

**Updates from DLS**

* Disability Law Service is campaigning to abolish non-residential care charges for Disabled adults in England. We believe that in any just society, Disabled adults should not be charged to live a full and independent life and that charging is a barrier to their independent living. We have now conducted 2 surveys and 1 focus group of Disabled adults in England and hope to be in a position to publish our research by the end of this year.
* We have changed how we operate our Community Care and Housing helplines and legal aid service. Please scroll down to see full details of how the new service operates.
* Many of our staff recently participated in the London Legal Walk in support of frontline free legal advice services. You can still sponsor us by [**clicking here**](https://londonlegalsupporttrust.enthuse.com/pf/disability-law-service)!

**SUMMER 2022 QUARTERLY NEWSLETTER**

**How to Find Us**

[**www.dls.org.uk**](www.dls.org.uk) **/** [**Facebook**](https://en-gb.facebook.com/disabilitylawservice/) **/** [**Twitter**](https://twitter.com/DLS_Law) **/** [**Instagram**](https://www.instagram.com/disabilitylawservice/) **/** [**LinkedIn**](https://uk.linkedin.com/company/disabilitylawservice)

**Call us on 0207 791 9800**

Welcome to Disability Law Service’s – also known as DLS – quarterly newsletter.

Disability Law Service is a user-led Disabled Persons’ Organisation which provides a free and vital service covering the areas of housing, community care, employment and welfare benefits to some 4,000 Disabled people each year. With almost half of people in poverty in the UK being a Disabled person or living in a household with a Disabled person, our free service improves access to justice and the protection of legal rights for Disabled people over the course of many years.

This issue contains updates from DLS, successful outcomes we've achieved for our clients and key developments in the sector.

**Get Involved**

You can make a vital contribution to the work we do at DLS by [volunteering](https://dls.org.uk/get-involved/volunteer/), [donating](https://dls.org.uk/donate/), or by [receiving training from us.](https://dls.org.uk/legal-training-dls/)

You can also raise money for DLS by sponsoring our fantastic team running the London Marathon to fundraise for DLS. You can sponsor our team by [**clicking here**](https://tcslondonmarathon.enthuse.com/disabilitylawservice/profile).

**Success Stories**

**A Success Story from the MS Welfare Benefits Advice Team**

Sophie has multiple sclerosis (MS), which makes it difficult for her to work. She was on Universal Credit and was struggling to make ends meet. Sophie was hoping to get paid an additional sickness element of Universal Credit, because of her difficulties working due to her health. She had already filled out the work capability assessment form and was waiting to hear back from Universal Credit.

However, due to an error, Universal Credit did not complete the work capability assessment and wanted Sophie to do another one over one year later. Sophie contacted us and asked what to do, as she was very worried about another lengthy assessment and was worried she would not receive the backdated money after waiting for so long.

We advised Sophie that she could contact both her MP and the local DWP partnership manager to avoid a re-assessment and speed things up as well as make a complaint to Universal Credit. After following our advice, Universal Credit agreed to pay Sophie the additional sickness element of Universal Credit and backdate it fully.

Sophie said to her advisor, *“You’re a star thank you!!”*

**A Success Story from the MS Legal Officer**

Our MS Legal Officer recently helped a person with multiple sclerosis (MS) apply for ill health retirement. If you have a private or workplace pension, you might be able to begin taking an income and/or lump sums from your pension at any age due to ill health. Usually the minimum retirement age is 55.

Different pension schemes have different rules, so ask your pension provider or scheme administrator for details. Some allow you to access your pension early if it looks as if you won’t be able to return to your job due to physical or mental illness. Other schemes might require that you won’t be able to do any job, not just your own. You might be able to get higher payments if you need to take your pension early because of a health condition.

It’s not possible to receive your State Pension before your State Pension age, due to ill health. But you might be entitled to some other state benefits, such as Statutory Sick Pay, Employment and Support Allowance or Universal Credit.

Remember – you have the right to ask your employer to make reasonable adjustments to ensure you’re not disadvantaged at work due to a medical condition or disability. If these adjustments make it possible to continue working, you might not need early retirement.

**Policy Updates in Welfare Benefits**

**New Cost of Living Support**

The government has [**announced further support for living costs**](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=bf208a59e6&e=baa410a9b5) for those on benefits. These include the following.

A payment of £650 to be made to households receiving the following benefits: Universal Credit; Income-based Jobseekers Allowance; Income-related Employment and Support Allowance; Income Support; Working Tax Credit; Child Tax Credit; and Pension Credit.

The payment will be made automatically in two lump sums – the first from July, the second in the autumn. Claimants will need to be in receipt of one of these benefits, or have begun a claim which is later successful, as of 25 May 2022 to be eligible for the first payment.

