

# Calderdale DART Winter 2014 Newsletter

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Welcome to the latest edition of our newsletter which we hope you will find interesting and informative

## ➤ AGM

Our AGM took place on 11th December. At the meeting John McGall was elected as Chair-person; Trevor Wilson was elected as Vice Chair-person and Jackie Tetley was elected as our Honorary Treasurer. We are always interested in recruiting new Trustees onto our Management Committee and if anyone reading this is interested please contact Tony Kay (Manager) for further details.

## ➤ Advice Quality Standard (AQS)

In December an audit was undertaken. Philip Knight carried out the audit and reported his recommendation as follows:

*'Having carried out the audit process rigorously in accordance with the guidelines laid down by the Advice Quality Standard, and Recognising Excellence, I am satisfied that the organisation does meet the requirements of the Advice Services Alliance's Advice Quality Standard'. 'I would like to extend my thanks to all those who took part in the audit process for their courtesy and full participation in the on-site phase of the audit'. Calderdale DART can feel very proud of its recommendation, achieved during a period of significant turbulence and uncertainty'*

Our AQS Quality Mark covers the areas of Disability; Older people; Welfare benefits and Health and Community Care.

## ➤ Welcome back

We are pleased to report that Eileen Smith was appointed to the role of part time Disability Rights Adviser on the 'making advice work' project. Eileen previously worked for DART from 1989 until April 2012. Eileen has a wealth of advice work experience and is obviously familiar with the way we work at DART and is a welcome addition to the staff.

### ➤ **Council Tax Reduction scheme**

From April 2014 Calderdale Council will introduce the new Council Tax reduction scheme for all working age claimants. Pension age claimants will not be affected. In Calderdale around 12,500 claim Council tax benefit and of those **80%** currently receive full help. The new charge will mean that **all** working age claimants will now have to pay council tax regardless of the income they receive. This figure has been set at **19%** of the appropriate council tax band. Therefore if your council tax bill for the whole year is £1,000, **you will be required to pay £190**. Letters will be sent out to all claimants from 17<sup>th</sup> February to inform them of the changes and bills will be issued in March.

Payment will be due monthly over 10 monthly payments (12 monthly payments can be arranged on request). In May it is expected that reminder letters will start to go out for those who do not make a payment. When summons letters start to go out, a surcharge of £30 will be levied and if the bill is still not paid a liability order will be issued with a £95 charge. This charge is likely to come as a big shock to many people who currently receive a 100% rebate on their council tax, but the Council said it had no option but to introduce the charge due to its own budget cuts.

### ➤ **The government should draw up a strategy to ensure advice and legal support are available for disabled people and others who get into difficulty in their daily lives, according to an inquiry headed by a disabled peer.**

**The Low Commission says** that “urgent reforms” are needed to ensure help is available for those with employment, debt, housing and other social welfare law problems.

Members of the commission want to persuade political parties to adopt their proposals in the run-up to the next general election in 2015.

The report warns that cuts of £89 million-a-year in legal aid for social welfare law cases, and reductions in council funding for advice and legal support – estimated to reach £40 million-a-year by 2015 – had “destabilised and reduced” the sector at “a time of increased need”.

And it says these cuts are likely to end up “costing more elsewhere in the system”, for example if disabled people lose their benefits after being wrongly assessed as fit for work.

The report estimates that by 2015 there will be about £400 million-a-year to fund advice and legal support services, at least £100 million-a-year less than needed for a “basic level of provision”.

The commission – set up by the Legal Action Group and funded by various trusts and foundations – suggests the next government should provide half of this £100 million-a-year funding through a new 10-year fund for England and Wales.

The commission, which dealt only with England and Wales, was headed by Lord [Colin] Low, the disabled crossbench peer and lawyer.

The report says: “When people get into difficulty in their daily lives... they need to be able to get the right information and advice as early as possible.

“If this information and advice is not available, they could become unemployed, homeless or in debt – and, not only will they suffer distress, but the state will incur increased costs.”

