Dear Frank,

Universal Credit – Natural Migration.

Thank you for your letter dated 8 May 2019, following the evidence session that took place on the 1 May 2019. Set out below are responses to the questions raised in your letter.

Impact of natural migration on disabled claimants

1. Is it the case that some disabled claimants will lose out if they move house to a different local authority – even though there has been no change to their disability?

2. If the Department considers that there are errors in the scenario set out above, in which some disabled claimants could lose around £200 a month when they move to UC, could you please provide the Committee with analysis to set out what you consider the correct position.

As referenced by Neil Couling, regulations provide that some claimants who were determined as having Limited Capability for Work (LCW) prior to 3 April 2017 will receive the additional amount for LCW on Universal Credit (UC). This is provided this determination occurred whilst the claimant was in receipt of ESA, there is no break in their claim and they have the same health condition.

Officials believe that in your previous letter, your analysis did not include the LCW amount that is payable when claimants who were claiming prior to 3 April 2017 move from ESA to UC, provided there is no break in their claim and they have the same health condition. It also did not show the more generous Limited Capability for Work Related Activity (LCWRA) amount payable when someone moves over from the ESA Support Group. We have provided these revised figures below.

Further to this, I would like to refer the committee to the statistical release 'People on Income-related Employment and Support Allowance with Enhanced Disability'
Premium and/or Severe Disability Premium", which can be found in Annex A. Within this publication, it is shown that, at February 2018, the vast majority of EDP recipients (95%) were in the Support Group and will likely move to the LCWRA group in UC and therefore benefit from the more generous LCWRA amounts in UC.

People receiving the Severe Disability Premium (SDP) on their legacy award have been prevented from moving to UC since 16 January 2019.

We have always been clear that we will provide transitional protection for claimants with existing premiums who are moved to UC through Managed Migration as long as their circumstances remain the same.

Note: Either LCW or LCWRA is payable on UC – not both. Monthly ESA amounts are weekly amounts multiplied by 52, divided by 12. Weekly UC amounts are monthly amounts multiplied by 12, divided by 52.

<table>
<thead>
<tr>
<th>Element</th>
<th>Weekly amount (ESA)</th>
<th>Monthly amount (ESA)</th>
<th>Weekly amount (UC)</th>
<th>Monthly amount (UC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal allowance / standard allowance</td>
<td>73.10</td>
<td>316.77</td>
<td>73.15</td>
<td>317.82</td>
</tr>
<tr>
<td>Work Related Activity Group (WRAG) / LCW</td>
<td>29.05</td>
<td>125.88</td>
<td>29.10</td>
<td>126.11</td>
</tr>
<tr>
<td>Support Group / LCWRA</td>
<td>38.55</td>
<td>167.05</td>
<td>77.58</td>
<td>336.20</td>
</tr>
<tr>
<td>EDP</td>
<td>16.80</td>
<td>72.80</td>
<td>Not payable</td>
<td>Not payable</td>
</tr>
<tr>
<td>Total – WRAG / LCW</td>
<td>118.95</td>
<td>515.45</td>
<td>102.44</td>
<td>443.93</td>
</tr>
<tr>
<td>Total – SG / LCW</td>
<td>128.45</td>
<td>556.62</td>
<td>150.93</td>
<td>654.02</td>
</tr>
</tbody>
</table>

Guidance for staff

3. Could you please confirm what guidance you were referring to in the evidence session?

a) Might you please provide any guidance given to DWP staff on when claimants should naturally migrate to the Committee?

The guidance mentioned during the evidence session is the ‘Natural Migration Guidance’ and the UC guidance section titled ‘Moving onto Universal Credit’ which

1 The additional amount for LCW in Universal Credit is payable for those who were receiving it prior to 3 April 2017, including those who move to UC providing they have the same condition and no break in claim.
can both be found in the accompanying annexes B and C respectively. These ensure that staff support claimants correctly.

