners was commended.

- 7.2.2 Evidence was also given about the way in which claim forms and assessment processes can disadvantage people whose first language is not English or who have a 'hidden language' different through their use of dialect, for example, Afro Caribbean claimants. Ignoring cultural differences which have a bearing on the construction of answers which claimants give about their personal circumstances or health status on claim forms might further disadvantage them. The stigmatised view of mental illness amongst certain black groups also reduces the likelihood of an effective claim. **The committee recommends the secondment/exchanges of staff from different agencies in order to improve understanding by benefit administrators of the communities they serve.**

- 7.2.3 Claimants whose first language is not English are particularly disadvantaged. Application forms are not available in languages other than English and Welsh. Guidance leaflets are published in some languages but do not easily reach the target readership. The Benefits Agency reported that where a claimant does not bring their own interpreter the agency will provide one either from their own staff or by using interpreting services. Witnesses characterised these arrangements as inadequate and the cause of difficulty and delay for claimants. Interpretation services were not consistently available and reliance on family members or other informal solutions was commonly reported. Language problems (including literacy) appear to be largely ignored by benefit providers while reliance on family or neighbours compromises privacy and may leave claimants to rely on poor advice from their well meaning but misinformed helpers.

The committee was also aware that the Neighbourhood Advice and Information Service has evolved a recruitment strategy over a number of years to achieve a workforce consistent with and able to reflect the needs of local communities. However the service now faces difficulties in providing advice services to more

recently arrived communities with other language needs. **We recommend that the Department of Work and Pensions in conjunction with the City Council develop a strategy for delivering benefits in Birmingham which recognises the need to communicate in languages other than English and ensures that people from minority ethnic groups can access benefits and information and advice about benefits on an equal basis to other citizens.**

- 7.2.4 The processing of benefit claims is compartmentalised by administrative systems (for example, pensions, disability benefits) and this makes it difficult for claimants to identify an appropriate package of benefits to meet their particular circumstances. This situation is compounded by the failure of the IT systems to make the most basic links (for example, by updating an Income Support claim when Attendance Allowance is awarded) let alone adopt an holistic approach to individual entitlement. The committee noted the proposed plan of work by the Department of Work and Pensions to integrate IT systems by 2005/6.

7.3 Need for Advice and Support

- 7.3.1 The onus is on the claimant to navigate the complexity of the system and the penalties for failure are harsh – loss of money for some of the poorest members of society. Time limits for claiming and appealing have become shorter. Claimants are sometimes penalised for delay and may lose their right of appeal, especially where advice is sought. This contrasts sharply with the lack of an effective remedy for official delay or failing. **The committee recommend extending the time limits for appealing to two months in order to allow claimants enough time to seek legal advice before lodging their appeals.**
- 7.3.2 The committee were advised of the huge success of the council's take-up activities, particularly the pro-active work of the Neighbourhood Advice and Benefits Take Up & Home Visiting Team which visits people in their own home. They were advised that a high proportion of older people visited were able to claim Income Support or Attendance Allowance and these claims were successful in large part because they received expert help to fill in forms. The committee were advised by the Benefits Agency that under future arrangements the new Pensions Service would rely more on the telephone for contact with older people including form filling but would visit people at home if considered appropriate but not necessarily on request. **The committee recommend that face to face advice services offered by Neighbourhood Advice and Information Service and voluntary agencies should remain a funding priority for the Council: call centres can complement but not replace this. The committee also recommends that all those offering advice and support to claimants, including the Department of Work and Pensions should make their services well known and be explicit about facilities for home visits which are so useful to older people and people with disabilities.**
- 7.3.3 The committee heard that social services staff were regularly contacted by service users for help with benefit related issues. The Social Services Department recognises the important role that area based staff have in ensuring the maximum take up of benefit by service users, although some uncertainty currently exists as to how this role can best be fulfilled. It was acknowledged that social workers have a great many competing demands on their time and that the provision of welfare rights advice was not a core activity. It was also noted that as part of the implementation of the Fairer Charging Policies for non residential services, the

