

Disability Law Service

Fighting injustice for disabled people

WINTER 2024 QUARTERLY NEWSLETTER

Welcome to Disability Law Service's quarterly newsletter.

Disability Law Service – also known as DLS – 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.

Updates from DLS

DLS's bid from Propel was approved last Spring. We are now pleased to announce that we have recruited two trainee solicitors who will run a legal clinic alongside the generalist advisor with our partner organisation Real.

The project will train two new social welfare solicitors and train and support generalist advisors in local DPOs to offer Disabled people advice in a new, holistic model. Reaching new audiences, at an early stage and in accessible settings.

How to Find Us

www.dls.org.uk / [Facebook](#) / [Twitter](#) / [Instagram](#) / [LinkedIn](#)

Call us on 0207 791 9800

Get Involved

You can make a vital contribution to the work we do at DLS by [volunteering](#), [donating](#), or by [receiving training from us](#).

Updates in Welfare Benefits

Benefit increases from April 2024

Most benefits are to be increased in line with the consumer price index inflation rate 6.7%.

State Pension and Pension Credit - standard minimum guarantee to remain protected by the 'triple lock' and to increase by 8.5%.

Local Housing Allowance rates to be increased to the 30th percentile of local rents for 2024/25 and then frozen at this level.

Personal Independence Payment 'Operational easements' extended until the end of 2024. Under these provisions, introduced in response to backlogs, awards due for renewal are automatically extended for 12 months.

Universal Credit Surplus earnings threshold retained at £2,500 for a further year to April 2025.

Increase to minimum income floor for carers of children aged 3 to 12. From January 2024, the minimum income floor which applies to self-employed people who are the lead carer is increased to 30 hours per week at the National Minimum Wage to reflect the increase in 'expected hours' announced in the Spring Budget 2023.

National Minimum Wage increase The National Living Wage is increased to £11.44 per hour from April 2024 and extended to include 21- and 22-year-olds.

National Insurance Class 1 National Insurance contributions are reduced from 12% to 10% from 6 January 2024.

From 6 April 2024, self-employed people with profits over £12,570 will not be required to pay class 2 National Insurance contributions. Those with profits between £6,725 and £12,570 will receive "a National Insurance credit". Both groups will retain access to contributory benefits including the State Pension. Those with profits below £6,725 and other self-employed earners may continue to pay voluntary class 2 contributions.

Class 4 National Insurance contributions reduced from 9% to 8% from April 2024

Work Capability Assessment Response Outcome

The government response to the Work Capability Assessment Consultation, has been released. The Consultation focussed on four of the WCA criteria; mobilising, continence, social engagement and getting about. Additionally, it considered changes to the limited capability for work-related activity substantial risk criteria.

1348 organisations and individuals responded. The Government acknowledged the challenges and concerns in their response, mainly:

financial loss if placed in the limited capability for work group, availability of suitable remote working opportunities and concerns about sanctions.

As a result of the above concerns there will be **no change to the continence or social engagement criteria**. However, the Government continue to assert that remote working is a viable option for disabled people and therefore they will be making the following changes to the mobility and getting about criteria: Remove the LCWRA mobility

criteria completely. The LCW mobility descriptors will remain. Reduce the points in getting about for LCW. LCWRA substantial risk will be amended to “realign substantial risk with its original intention of only applying in exceptional circumstances”. What this means in practice is unclear as they have yet to define the criteria and decide what evidence will be required. This is likely to cause great concern for claimants who do not fit easily into the descriptors but who are unable to work.

These changes will also bring a shift in terminology – ‘work preparation’ and ‘health group’ will replace instead of ‘limited capability for work’, ‘limited capability for work and work-related activity’. This at least will make the two groups more distinct and easier for claimants to recognise which group they have been placed in. Those familiar with Employment and Support Allowance will no doubt note the similarity to the work-related activity group and the support group.

A new offer for disabled people to help them into work will also come in with these changes. The Chance to Work Guarantee aims to give those claimants in the LCWRA group the confidence to try work without risking losing their LCWRA. Under this offer the WCA will be abolished for most claimants. Re-assessments will only occur in this group if the claimant: has a change to their health, has been awarded LCWRA for pregnancy risk or cancer treatment where recovery is likely to be short-term, has been placed into LCWRA under substantial risk, is subject to a fraud allegation. These changes will be implemented no earlier than 2025.