The report says that it is “the most vulnerable or deprived people in society who are most likely to be affected, including many disabled people”.

The report calls for a simpler legal system, early intervention instead of allowing problems to escalate, and advice to be provided in places where people visit regularly, such as GP surgeries.

It also calls for legal education for the public, local advice networks and specialist support for advice agencies, and a national advice helpline and website, which would act as a safety net for those with nowhere else to go.

The report says it is “imperative” that the next UK government in 2015 develops a national advice and legal support strategy for England, while another should be drawn up by the Welsh government.

Lord Low said: “Our report makes sobering reading and we are calling on political parties of all stripes to recognise the need to act before we reach crisis point.

“All around the country we found advice agencies buckling under the strain, and ordinary people left with nowhere to turn.”

Philip Connolly, policy and communications manager for Disability Rights UK said the report was “a very impressive piece of work” and came at a “very, very important time” because of the cuts to advice and legal support funding.

He said: “This situation is calamitous for the individuals concerned and needs to be addressed with long-term solutions.”

He welcomed the report’s emphasis on the importance of second-tier advice services – those organisations like Disability Rights UK that provide advice to the advisers – and the idea of a 10-year government fund.

But he said he believed the shortfall in funding was bigger than £100 million-a-year, although he welcomed the suggestion that some of this shortfall should come from the private sector, including through a levy on payday loan companies.

He also welcomed the idea of appointing a minister for advice and legal support, based in the Ministry of Justice (MoJ).

But Connolly said he believed the government should be asked to bring in the report's recommendations as soon as possible, rather than after the election.

A MoJ spokeswoman said: "We received the full report at the end of last week and we are looking at it very closely."

She said the government had provided about £150 million to organisations such as Shelter and Citizens Advice since 2010 to "help them to adapt and transition to the current funding climate".

She said the government funded "one of the most expensive legal aid systems in the world at around £2 billion every year", and had been forced to "face up to tough choices" in reforming legal aid, which was still available, for example, for eviction cases, family cases involving domestic violence, and cases relating to "life or liberty".

***(Disability News Service 16th January 2014)***

### ➤ **Benefits Street: are the stereotypes real?**

The Channel 4 programme **Benefits Street** has sparked debate around the country. It's a documentary following life on a street in Birmingham, where the programme-makers claim the majority of residents rely on benefits.

It has caused fierce debate, not only about welfare, but also about whether the programme is a fair representation of the street and of life on benefits.

And as the government seeks to cut the welfare state back even further, the show has been discussed in parliament. It has even resulted in a new phrase being coined: a Conservative aide has been quoted as saying, "Benefits Street culture must end, Period."

Perhaps some politicians see 'Benefits Street culture' as the opposite of 'hard-working families' and 'alarm-clock Britain', two phrases commonly used when MPs discuss fairness in welfare.

So, with the programme apparently having an influence on the politicians forming welfare policy, we've been taking a look at some of the stereotypes around benefits... and how many of them are actually true.

## **1. Most benefits are paid to the unemployed**

Debate about welfare spending almost always focuses on the out-of-work, leading many people to believe that the vast majority of payments are made to the unemployed.

A survey conducted by the TUC and published last year showed that most respondents believed around 41% of benefits were paid to the unemployed.

That couldn't be further from the truth. The Survey of the UK Benefit System from the Institute of Fiscal Studies (IFS) examined all benefits and tax credits and found **that the total benefits paid through unemployment schemes was 2.57%.**

Compare that to **almost 21% paid in benefits for working people on low incomes** – far more is spent on workers than so-called shirkers. **The biggest welfare outgoing is on pensions and other payments to elderly people; at more than 42% of the total spend.**

Despite that, George Osborne recently pledged to protect pensions, while at the same time committing the Conservatives to cutting welfare by a further £12 billion a year if they win the next election.

## **2. Benefits claimants are workshy**

Politicians, newspapers and commenters often refer to the 'wilfully unemployed' and it's easy to believe that our towns and cities are filled with able-bodied, working-age layabouts who'd rather stay at home watching TV and living off the taxpayer.