Department is required to ensure that benefit advice is available to service users. The committee welcomed the role of a project group in implementing this requirement and taking forward this committees views. **The committee considers that area based staff have an important role to play in the delivery of welfare rights advice to their service users and recommends that social work staff are given clear guidelines on the nature of their role supported by appropriate training and support.**

- 7.3.4 Agencies involved in representation reported difficulties in having themselves recognised as the claimant's representative and being provided consistently with papers relating to the progress of a claim. This leads to difficulties in keeping track of outstanding claims and again places the onus on the claimant, whatever their health or personal circumstances, to manage the process. The Department of Work and Pensions provided copies of their guidance designed to avoid these problems in DLA/AA claims. **The committee recommend that the Department of Work and Pensions, in conjunction with Birmingham City Council and relevant voluntary agencies, examine ways in which the role of the representative can be supported. We strongly believe that in cases where claimants require continuing support (for example, where claimants have a mental incapacity) that this practice is in the interests of benefit administrators as well as claimants.**

7.4 Quality of Medical Assessments

The process by which incapacity or disability is assessed gave rise to the biggest body evidence which was again characterised by a remarkable degree of consensus. A number of key points emerged.

- 7.4.1 People living with disability on a daily basis often have a poor understanding of how it affects them. They often do manage, at great personal cost, to achieve things which may lead them to understate their needs. While recognising that this is a difficult area on which to gather information, claim forms do not currently appear to address it or to assess the extent to which the personal 'cost' of managing is unreasonable. It was suggested that questions about disability should be formulated in a more open manner – for example "Please explain any difficulty you have with dressing". **The committee believe that face-to-face advice from an expert is the best way to ensure a thorough claim. However since this will not be accessible to everyone we recommend a further review of Attendance Allowance/Disability Living Allowance forms in order to better facilitate collection of data on the difficulties and consequences of managing.**
- 7.4.2 Disability and incapacity related benefits are said to be largely self-assessed although significant numbers of applicants receive medical assessments to establish their entitlement. Many of these assessments are regarded as unsatisfactory by claimants, their carers and advisers. Evidence was given that claimants are often particularly overawed by medical assessors. This imbalance of power between doctors and claimants can lead to misleading and inaccurate statements being recorded unchallenged. Claimants may be asked to sign statements which they cannot read or in some cases understand. These statements, which form a significant part of the evidence on which the claim is decided, then prove difficult to revise subsequently.

- 7.4.3 The Benefits Agency noted the committee's concerns regarding the need to balance the evidence given by the doctor and the claimant. BA officers advised that they would give consideration to the concern that inaccurate statements by the claimant or doctor become difficult to challenge and to possible measures to avoid this such as the provision of a typed copy to the claimant with an invitation to comment. **The committee recommend that as a matter of urgency the Department of Work and Pensions should consider providing a mechanism for a claimant to comment on or correct errors in their own statement or the examining doctors findings. This response period should be long enough to enable claimants to take advice.** We believe this would assist decision makers in getting decisions "right first time" and reduce the need for appeal hearings. Relying on the appeal system to put matters right inevitably means that some people who should properly be entitled will drop out.
- 7.4.4 Incapacity and disability related claims are overwhelmingly medically driven. Medical evidence, especially that obtained by the department, appears to be preferred in the decision making process above all other sources of evidence. Claimants may be further disadvantaged by the absence of funds to provide their own medical evidence. Their doctors may refuse to provide reports without payment and claimants may not be aware of their entitlement to 'green form' legal advice ie without cost. The Benefits Agency informed the committee that the Disability Handbook (which provides guidance to decision makers about the effect on people of various medical conditions) also suggests possible sources of additional professional advice. The Benefits Agency also informed the committee that the forms used for obtaining further evidence from medical professionals were being reviewed.
- 7.4.5 Several witnesses discussed problems with the Personal Capability Assessment as it operates on people with mental health problems. This is notwithstanding the special arrangements to identify this group and ensure an appropriate assessment is made. The Benefits Agency confirmed that the Disability Handbook encourages decision makers to contact Community Psychiatric Nurses where they are involved in the care of a mentally ill claimant. The committee is particularly concerned that people suffering from mental illness are not properly assessed and note that inevitably many people who are ill will not complete the forms adequately. **The committee emphasise the importance of our recommendation that representatives are informed and empowered within the assessment process.**
- 7.4.6 A number of witnesses raised more general concerns about the operation of the Personal Capability Assessment used to determine fitness for work. It was suggested that the tick box nature of the assessment form, led claimants to give restricted answers, where in fact more detailed responses might be necessary to establish entitlement to benefit. For example, claimants were tempted to complete the form by reference to the condition on their medical certificate as opposed to the totality of their illness or disability. Witnesses also observed that, although the points system on which decisions were based was not made available to claimants as part of the claim pack, this information was readily available from a number of published sources. It was generally agreed that the provision of this information would be beneficial to claimants. **The committee recommend that all claimants completing the Personal Capability Assessment form should receive guidance including an explanation of the points system that operates.**