In your letter dated 8 May 2019, you asked what guidance was provided to encourage people who have not had a relevant change of circumstances to apply for UC. The Secretary of State wrote to you on 24 April explaining that, as there is no policy to move people to UC without a relevant change of circumstances, there is no guidance. I hope this clears up any confusion in the Committee about these replies to different questions.

Compensation for claimants who are misadvised to claim UC

4. Could you also please provide the Committee with appropriately anonymised details of:

a) the remaining 21 cases relating to UC; and

b) The number of claims of maladministration relating to mis-advice that were rejected by the Department, including details of these cases and why they were rejected.

Please see Annex D for a summary of the cases relating to maladministration and the amount awarded for each case as a result. Please also find below the 2 cases in which we have concluded that there was no misdirection on our part, but recompense for maladministration on behalf of the Department is appropriate.

To clarify, the cases provided relate to instances where a loss of statutory entitlement (LOSE) has occurred. If someone loses their entitlement to a benefit solely because of our maladministration we will consider rectifying this through financial redress. Once the maladministration has been accepted, a Decision Maker will calculate the amount of weekly benefit the customer has lost.

<table>
<thead>
<tr>
<th>No</th>
<th>Description</th>
<th>Misdirection</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>13795E</td>
<td>Delay in home visit led to delay in claim to UC which could not be backdated. ESA was paid up to the start of UC but HB could not be paid</td>
<td>No</td>
<td>£350.00</td>
</tr>
<tr>
<td>14168E</td>
<td>ESA claim received but not processed until contact from customer's father 6 months later. It was then discovered that it should have been a claim for UC and when the correct claim was made backdating could not be considered.</td>
<td>No</td>
<td>£1,497.12</td>
</tr>
</tbody>
</table>

Tax Credit overpayments

5. Could you please provide the Committee with the number of former tax credit claimants on UC with outstanding tax credit overpayments?

As at the end of April 2019, our primary internal data match indicates that there are 570,000 UC claimants (rounded to the nearest 10,000) with an outstanding tax credit overpayment.
6. For those claimants who have tax credit overpayments deductions to their UC award, what is the i) mean and ii) median total amount that they must repay?

Please note that some claimants are not in active recovery in that the DWP is not currently deducting from their benefit. This may be the case for several reasons. Some examples include: in work claimants who are not currently receiving benefit; claimants whose benefit payment is too small to deduct from; instances where a further deduction from benefit would leave the claimant with too little or zero payment; or insolvent claimants. 410,000 UC claimants on the system had a deduction taken in April 2019.

For UC claimants with an outstanding tax credit debt who have had a deduction to repay this debt within the last 31 days, the mean and median amount of tax credit debt outstanding is £1,560 and £610 respectively. Please be aware that these figures are rounded to the nearest £10.

7. What information is a UC claimant provided with in relation to i) what the overpayment was for and ii) if applicable, why it was not recovered in their legacy claim?

8. If a claimant wishes to dispute their tax credit overpayment, what is the process for doing so?

When HMRC adjust a claimant’s payment of tax credits, the claimant is given an award notice detailing the changes to their award, what is owed and how this will be recovered. It also provides guidance on how the claimant can challenge the decision. When a tax credit claim comes to an end and the claimant makes a new UC claim, the opportunity to recover from ongoing tax credits is lost, so as part of the arrangements for moving to UC, DWP agreed to recover this debt.

HMRC will inform the claimant of the amount of debt being transferred to DWP for recovery. Only the debt that is not the subject of ongoing disputes or appeals is transferred to DWP for recovery and HMRC remain responsible for resolving any disputes over the debt before it comes to DWP. HMRC may also contact a claimant following a move to UC if there has been an overpayment of tax credits as a result of payments already made that now overlap with the new UC award period. I enclose a copy of the letter that is sent to claimants advising them that their debt is transferring to DWP for your information (Annex E).

Please also see Annex F which outlines how to dispute a tax credit overpayment. This can be done online or by post.