There are undeniably some such cases, they occasionally feature in newspaper articles or programmes such as Channel 5's On Benefits and Proud. But how widespread are they?

Long-term unemployment was the highest in decades in July last year, when official figures showed that around 915,000 Brits had been unemployed for a year or more. Around 474,000 of those had been out of work for at least two years.

Of course, it is harder to assess how many of those are seriously looking for work, but many charities have fiercely derided the notion of a 'culture of worklessness'. They argue that this is a challenging time for anyone to find a job, particularly those with more complex needs and lower skills.

Analysis from the Joseph Rowntree Foundation (JRF) shows that five million people have claimed jobseeker's allowance at least once in the past two years – which is around one in six economically active people. Half of people receiving the benefit stop claiming within six months.

### **3. There are families that have lived on benefits for generations**

A common myth is that there are families that have relied on benefits for generations, with no one breaking the cycle and finding work.

Despite some politicians referring to such families, researchers have in fact never found a household in which more than three generations have never worked.

The JRF managed to find around 15,000 UK households in which two generations have never worked, but that number represents less than 1% of workless households.

### **4. Benefits claimants have huge families**

Newspapers often focus on benefits claimants with large families, creating an impression that the long-term unemployed usually have enormous broods. This can seem particularly unfair when many working people feel unable to afford more than one or two children. So it is true?

Actually no, in 2011, the Department for Work and Pensions responded to a Freedom of Information request by releasing figures on unemployment benefit and family size. These showed that **77%** of those claiming out-of-work benefits had just one or two children.

In fact, just **3%** had five or more children. However, at almost 40,000 families, some taxpayers may still feel angry about that.

### **5. Benefit fraud is rife**

Again, the press often reports on cases of benefit fraud, leading to a widespread belief that such fraud is rife. The TUC's survey found that on average, **people believe 27% of the welfare budget is claimed fraudulently.**

In fact, government figures show that **the real number is just 0.7%**. That means benefits cheats are fraudulently claiming around £1.2 billion a year.

That's a huge number, but to put it in context official figures show that £1.3 billion that people are entitled to goes unclaimed each year.

### **6. Foreigners come to the UK to abuse our benefits**

Whether its health tourism or benefits tourism, the government is constantly pledging to crack down on immigrants coming to the UK to exploit our generous state support.

This was debated a lot in December, amid fears that vast numbers of Romanians and Bulgarians would flock to the UK at the start of the year, once they gained full EU rights to live and work here.

Parliament rushed through legislation preventing new arrivals from claiming out-of-work benefits for the first three months. The work and pensions secretary, Iain Duncan Smith, has even argued that EU migrants should be banned from receiving benefits for up to two years – the Ukip leader, Nigel Farage, has argued that it should be five years.

However, **an EU report showed that on average EU migrants are more likely to be in employment than nationals living in the same country.**

And the Office for Budget Responsibility recently claimed that immigration is beneficial to the economy, with new arrivals more likely to be of working age and contribute more in taxes.

That supports a recent study by University College London that shows recent immigrants have made a strong contribution to public finances, and are 45% less likely to receive state benefits than people born in the UK.

*(INFORMATION By Felicity Hannah, contributor, MSN Money 20th Jan 2014)*

### ➤ **Work programme still fails disabled people**

On 3 January the DWP published the latest work programme statistics claiming that more than 500 disabled people a week were being supported into work or training.

However this claim needs to be viewed in context with the full official statistics. These show that up to end of June 2013 1.31 million have been referred onto the work programme. Of those, 14.7% of referrals have achieved a 'job outcome payment' of which 3.19% are considered to be disabled.

Liz Sayce, Chief Executive of Disability Rights UK says:

'Of course it's good news that 41,530 disabled people have got employment or training. But we really need to know two things:

1. What do these numbers mean in relation to the targets that government set? The last official statistics showed that the Work Programme is massively under-performing in getting disabled people into employment, especially new claimants of Employment and Support Allowance. Why is government now switching from giving us percentage performance against performance targets, to giving basic numbers? Is it because numbers sound better than percentages that show the targets missed?
2. What kind of jobs and training people are getting into/ Are they sustainable – or short term and insecure? Do they offer development opportunities - or are disabled people trapped in 'in-work poverty'?