7.5 Delays in Processing Claims

Complaints about delay in processing claims of people who have come from abroad was another common feature of evidence. Much of this related to difficulties with National Insurance Numbers. The Committee recognise that fraud prevention is a matter of universal concern but believe that in individual cases this must be balanced against pressing needs of individuals and realistic views about evidence (for example, of identity).

- 7.5.1 A national insurance number is ordinarily a pre-requisite for processing claims. Difficulties in obtaining national insurance numbers inhibit access to benefits and opportunities to take employment. It is a particular problem for refugees and other people coming from abroad. The Benefits Agency reported that they have experienced a large increase in requests for national insurance numbers in Birmingham and priority is now being given to training more employees to conduct interviews and issue numbers. **The committee endorse this approach** and note that the only additional costs are those associated with the training: thereafter turn round will be quicker and the problem and costs associated with the delays will diminish.
- 7.5.2 The Benefits Agency confirmed that payment of benefit is possible whilst awaiting allocation of a national insurance number if appropriate evidence (for the allocation of the number) is provided. Witnesses reported that most offices did not recognise these rules and treated entitlement to benefit as inextricably linked to a claimant's or partner's national insurance number. The Benefits Agency has suggested establishing workshops with representative groups to disseminate good practice within the agency and with representatives. **The committee would endorse this and also recommends that the Benefits Agency should consider the best way to deal with claims in unusual areas of law where staff do not develop the necessary expertise.** The committee were advised that some commonwealth citizens visiting the UK as students are entitled to work but have difficulty in getting national insurance numbers because Benefit Agency staff are not familiar with the rules in this relatively obscure area of law.
- 7.5.3 The committee was advised that both the Benefits Agency and the Benefit Service will not process a claim for benefit if a partner does not have a national insurance number. Whilst the Benefit Agency acknowledge that a blank refusal is not appropriate (see paragraph 7.5.2 above), the Benefit Service is not able to deem that the partner has provided adequate information for allocation of a national insurance number. Furthermore the partner has no priority for the allocation of a number because she/he is not a claimant and not seeking employment. **The committee recommend that, as a matter of urgency, the Department of Work and Pensions issue appropriate guidance to local authorities concerning the need for national insurance numbers of partners which will allow these claims to be processed.**
- 7.5.4 The committee heard evidence about the context within which benefit administrators must operate, in particular the need for verification to combat fraud. However providing verification to an absolute standard will be more difficult for some people, for example, the mentally frail or new arrivals who have come "sans papiers". Therefore the rigour of verification should not allow development of a

system that regularly excludes certain groups. In this context we received evidence that people from abroad have particular difficulties proving their identity to the satisfaction of the Benefits Agency.