I hope the additional information provided is helpful. As always, I would welcome any further questions or comments you may have.

Kind regards,

[Signature]

Alok Sharma MP
Minister of State for Employment
Annex A – People on Income-Related Employment and Support Allowance with Enhanced Disability Premium and/or Severe Disability Premium


People on Income-related Employment and Support Allowance with Enhanced Disability Premium and/or Severe Disability Premium

Data up to and including February 2018

Published:

Great Britain

Ad hoc

This publication is about people on income-related Employment and Support Allowance (ESA (IR)) who may be eligible for the Enhanced Disability Premium (EDP), the Severe Disability Premium (SDP), or both.

Main stories

- At February 2018, there were around 1.4 million people on ESA (IR) with the EDP and/or SDP. That’s about 82% of the 1.7m people on ESA (IR) in 2017/18.
- Between May 2015 and February 2018, around 15,000 people on ESA (IR) receiving the EDP and/or SDP had started a claim to Universal Credit (Full Service) within one month of closing their ESA claim; of those, 4,000 were in receipt of the SDP whilst claiming ESA.
At February 2018, 1.4 million people on ESA (IR) received either the EDP, SDP or both.

Over 90% of the people on ESA (IR) receiving the EDP and/or SDP at February 2018 were in the Support Group.

- 31% of the 1.4m people on ESA (IR) with EDP also receive the SDP.
- 85% of the 0.5m people on ESA (IR) with SDP also receive the EDP.

Totals and proportions do not add up due to rounding.
At a glance

What you need to know
People on income-related Employment and Support Allowance (ESA (IR)) may be eligible for the Enhanced Disability Premium (EDP), the Severe Disability Premium (SDP), or both.

Enhanced Disability Premium
People on ESA (IR) can get EDP if they are in the Support Group or if they or their partner receive one of these benefits:

- the higher rate Care Component of Disability Living Allowance (DLA); or
- the enhanced rate of Personal Independence Payment (PIP) Daily Living Component; or
- Armed Forces Independent Payment (AFIP)

It is only payable until the qualifying person reaches state pension age.

Severe Disability Premium
Carer Element for looking after them, and they (and/or their partner) receive one of these benefits:

- the middle or higher rate of Disability Living Allowance (DLA) Care Component; or
- the standard or enhanced rate of Personal Independence Payment (PIP) Daily Living Component; or
- Armed Forces Independence Payment (AFIP); or
- Attendance Allowance (AA).

More information can be found at: DWP Disability Premiums.
Universal Credit

Universal Credit is a payment to help people who have low income or are out of work with their living costs. Universal Credit replaces the following benefits: Child Tax Credit, Housing Benefit, Income Support, income-based Jobseeker’s Allowance (JSA), income-related Employment and Support Allowance (ESA) and Working Tax Credit. Universal Credit is being introduced in stages across Great Britain, which is referred as Universal Credit Full Service. More information can be found at Universal Credit and Universal Credit Full Service.
Most people on ESA (IR) receiving the EDP and/or SDP are in the Support Group

- Over 90% of the 1.4 million people on ESA (IR) receiving the EDP and/or SDP at February 2018 were in the Support Group.

- 95% of the 1.4m people on ESA (IR) with the EDP at February 2018 were in the Support Group. This is to be expected as being in the Support Group automatically qualifies individuals on ESA (IR) for the EDP.

- Annex A gives more information about people on other DWP benefits with EDP and/or SDP.

**Enhanced Disability Premium**

95% of the 1.4 million individuals on ESA (IR) receiving the EDP at February 2018 were in the Support Group.

**Severe Disability Premium**

84% of the 0.5m individuals on ESA (IR) receiving the SDP at February 2018 were in the Support Group.

**Both Enhanced Disability Premium and Severe Disability Premium**

93% of the 0.4 million people on ESA (IR) receiving both EDP and SDP at February 2018 were in the Support Group.
Around 15,000 people who were on ESA (IR) with EDP and/or SDP had started a claim to Universal Credit (Full Service) within one month of closing their ESA claim.