Disabled people want real career opportunities and we need reporting that shows us how well that is or is not happening. So let's not celebrate too soon.'

Disability Rights UK has already published the results of our own survey about into work support. The report '**Taking Control of Employment Support**' argues that the government's huge Work Programme is failing disabled people (with at least an 88% failure rate) and is very poor value for money.

Work Choice - a more specialist programme - does some good work in spite of a payment incentive system which steers them away from the very people the programme is supposed to help (those facing complex barriers).

Disability Rights UK wants the Government to put power in the hands of the people who can really make employment support work - disabled people, and employers - with advice available to them as need

*(Disability Rights UK Jan 2014)*

### ➤ **Bereavement benefits**

#### **What are bereavement benefits?**

There are three benefits available if your partner has died. These are bereavement allowance, bereavement payment and widowed parent's allowance.

#### **Bereavement allowance**

This is a weekly taxable benefit paid to you for 52 weeks, from the date of your husband, civil partner or wife's death. You must be over age 45 but under pension age when your husband, civil partner or wife dies.

The amount you get depends on your age and your spouse or civil partner's contribution record (but it can also be paid if he or she died as a result of an industrial accident or prescribed industrial disease).

You cannot get bereavement allowance if you are in receipt of widowed parent's allowance but you can get it after widowed parent's allowance ceases to be paid.

You also cannot get bereavement allowance once you have reached the retirement pension age. This benefit counts for the assessment of the benefit cap. For more information see *Factsheet F8 - benefits cap*.

#### **Bereavement payment**

This is a tax free lump sum paid to you when your husband, civil partner or wife has died. Payment depends on your spouse or civil partner's contribution record (but it can also be paid if he or she died as a result of an industrial accident or prescribed industrial disease).

It cannot be paid to you once you reach retirement pension age unless your husband/wife was not entitled to retirement pension based on her/his own contributions when s/he died.

### **Widowed parents allowance**

Widowed parent's allowance is paid if you are a widow/widower having care of a child or children or you are a widow expecting a child.

It is a weekly contributory benefit based on your spouse or civil partner's contribution record (but it can also be paid if he or she died as a result of an industrial accident or prescribed industrial disease).

Payment stops when you reach pension age. This benefit counts for the assessment of the benefit cap. For more information see *Factsheet F8 - benefits cap*.

### **Social Fund funeral payments**

These are paid if you or your partner takes responsibility for the costs of a funeral. To find out more see *Factsheet F41 - the social fund*.

### **How much are they worth?**

- maximum bereavement allowance - Depends on how old you were when your spouse/partner died (ranges from £32.49 a week if you were age 45 when your spouse/partner died to £108.30 a week if you were aged 55 or over)
- bereavement payment - a tax free lump sum of £2000
- maximum widowed parents allowance - £108.30 a week

### **How do I claim?**

Call the Bereavement Service:

Phone: 0845 606 0265

Textphone: 0845 606 0285

You can also get a claim form online from [www.gov.uk/browse/benefits/bereavement](http://www.gov.uk/browse/benefits/bereavement)



## **Access to care services**

If you need information or advice about adults health and social care in Calderdale, your first point of contact is our Gateway to Care service. Often our trained advisors are able to give the information and support that you need.

Occasionally, you may need the help of specialist advisors or a social worker. Gateway to Care will be able to put you in touch with the right people. **Contact Gateway to Care.**

## **Eligibility for support**

For the more complex needs, you will probably require an assessment of your situation: this includes whether you may need social care services for your own needs, or to help support you if you are caring for someone else.

What is an assessment?

An assessment is simply a discussion with you so that you can tell us about any difficulties you may be having in looking after yourself or in remaining independent in the community. We want to hear your views on how you are managing, what you can and cannot do and what help you feel you need.