- 7.5.5 Providing evidence of identification is essential for the allocation of a national insurance number. Witnesses reported the difficulties encountered by claimants from abroad where agency expectations were unclear. Benefit Agency officers confirmed that there is not a definitive list of appropriate evidence for national insurance numbers. For refugees the NASS 35 should act as evidence of identity as well as entitlement however it is often subject to many weeks delay. **The committee recommend that a definitive list of evidence of identification should be created. This list should so far as possible indicate core items that would be satisfactory for existing residents and (presumably) different core items for newcomers (eg refugees). The list should be shared with interested agencies so that claimants can be adequately prepared before claiming.**
- 7.5.6 **The committee also recommends that the Home Office takes steps to improve the delivery of NASS 35s. This should include identifying a delivery target for the claimant (for example, 7 days from confirmation of their immigration status) which is published and communicated to applicants and against which performance can be measured.**
- 7.5.7 **The committee recommend that if evidence of identity is unsatisfactory then a decision should be issued to this effect allowing the claimant to initiate remedies.**
- 7.5.8 Witnesses reported that some Benefit Agency offices were not following their own internal guidance (Joint IS/JSA Bulletin 30/01) which explains that benefit can be paid before a national insurance number is issued. Officers from the Benefit Agency acknowledge difficulties in this area and intend to disseminate good practice as discussed in 7.5.2 above. **The committee would again recommend that the Benefits Agency should consider the best way to deal with claims in unusual areas of law where staff do not develop the necessary expertise.**
- 7.5.9 The problem of filling income gaps for people in vulnerable circumstances falls heavily on the Social Services Department who have duties under the National Assistance Act 1948 and the Children Act 1989. Delays in processing benefit applications can have serious budget consequences for the department. Evidence was given that, the law does not permit the recovery of Children Act payments from any backdated social security benefit subsequently awarded. For these reasons it is particularly important for the department to be kept fully informed about the progress of outstanding claims. Evidence was given that communication could be improved by the provision of a list of named contacts within the Department of Work and Pensions. **The committee endorses this request and recommends a review of the law to allow recovery of payments made by a local authority to support a claimant in these circumstances.**
- 7.6 **Responding to Claims From People in Crisis**
- 7.6.1 The provision of advice and support to individuals in crisis is a key component of the work of some agencies. For these service providers there is a compelling need to help claimants obtain a fast of decision on benefit claims. For the most part

benefit providers do not have the organisational resources to provide a fast track service and this can leave vulnerable individuals without income. **The committee recommends that relevant agencies (including Social Services, Benefits Agency, Housing and Benefits Service) should establish and disseminate special arrangements for dealing with crises, for example, fast track referrals for dealing with those who are destitute (such as victims of domestic violence). These arrangements might also include same day services on a drop in basis.**

- 7.6.2 Many refugees fail to secure a discretionary Community Care Grant for the household items which they require when setting up home. Despite a self-evident need they cannot qualify for a budgeting loan until they have been on benefit for 6 months. **The committee recommend a review of the rules regarding Community Care Grants and Budgeting Loans. Some people such as refugees and victims of domestic violence who have a new entitlement to benefit also have an urgent need for household items. If they do not have priority under the Community Care Grant guidance they will be ineligible to be considered for a loan.**

7.7 Quality of Decision Making

- 7.7.1 There is often a gap between the policy and practice on the frontline. Staff lack understanding of unusual or complex areas of the law and this sometimes leads to decisions which are simply wrong. This may be true even where clear guidance has been issued but not absorbed by frontline staff. These difficulties also lead to inconsistencies of decision making between offices. **The committee recommends that the Benefits Agency should consider the best way to deal with claims in unusual or complex areas of law.**

7.8 Housing and Council Tax Benefit

The interface between the Department of Work and Pensions and the local authority is perhaps most critical in relation to the assessment of claims for housing and council tax benefits for those in receipt of means tested benefits. A number of key issues were identified which seriously affect the Benefits Service ability to deliver a prompt and efficient service.