The full report can be found at: www.gov.uk/government/consultations/work-capability-assessment-activities-and-descriptors/outcome/government-response-to-the-work-capability-assessment-activities-and-descriptors-consultation

Update On Managed Migration

The government has given an update on the progress of managed migration to Universal Credit (UC). The government stated that it is on track to send migration notices to all households on Tax Credits only by the end of March 2024, with migration notices being sent in all Jobcentre districts in Great Britain.

In 2024/25 the government plans to issue migration notices as follows:

- Income Support claimants from April
- Tax Credits with Housing Benefit claimants from April
- Housing Benefit-only claimants from June
- Employment and Support Allowance with Child Tax Credit claimants from July
- Jobseeker's Allowance claimants from September.

The government plans to contact Tax Credit claimants who are over pension age from August 2024, and ask them to apply for either UC or Pension Credit.



Updates in Employment

Carer's Leave

From 6 April 2024, employees will have a statutory right to a week's unpaid leave to care for a dependent. The Carer's Leave Regulations 2024 have now been published in draft form and provide the details on how this new right will work in practice.

Carer's leave will apply to employees and is intended to allow the individual to provide or arrange care for a dependant with a long-term care need. This includes a spouse, civil partner, child, parent, or a person who reasonably relies on the employee for care.

The leave is a "day one" right, meaning there is no minimum service requirement to take advantage of it. As with other statutory leave entitlements, employers cannot penalise any employee choosing to take advantage of carer's leave once it is brought into force. Dismissal of an employee for a reason connected with their taking carer's leave will be automatically unfair.

Employees using the leave must take a minimum of half a working day at a time; a working day meaning the employee's usual working pattern. There is no need for the leave to be used on consecutive days either. Employees could therefore take five separate days over a 12-month rolling period.

Employees are required to provide notice, although this does not need to be in writing. The notice must include the fact that the employee is entitled to take carer's leave and the day(s) or part of a day that will be taken.

Employees will be required to give notice which is either twice the length of time being requested, or three days, whichever is the longest. It is open to employers to waive the notice requirement provided the employee is otherwise eligible to take carer's leave.

An employer cannot require an employee to supply evidence in relation to a request for carer's leave before granting the leave.

Employers are not able to deny an employee's request for carer's leave but can postpone it if they reasonably consider that the operation of the business would be unduly disrupted if the leave was approved. If the employer does postpone the leave, they must provide a written counter notice within seven days of the request, explaining the reason for the postponement and the revised dates the leave can be taken on. The employee must be allowed to take the requested leave within a month of their original request.

An employee will be able to bring an employment tribunal claim if their employer has unreasonably postponed, prevented or attempted to prevent them from taking carer's leave. A tribunal can make a declaration and award compensation. Compensation is subject to what the tribunal considers "just and equitable", taking into account the employer's behaviour and any consequential loss sustained by the employee.

Legal Aid Team Success Story

Email of appreciation was received from a client to Disability Law Service legal aid team solicitor and trainee solicitor.

DLS client in the email said;

I am writing to thank you so deeply for all of your support year. I'm not quite sure what would have happened, had you not been here to represent me.

You always take the time to truly listen, to understand what I am trying to express. When I reflect on the amount of time, energy and focus you have given to me this year, to support me in a particularly difficult time of need, I feel so truly blessed and extremely grateful to the universe/God for you, and Disability Law Service.

When I was assaulted in August you were there on the phone, straight away, to give support and advice. I imagine you have also given considerable time to my case behind the scenes. You have both made me feel supported, not so alone and have helped me maintain faith that things can improve. That there is still good people fighting for justice and not everything is dark forever, because people like you are still around. My world and the world more generally is so much a better place for having you in it.

The first thing I'm going to do when I'm settled is finish the poem I've been working on for you and DLS. Can't rush genius (so it won't take long! haha)

I wish you both every joy, peace, good health, success and justice in the universe, in 2024 and beyond. More power to you fam!

With deep gratitude and respect,