If you need an assessment, contact Gateway to Care.

The level of support we can offer at the end of the assessment process is based on "eligibility criteria".

The criteria look at levels of need, and set out by the Government to ensure there is consistent, clear and fair access to social care services across the country. Officially, this set of rules is known as the 'Fair Access to Care Services' (FACS) criteria.

What is FACS?

FACS is a national eligibility framework for allocating social care resources fairly, transparently and consistently. The framework outlines the four eligibility bands – critical, substantial, moderate and low. The bands grade eligibility needs in terms of risk to an individual's independence and wellbeing and the consequences of their needs not being met.

## **FACS bandings and eligibility criteria for individuals**

### **Critical** when:

- life is, or will be, threatened; and / or
- significant health problems have developed or will develop; and / or
- there is, or will be, little or no choice and control over vital aspects of the immediate environment; and / or
- serious abuse or neglect has occurred or will occur; and / or
- there is, or will be, an inability to carry out vital personal care or domestic routines; and / or.
- vital involvement in work, education or learning cannot or will not be sustained; and / or
- vital social support systems and relationships cannot or will not be sustained; and / or
- vital family and other social roles and responsibilities cannot or will not be undertaken.

### **Substantial** when:

- there is, or will be, only partial choice and control over the immediate environment; and / or
- abuse or neglect has occurred or will occur; and / or
- there is, or will be, an inability to carry out the majority of personal care or domestic routines; and / or
- involvement in many aspects of work, education or learning cannot or will not be sustained; and / or
- the majority of social support systems and relationships cannot or will not be sustained; and / or
- the majority of family and other social roles and responsibilities cannot or will not be undertaken.

### **Moderate** when:

- there is, or will be, an inability to carry out several personal care or domestic routines; and / or

- involvement in several aspects of work, education or learning cannot or will not be sustained; and / or
- several social support systems and relationships cannot or will not be sustained; and / or
- several family and other social roles and responsibilities cannot or will not be undertaken.

**Low when:**

- there is, or will be, an inability to carry out one or two personal care or domestic routines; and / or
- involvement in one or two aspects of work, education or learning cannot or will not be sustained; and / or
- one or two social support systems and relationships cannot or will not be sustained; and / or
- one or two family and other social roles and responsibilities cannot or will not be undertaken.

In Calderdale we can support people whose needs come into the Moderate, Substantial and Critical categories.

If you require any additional information or would like an assessment of needs, our advisors will be pleased to help you. [Contact Gateway to Care.](#)

(Calderdale Council website)

➤ **Overcharging disabled taxi passengers ‘is widespread’**

**Overcharging of disabled passengers who use taxis and private hire vehicles is “rife”, according to an organisation that represents the industry.**

A leading figure in the National Taxi Association (NTA) made the admission after it emerged that drivers of accessible taxis and private hire vehicles in Middlesbrough have been told to stop overcharging.

Some wheelchair-users are being charged up to twice the fare of non-disabled passengers “as a direct consequence of their disability”, according to a report. Chris Chandler, vice-chair of the NTA and its regional director for Cumbria and the north-east, said that such overcharging was widespread across the country.

He said: "It's not just disabled people, over-charging is rife throughout the trade, but it is probably easier to overcharge a disabled person because you are not going to get an argument out of them.

"Some little guy in a wheelchair who has just come back from a day centre and has just been charged £15 instead of £8 is not going to put up much of an argument, is he?"

"It's not just Teesside. It's throughout the trade and throughout the country."

He advised disabled people who suspect they have been overcharged to ask for a receipt from their driver, and if that was not possible to take down the licence or registration number. Chandler called for disability equality training to be introduced for all drivers, as it had been in Newcastle and Gateshead.

Middlesbrough council has so far failed to respond to Chandler's comments.

But Alison Blackburn, chair of Newcastle Disability Forum, said that if cultural issues were causing problems in nearby Middlesbrough then compulsory disability equality training for all drivers was "the only way forward".