- 7.8.1 Approximately 60% of people claiming housing benefits are passported on to full benefit because they get Income Support or Job Seekers Allowance. Problems have arisen because of incorrect cancellations of these benefits by the Department of Work and Pensions. There are approximately 1100 cancellations each week and as many as 25% are incorrect. Incorrect cancellations have significant consequences for the authority and claimants causing generation of Council Tax bills and fatal disruption to arrears recovery procedures. The cancellations are now therefore checked using the Remote Access Terminal but this is both imperfect and costly. **The committee urge the Department of Work and Pensions to explore solutions to this problem. In the interim we recommend that they establish a process to identify and automatically reinstate arrears direct payments when these are stopped because of incorrect cancellation of benefit.**
- 7.8.2 The current NHB1 form on which Income Support/Income Based Job Seekers Allowance claimants claim housing benefit requires substantial amendment if it is

to meet all the needs of the local authority. At the moment the form does not conform to the verification framework or provide sufficient information to deal with private tenant claims. In order to process claims from private tenants an additional form is sent out which causes confusion amongst tenants and may delay their benefit further. The Benefit Service was advised that their form could replace the NHB1 in Income Support/Income Based Job Seekers Allowance claim packs. If this does not happen **the committee recommends two possible solutions**

- **Introduction in Birmingham of a new short private tenants form to collect the extra data and not repeat the collection of income details etc.**
- **Consideration by the Department of Work and Pensions of including an additional private tenants form in the Income Support/Income Based Job Seekers Allowance claim packs.**

7.8.3 The authority accesses the Department of Work and Pensions records via a remote access terminal (RAT) but the information available is limited leaving some claims to be decided manually via the Department. Non-dependant deductions cannot be dealt with in this way and require the authority to go back to the claimant directly- again introducing delay and possible loss of benefit through the imposition of the highest non-dependant deductions. **The committee recommends that the Department of Work and Pensions provide enhanced access through RATs and seek a solution to the data protection problem which prohibits Local Authorities from checking the status of non-dependants.** Officers from Birmingham City Council would be keen to work with the Department's systems staff on these solutions.

7.8.4 Witnesses told the committee that the verification procedures used by the Benefits Agency and Benefits Service duplicate each other significantly.

This means wasted administrative effort and increased delays for claimants who are often quite confused and anxious about verification. **The committee recommends that the Head of Benefits and a senior representative from Department of Work and Pensions should prepare a report outlining the benefits and obstacles (legal and operational) to a single verification based on the Department's process and using enhanced remote access facilities if appropriate.** This might include Department of Work and Pensions verifying some details and the City Council verifying the additional details that it needs (rent and non-dependant details). The committee has latterly been advised by the Benefit Service that such a project is already planned and will be rolled out by 2006.

7.9 Partnership working

7.9.1 Evidence was given about a number of liaison forums which meet to discuss inter-agency matters most notably between the Department of Work and Pensions and the Benefits Service. While these arrangements were mainly viewed positively, some limitations were also expressed, although there were contradictory explanations of the reasons for these. However, closer relations with other agencies were viewed positively by all service providers. **The committee recommend that the terms of reference and membership of the forums are reviewed by the Head of Benefits in conjunction with the Department of Work and Pensions in order to encompass issues beyond Housing Benefit and Council Tax Benefit and to identify delegations as appropriate. The**

terms of reference should include mechanisms to resolve disputes through managerial channels. The committee further recommends that a new liaison forum is created to meet, not less than four times a year, with representatives of the not for profit sector.

7.9.2 The Benefits Agency expressed the view that their own service planning could be enhanced by accessing data held by/available to the local authority. **The committee recommend that this request is taken forward through the strategic forum by clarifying the data that may be useful.** Agencies should exchange aggregate client data in order to enhance profiles of local needs and to inform the future development of services to ensure they reflect the changing nature of communities. For example, information about new populations and the languages they speak can enhance service planning by the Department and the Benefit Service.

7.9.3 In addition to the secondments mentioned in 5.4.2 **above the committee recommend development of exchanges to promote mutual understanding**

- **between the Department of Work and Pensions and the Benefit Service**
- **between the Department of Work and Pensions and advice agencies (Neighbourhood Advice and Information Service and voluntary organisations)**

7.9.4 The strategic forum may wish to explore the possibilities of agencies providing services from the offices of partners, building on experience from the ONE pilots.