Of the 42,000 people who were on ESA and started a claim on Universal Credit (Full Service) within one month of closing their claim between May 2015 and February 2018, 15,000 were on ESA (IR) with EDP and/or SDP. Of those, 4,000 were in receipt of the SDP whilst on ESA.

Between May 2015 and February 2018:

- **42,000 people** previously on ESA have claimed Universal Credit Full Service (within 1 month of closing their ESA claim).
- **28,000** No EDP or SDP.
- **15,000** EDP, SDP or both.

Universal Credit replaces all seven disability payments within legacy benefits and instead provides an increased amount for those with severe disabilities – known as the additional amount payable for limited capability for work and work related activity (LCWRA). This is because Universal Credit aims to simplify and rationalise the current system through the introduction of the LCWRA addition. In Universal Credit, financial support targets those who have the most severe disabilities or health conditions.

Note: Totals do not add up due to rounding.
**About these statistics**

These official statistics have been compiled using administrative data from within the Department for Work and Pensions.

This ad hoc publication is the first time ESA (IR) EDP/SDP statistics have been released into the public domain.

Data presented in this ad hoc statistics publication relates to all claims open at the end of February 2018, in Great Britain.

ESA phase (e.g. Support Group, Work Related Activity Group and Assessment Phase) information excludes cases whose latest Work Capability Assessment (WCA) result is unknown and a very small amount of cases where the individual has been found fit work and may be appealing their decision.

As data presented is for February 2018, following early work to identify and correct cases that were underpaid on conversion from incapacity benefits to ESA, the data may include premia information on the small number of converted cases that started to receive premium payments by that date.

ESA (IR) caseload for 2017/18 is sourced from the benefit expenditure and caseload tables the Department published at Spring Statement 2018.

Information tracking journeys to Universal Credit Full Service has been taken from the Universal Credit Full Service Reference Dataset. Data have been merged by considering all closed ESA spells for people on ESA (IR) in receipt of EDP and/or SDP on their last of the ESA claim, and restricting to a successful start on Universal Credit Full Service within 1 month of closing their ESA claim. Breakdowns on mandatory reconsiderations and appeals for journeys from ESA to Universal Credit Full Service are not available as they require extensive data merges.

Totals and proportions do not add up due to rounding.

**Statement of Compliance with the Code of Practice for Statistics**

The Code of Practice for Statistics (the Code) is built around three main concepts, or pillars: Trustworthiness, Quality and Value.

- **Trustworthiness** – is about having confidence in the people and organisations that publish statistics.

  Professional analysts have independently produced these figures from the Jobseeker’s Allowance Payments System (JSAPS - the IT system the Department uses to pay ESA) and the Universal Credit Full Service Reference Dataset.

- **Quality** – is about using data and methods that produce assured statistics.

  These statistics have been produced using the DWP’s JSAPS IT system, which is updated and maintained on a regular basis to ensure the quality of the administrative data. The rigorous production ensured the figures are an accurate representation of numbers of individuals on ESA (IR) with SDP and/or EDP. Figures have been independently quality-assured and validated against a range of ESA administrative datasets and modelling.

- **Value** – is about publishing statistics that support society’s needs for information.
This ad hoc release provides information about individuals on ESA (IR) with EDP and/or SDP. This is the first time statistics have been provided on this group of individuals. Providing these statistics will help to respond to public interest on ESA (IR) individuals with EDP and/or SDP, including reducing the administrative burden of answering Parliamentary Questions, Freedom of Information requests and ad hoc queries about EDP and SDP. To support policy development, figures have been seen in advance by Ministers and officials, in line with the Code, where pre-release access does not apply for ad hoc statistics release.

Annex A
This ad hoc publication builds on analysis already in the public domain for other DWP benefits and has been updated to provide the latest available statistics.