"Generally, I find taxi drivers are good. I refer to taxi drivers as the fourth emergency service or a branch of social services. A lot of them will do simple errands and not charge people."

The forum delivers disability equality training to most drivers across Newcastle, and Blackburn said that the city council frequently prosecutes drivers who breach discrimination laws, such as Muslim drivers who refuse to take assistance dogs.

Middlesbrough council officers have now written to taxi and private hire businesses in the town, and say they will be testing "compliance" with the law over the next few months, with individual licences at risk if further problems are detected.

In a letter to owners of wheelchair-accessible taxis and the town's Hackney Carriage Association, the council warned that charging higher fares to disabled passengers was a breach of the Local Government (Miscellaneous Provisions) Act 1976 and direct discrimination under the Equality Act 2010, and could lead to prosecution.

Private hire operators have been warned in similar letters that over-charging was a breach of the Equality Act.

***(Disability News Service 2 January 2014)***



➤ **Time table for changes to benefits, Tax Credits and Pensions**

- Launch of universal credit pathfinder to demonstrate how the new scheme will work.
- Reassessment/migration onto the personal independence payment of anyone whose DLA award is due to end or who report a change in condition and young people who reach the age of 16.

**From March 2014**

- It is intended that the migration of existing incapacity benefits claimants (incapacity benefit, severe disablement allowance and income support on disability grounds) onto employment and support allowance will be completed by the end of March. Indications are that not everyone will have been migrated by that date.

**From April 2014**

- Help to Work Scheme will apply, from this date, to all Jobseeker's Allowance claimants who have left the Work Programme
- The proposed date for the abolition of those remaining cases of pre-tax credit income support/income-based jobseeker's allowance child additions is 31 December 2014. Previously the date of transfer was to have been 31 December 2011 (and before then 2008).

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- **From April 2015**
- Post Office card account (POCA) to be reviewed.

### **From autumn 2015**

- New Tax-free Childcare scheme starts to be phased in from autumn 2015 for families with all parents in work, where each earns less than £150,000 a year and does not already receive support through tax credits or universal credit. Payment will be 20% – equivalent to the basic rate of tax – of their yearly childcare costs up to £6,000 per child.
- **From October 2015**
- Remaining working age DLA claimants begin to be reassessed for the personal independence payment.

### **From winter 2015**

- Winter fuel payments will no longer be payable to people living in an EEA country with an average winter temperature higher than that in the warmest region of the UK.
- **From April 2016**
- Bereavement support payment replaces current bereavement benefit system.
- Introduction of single-tier pension.
- Cap on the amount the elderly will pay for social care in England will be £72,000.
- Removal of Assessed Income Period in Pension Credit awards. Households on Pension Credit will now need to report all changes in their circumstances that will affect their benefit as they happen. Pensioners aged 75 and over who have an indefinite assessed income period in place will be exempt unless the assessed income period would end under current rules.

### **From May 2018**

- Expected date for completion of personal independence payment assessments for working age claimants moving from DLA.

### **From October 2020**

- State pension age for both men and women increases to 66.

### **From April 2026**

- The Government will start to raise the State Pension age to 67 in stages from this date.

## From April 2028

- State pension age will be 67.

*(Information from Disability Rights UK)*

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Donating to us through Localgiving.com lets you claim Gift Aid\*, giving us an additional 25% at no extra cost to you!

It also saves on administration, which means we have more time to focus on our important work.

To make a donation go to:

**[Localgiving.com/calderdaledart](https://localgiving.com/calderdaledart)**

Or visit any page on our website and click on the “make a donation” banner

Thanks again for your generosity and support. We hope you’ll continue to support us through Localgiving.com

Currently there is still some match fund money available, therefore your £10 could become £20 by donating through local giving. The match Fund comes to an end on 28<sup>th</sup> February, so make your donation before this date.

*Whilst every effort is taken to ensure that the information given is accurate, Calderdale DART cannot accept responsibility for the description or other circumstances relating to information given in this newsletter*