7.10 The Tribunal Service

Evidence was given by a number of agencies of their concerns about the system of appeals in benefit cases. However, given that tribunals are not part of the Benefit Agency's responsibilities, it falls outside the remit of this scrutiny.

7.11 Implementation of this Report

7.11.1 The Committee had wished to include detailed recommendations as to the timescales and action required and also to identify which organisations should give attention to those issues. Time did not allow this and we **recommend that an implementation plan is the first task of an officer appointed to oversee implementation.**

7.11.2 To monitor implementation, **it is recommended that progress should be reported to The Co-ordinating Overview and Scrutiny Committee after 6 and 12 months.**

8. Recommendations

8.1 Partnership Working

The committee recommend that the terms of reference and membership of the Department of Work and Pensions/Birmingham City Council forums are reviewed at the highest level in order to

- Ensure representation at an appropriately senior level
- Encompass issues beyond Housing Benefit and Council Tax Benefit and to identify delegations as appropriate.

The terms of reference should include mechanisms to resolve problems through managerial channels. The Committee further recommends that a new liaison forum is created to meet not less than four times a year with representatives of the not for profit sector. **(7.9.1)**

- 8.2 The committee recommends that the strategic forum develop a programme of placements and observational visits in order to promote mutual understanding of the work of different agencies and of the needs of service users. These placements may involve exchanges of staff

- between the Department and the Benefit Service
- between the Department of Works and Pensions and advice agencies (Neighbourhood Advice and Information Service and voluntary organisations). **(7.2.2; 7.9.3)**

- 8.3 The committee recommend exchange of data between agencies in order to enhance service planning and service to claimants. **(7.9.2)**

- 8.4 The committee recommend that the Department of Work and Pensions in conjunction with the City Council develop a strategy for delivering benefits in Birmingham which recognises as mainstream the need to communicate in languages other than English. This should aim to ensure that minorities (particularly new minority communities) can access benefits and information and advice about benefits on an equal basis to other citizens. **(7.2.3)**

- 8.5 The committee recommend that the Department of Work and Pensions in conjunction with Birmingham City Council and relevant voluntary agencies examine ways in which the role of claimant's representatives can be supported. We strongly believe that in cases where claimants require continuing support (for example, where claimants have a mental incapacity) that this practice is in the interests of benefit administrators as well as claimants. **(7.3.4; 7.4.5)**

8.6. Changes in Local Practice

The committee recommend that face to face advice services offered by Neighbourhood Advice and Information Service and voluntary agencies should remain a funding priority for the Council: call centres can complement but not replace this. The committee also recommends that all those offering advice and support to claimants, including the Department of Work and Pensions should make their services well known and be explicit about facilities for home visits which are so useful to older people and people with disabilities. **(7.3.2)**

8.7 The committee recommends that social work staff are given clear guidelines on their role in giving advice on benefits underpinned by appropriate training and support. **(7.3.3)**

8.8 The committee recommends that the Benefits Agency train more staff to conduct interviews and issue National Insurance numbers.

8.9 The committee recommends that the Benefits Agency should consider the best way to deal with claims in unusual areas of law where staff do not develop the necessary expertise. **(7.5.2; 7.5.8; 7.7.1)**

8.10 The committee recommend that a definitive list of evidence of identification should be created. This list should so far as possible indicate core items that would be satisfactory for existing residents and (presumably) different core items for newcomers (eg refugees). The list should be shared with interested agencies so that claimants can be adequately prepared before claiming. **(7.5.5)**

8.11 The committee recommends that if evidence of identity is unsatisfactory then a decision should be issued to this effect allowing the claimant to initiate remedies. **(7.5.7)**

8.12 The committee recommends that relevant agencies (including Social Services, Department of Work and Pensions, Housing and Benefits Service) should establish and disseminate special arrangements for dealing with crises, for example, fast track referrals for dealing with those who are destitute (such as victims of domestic violence). These arrangements might also include same day services on a drop in basis supported by agreed referral mechanisms. **(7.6.1)**