**People on Income Support, Pension Credit, Jobseeker’s Allowance and Employment and Support Allowance, in receipt of the Enhanced Disability Premium, Severe Disability Premium and Disability Premium, Nov-2017 (unless stated otherwise), Great Britain**

<table>
<thead>
<tr>
<th></th>
<th>Income Support</th>
<th>Pension Credit</th>
<th>Jobseeker’s Allowance</th>
<th>Employment and Support Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nov-17</td>
<td>Nov-17</td>
<td>Nov-17</td>
<td>Feb - 18</td>
</tr>
<tr>
<td>Enhanced Disability Premium only</td>
<td>22,000</td>
<td>-</td>
<td>-</td>
<td>900,000</td>
</tr>
<tr>
<td>Severe Disability Premium only</td>
<td>11,000</td>
<td>500,000</td>
<td>10,000</td>
<td>100,000</td>
</tr>
<tr>
<td>Both Severe and Enhanced Disability premium</td>
<td>7,000</td>
<td>-</td>
<td>-</td>
<td>400,000</td>
</tr>
<tr>
<td>Enhanced Disability Premium (total)</td>
<td>29,000</td>
<td>-</td>
<td>-</td>
<td>1,400,000</td>
</tr>
<tr>
<td>Severe Disability Premium (total)</td>
<td>18,000</td>
<td>500,000</td>
<td>10,000</td>
<td>500,000</td>
</tr>
<tr>
<td>Disability Premium</td>
<td>76,000</td>
<td>-</td>
<td>36,000</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

Source: DWP 100% and 5% Work and Pensions Longitudinal Study (WPLS) data, and 100% JSAPS Atomic Data Store
Notes

1. Disability Premiums are paid to people (or a family member) who receive a qualifying benefit such as AFIP, AA, DLA, PIP, or are certified as severely sight impaired or blind. The rules of entitlement are broadly similar, though not identical, for income-related ESA, Income Support, income-based Jobseeker’s Allowance (JSA) and Housing Benefit. The Disability Premium is not payable in ESA. More information can be found at: DWP Disability Premiums.

2. The information is not readily available for Housing Benefit.

3. Figures have been rounded to the nearest 1,000. "-" denotes nil or negligible (less than hundred).

4. The JSA figures are from the 5% WPLS data. The best statistics on benefits are derived from 100% data sources. However, the 5% sample data still provide some detail not yet available from the 100% data sources. The Department recommends that, where the detail is only available on the 5% sample data, the proportions derived should be applied to the overall 100% total for the benefit. This is the methodology used to derive the JSA figures provided here.

5. Totals do not add up due to rounding.
Annex B – Natural Migration Guidance

Natural Migration Guidance.

Last modified: 18 April 2019 - 09:54

Claimants in receipt of Severe Disability Premium (SDP) will not naturally migrate to Universal Credit (UC) if at point of change of circumstance they would retain or have new entitlement to SDP.

Introduction

1. ESA face to face and telephony instructions detail the change of circumstances that can result in Natural Migration. Natural Migration only applies to legacy benefit claimants who are not in receipt of the SDP.

2. Claimants can not make a new claim to any of the following benefits that Universal Credit (UC) is replacing unless they have been entitled to an award of benefit which includes SDP within the last calendar month:

   • Income Based Jobseekers Allowance
   • Income Related Employment and Support Allowance
   • Income Support (IS)
   • Housing Benefit (HB)
   • Child Tax Credits (CTC), and
   • Working Tax Credits (WTC)

3. If an existing benefit claimant in a UC area has a change of circumstances that means they would have to make a new claim to one of those benefits or credits, they will not be able to do so, and must make a claim for UC unless they are in receipt of the SDP within the last calendar month and have continued to satisfy the conditions for eligibility for SDP.

4. Claimants not in receipt of SDP, must not be issued leaflet INF2, this will incorrectly direct the claimant to making a claim for Tax Credits and Housing Benefit. Claimant’s who make a general enquiry asking which benefits they may be able to claim, must be advised to use the online services website www.gov.uk (link is external).(link is external).