Claimants who are entitled to disability benefits on 25 May 2022 will receive a one-off payment of £150 in September. The eligible benefits are: Disability Living Allowance; Personal Independence Payment; Attendance Allowance; Scottish Disability Benefits; Armed Forces Independence Payment; Constant Attendance Allowance; War Pension Mobility Supplement.

Pensioner households (those where a person is aged 66 or over between 19-25 September 2022) will receive a £300 extra top-up to their annual winter fuel payment in November/December 2022.

All cost of living payments are non-taxable, will not count towards the benefit cap, and will not have any impact on existing benefit awards.

The government is also providing an extra £500 million of local support, via the Household Support Fund, which will be extended from October 2022 to March 2023.

Click here to [**read the new DWP guidance on the cost of living support on GOV.UK**](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=d5f15c7dbc&e=baa410a9b5).

**Adult Disability Payment**

New claims for Adult Disability Payment (ADP) have begun in [**certain areas of Scotland**](https://www.mygov.scot/adult-disability-payment/applicants). From 29 August 2022 you can make a new claim for ADP in all areas of Scotland. Existing claimants of Personal Independence Payment (PIP) in Scotland will be automatically transferred over to ADP from this summer without needing a reassessment. All transfers to ADP should be completed by mid-2024.

The criteria for PIP and ADP is currently the same. Scotland plans to improve the ADP decision-making process by reducing the need for medical assessments and relying on supporting evidence from healthcare professionals instead.

**Managed Migration**

The DWP restarted the process of [**moving claimants on legacy benefits over to Universal Credit**](https://www.gov.uk/government/news/managed-move-of-claimants-to-universal-credit-set-to-restart)on 9 May 2022. Claimants chosen to move will be notified by letter that they have three months to claim Universal Credit. The DWP have said they can extend this three-month period if necessary and they will attempt to engage with claimants who have not claimed within this timeframe to offer support.

If a benefit claimant would be worse off on Universal Credit compared to their legacy benefits, they will receive a transitional protection amount as part of their Universal Credit, so they don’t lose out financially. However, this transitional protection amount can be eroded if the client’s Universal Credit entitlement changes or Universal Credit rates are increased. Managed migration is due to finish by the end of 2024. CPAG have written a [**helpful briefing note**](https://askcpag.org.uk/document-downloads/208086/early-insight-into-managed-migration---briefing-note-for-the-work-and-pensions-select-committee) on the process.

**Further Availability of Fit Notes**

The [**Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022**](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=f412f34784&e=baa410a9b5) come into force on 1 July and will allow more healthcare professionals to sign fit notes for social security benefits and sick pay.

The change will mean that fit notes can be issued by a client’s registered nurse, occupational therapist, pharmacist or physiotherapist, in addition to doctors.

The [**fit note expansion press release on GOV.UK**](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=a460bc2c36&e=baa410a9b5) explains that this is coming from an intent to lift pressure on GPs and reduce bureaucracy within the NHS.



**Housing**

Our Housing Team can provide representation under Legal Aid on the following matters:

* Possession claims
* Homelessness
* Eviction and unlawful eviction
* Re-housing, provided the client falls within the definition of homelessness
* Disrepair matters where there is serious risk of harm to a person’s health and safety
* Anti-social behaviour cases and injunctions concerning harassment in the home

If you are eligible for Legal Aid and your matter falls within the above categories, please use our Legal Aid service.

If you are not eligible for Legal Aid or your matter does not fall within the above categories, please contact our housing helpline for one-off advice.

**Community Care**

Our Community Care Team can provide representation under Legal Aid on matters such as the following:

* Requesting, reviewing and challenging care and support assessments for adults and carers
* Challenging personal budgets and requesting direct payments
* Challenging Disabled Facilities Grants decisions
* Safeguarding investigations
* Securing leaving care services for ‘looked after children’
* ‘Child in Need’ assessments for disabled children
* Requesting after-care services following sectioning under the Mental Health Act 1983
* Deprivation of liberty safeguards
* Challenging contributions to care

If you are eligible for Legal Aid, please use our Legal Aid service. If you are not eligible for Legal Aid, or if you are not sure whether your matter is in scope, please contact our community care helpline.

Our Community Care and Housing helpline is open every working day from 2pm – 5.30pm. Our Community Care advisors can be reached on Mondays, Wednesdays and Fridays, and our Housing advisors can be reached on Tuesdays, Thursdays and Fridays. Please do not call outside of these times. To use our helpline, please call **020 7791 9809**. You can email [helpline@dls.org.uk](mailto:helpline@dls.org.uk) during operating times if you require the use of email as a reasonable adjustment.

If you are eligible for Legal Aid and your matter falls within the scope of Legal Aid listed below, please use our Legal Aid service by calling **020 7791 9820**. Alternatively, you can email us on [legalaid@dls.org.uk](mailto:legalaid@dls.org.uk).

**Community Care and Housing Helpline and Legal Aid Service**