8.13 The committee urge the Department of Work and Pensions to explore solutions to the problem of incorrect cancellation of Income Support/Income Based Job Seekers Allowance. In the interim we recommend that the Department establish a process to identify and automatically reinstate arrears direct payments when these are stopped because of incorrect cancellation of benefit. **(7.8.1)**

8.14 The committee recommends pursuing two possible solutions to the problem of the NHB1 being inadequate.

- Introduction in Birmingham of a new short private tenants form to collect the extra data and not repeat the collection of income details etc.
- Consideration by the Department of Work and Pensions of including an additional private tenants form in the Income Support/Income Based Job Seekers Allowance claim packs. **(7.8.2)**

- 8.15. The committee recommends that the Head of Benefits and a senior representative from the Department should prepare a report outlining the benefits and obstacles (legal and operational) to a single verification based on the Department's process and using enhanced remote access facilities if appropriate. **(7.8.4)**

Issues of national policy

- 8.16 The committee recommends that work to make forms easier to understand and more accessible should continue. **(7.2.1)**
- 8.17 The committee recommend extending the time limits for appealing to two months in order to allow claimants enough time to seek legal advice before lodging their appeals. This will require legislative change. **(7.3.1)**
- 8.18 The committee believe that face-to-face advice from an expert is the best way to ensure a thorough claim. However since this will not be accessible to everyone we recommend a further review of Attendance Allowance/Disability Living Allowance forms in order to better facilitate collection of data on the difficulties and consequences of managing. **(7.4.1)**
- 8.19 The committee recommend that as a matter of urgency the Department of Work and Pensions should consider providing a mechanism for a claimant to comment on or correct errors in their own statement or the examining doctors findings. Such a mechanism could be the use of carbonised forms to leave a copy with the claimant. This response period should be long enough to enable claimants to take advice. **(7.4.3)**
- 8.20 The committee recommend that all claimants completing the Personal Capability Assessment form should receive guidance including an explanation of the points system that operates. **(7.4.6)**
- 8.21 The committee recommend that, as a matter of urgency, the Department of Work and Pensions issue appropriate guidance to local authorities, concerning the need for national insurance numbers of partners with Housing Benefit claims, which will allow these claims to be processed **(7.5.3)**
- 8.22 The committee recommends that the Home Office takes steps to improve the delivery of NASS 35s. This should include identifying a delivery target for the provision of this document against which performance can be measured. **(7.5.6)**
- 8.23 The committee recommends a review of the law to allow recovery of payments made by a local authority to support a claimant who is waiting for a decision on a benefit claim. **(7.5.9)**
- 8.24 The committee recommends a review of the rules regarding Community Care Grants and Budgeting Loans. Some people such as refugees and victims of domestic violence who have a new entitlement to benefit also have an urgent need for household items. If they do not have priority under the Community Care Grant guidance they will be ineligible to be considered for a loan. **(7.6.2)**
- 8.25 The committee recommends that the Department of Work and Pensions provides Local Authorities with enhanced access through RATs and seek a solution to the data protection problem which prohibits Local Authorities from checking the status of non-dependants. **(7.8.3)**

Implementation of this Report

- 8.26 The Committee recommends that an officer of the City Council be identified to oversee the implementation of these recommendations and report to The Coordinating Overview and Scrutiny Committee after 6 months and 12 months.
(7.11)

Committee Membership

Councillors:

Margaret Byrne

Nigel Dawkins

Barbara Jackson

Margaret Langley

John Lines

Paul Pyke (Chairperson)

Theresa Stewart

Lead Officer

Adrian Randall, Housing Department

Researcher

Sue Wainwright, Department of Social Policy and Social Work, University of Birmingham

Committee Manager

Dave Smith, Democratic Services

Evidence was given by the following individuals and organisations:

Sarah Sulley:	Neighbourhood Advice and Benefits
Rodger Lawrence:	Neighbourhood Advice and Benefits 3
Sue Veszpremi:	Area Operations Director, Benefits Agency
Jane Griffith	Director, Birmingham Chamberlain, Benefits Agency
Martin O'Brien	Director Birmingham North West Benefits Agency
Jean Doherty	Midlands Disability Centre
Mike Andrews	Midlands Disability Centre
Caron Dennett	Midlands Disability Centre
Julian Barker:	Central Policy Unit, Benefits Agency
Lynn Evans	Citizens Advice Bureau
Ekhlas Ahmed	Midland Refugee Council
Salman Mirza	Asian Resource Centre
Amarjit Sagoo	Asian Resource Centre
Phillip Williams	Manager, Refugee Council's West Midlands Asylum Seekers Support Team
Alton Burnett	Afro-Caribbean Resource Centre
Helen Grew	West Midlands Pensioner Convention
Tommy Wallace	Head of Benefits, BCC Benefits Service
Carole Donnelly	Senior Policy Officer, Central Arrears
Alison Craddock	Housing Officer, BCC Housing Department
Alan Blore	Senior Finance Assistant, BCC Housing Department
Dr Richard Shannon	Medical Contractor SEMA
Ken Wynne	BCC Social Services Department

Written Evidence was provided by:

Dave Arnold:	Committee Secretary, Access Committee for Birmingham
Jan Jesson	Saltley and Nechells Law Centre

Interviews were conducted with:

Tony Pickering	Birmingham Tribunal Unit
Councillor Roy Benjamin	

APPENDIX 3

Responses to Article in Birmingham Voice

Four people wrote in to advise of their experience but without an on-going problem. Eleven people wrote in with on-going benefit problems of which nine relate to the Benefits Agency and two to the City Council's benefit service.

1. Woman suffering from ME who gets Disability Living Allowance and Incapacity Benefit but every time her benefit is reviewed she loses it and has to go to tribunal.
2. Woman who had difficulty working out which benefit she should claim to supplement her Statutory Maternity Pay. She suggests that it should be possible to develop an interactive computer system which would check a person's entitlement to all benefits.
3. Man suffering from severe arthritis in the knees who had his benefit stopped when an examining doctor made a presumption about his ability for the capability test. He won by appealing to a tribunal. He complains that complaints are not investigated by an independent person. He also complains of the Benefit Service – that they do not respond to letters or answer their phones and should publish a complaints procedure.
4. Pensioner who got no HB for twelve months. Eventually resolved by Neighbourhood Advice and Information.
5. Pensioner couple who waited four months for their HB to be processed. They have subsequently claimed for a Discretionary Social Fund payment and for DLA but both forms appear to have been lost.
6. Pensioner age 86 who has not received her Housing Benefit and cannot get through on the telephone.
7. Landlady who is unable to obtain an explanation for the fluctuations in HB paid.
8. From a woman who is writing on behalf of her epileptic nephew. His JSA appears to have run out and he is getting no benefit.
9. From man who gets Incapacity Benefit. He has been refused Income Support on the grounds of income. He used to get Mobility Allowance but this stopped in 1998 and he can now only walk any distance using elbow crutches. His doctor refuses to fill in the forms for the DSS and will not write a report for the appeals which he loses.

10. A woman writing about her daughter who has suffered a breakdown after being seriously assaulted. She seems to have been getting DLA but this has been reduced recently.
11. Man who cannot use the bath. The BA refused a Social Fund payment for a walk in shower because it was not a repair. The Social Services offered him some steps to get in the bath, but he is too unsteady on his feet.
12. From a man age 55 who has recently had to give up work because of emphysema. It took the BA six months to assess his Income Support because they refused to accept this photocopied documents. He did not get Income Support because of money he receives from a sickness scheme that he contributed to for 25 years. He has now spent all his savings trying to meet his mortgage which has evidently not been included in the Income Support assessment.
13. A woman with cataracts and a psychiatric illness who has been refused DLA. She has been told it will be six months before her appeal is heard.