New style ESA

5. When a claimant has an award of ESA contributions, it will convert to new style ESA when making a claim to UC. New style ESA is a contribution based claim that can be made by claimants. New style ESA may be claimed with UC depending on the claimant’s circumstances.
Change of address

Claimants in receipt of Severe Disability Premium (SDP) will not naturally migrate to Universal Credit (UC) if at point of change of circumstance they would retain or have new entitlement to SDP.

Same Local Authority Area
1. A claim to Universal Credit Full Service (UCFS) will not be appropriate if the ESA claimant has a permanent or temporary change of address within the same Local Authority (LA) Area. An existing Housing Benefit (HB) claim will not require the claimant to make a new claim for HB.

2. A claim to Universal Credit Full Service (UCFS) is appropriate if the ESA claimant has:
   - moved address within the same LA area
   - no previous claim to Housing Benefit made
   - now needs to make a claim for Housing Benefit

Different Local Authority Area
3. Where there is a temporary change of address to a different Local Authority area, Housing Benefit will continue to be paid. An existing HB Claim will not require the claimant to make a new claim for HB. If the temporary address becomes a permanent address you must consider if a claim to UC is appropriate.

4. When the claimant has moved to a different LA area, a claim to UCFS will be appropriate providing their permanent Change of Address requires them to make a new claim for Housing Benefit (HB).

5. You must consider if a claim to UC is appropriate if the claimant wants to report a change of circumstances that results in them wanting to make a new claim to JSA, IS, ESA, Child Tax Credit, Working Tax Credit or HB.

6. Claimants are unable to make a new claim to Housing Benefit (HB) if:
   - they move and their new address is outside of their current local authority area, or
   - if they are not an existing Housing Benefit claimant
   - moves to another address in the same local authority.

7. If the claimant lives in a UCFS area and moves to another address within the same local authority, this is a change of circumstances and treated within the existing HB claim.

8. The following scenarios identify the differences between a new claim to Housing Benefit being made or if it is a change of circumstances and not Natural Migration:

Scenario 1
Treated as a change of circumstances and not Natural Migration when the claimant:
• is claiming ESA and
• is claiming Housing Benefit and
• moves to an address within the same local authority area, and
• has no other change of circumstances that will trigger Natural Migration
  The claimant will remain on legacy benefits. This is because the local
  authority treats this as a change of circumstances on the existing HB award.

**Scenario 2**
Treated as a New Claim to Universal Credit when the claimant:
• is claiming ESA and
• is not claiming Housing Benefit and
• moves to an address within the same local authority area
• has a change of address within the same local authority area and wants to
  claim Housing Benefit
  The claimant will need to make a new claim to Universal Credit as the
  Housing Benefit gateway is closed to them.

**Scenario 3**
Treated as a New Claim to Universal Credit when the claimant:
• is an existing Housing Benefit claimant
• moves to a different local authority area
  The claimant will need to make a new claim to Universal Credit as the
  Housing Benefit gateway is closed to them.

**Exceptions:**
• An existing HB claimant, who moved into temporary accommodation in
  another local authority and their original local authority continued to pay
  their HB, will not be a Natural Migration to UC as no new HB claim is
  required. This is a change of circumstances.
• Claimant with no previous rent liability moves into supported **Specified
  Accommodation** will continue to be paid HB and not UC. Natural Migration
  will not occur. This is a change of circumstances.
• Claimant with HB moves into supported Specified Accommodation in a
  different local authority area will continue to be paid HB and not UC.
  Natural Migration will not occur. This is a change of circumstances.
• Specified Accommodation Exemption: the claimant can not claim UC
  housing support for Specified Accommodation. There is an exemption that
  runs throughout the transitional legislation to permit HB to be claimed for it.
  The exemption means an existing UC claimant can claim HB with their UC.
  The legacy benefit claim is not Naturally Migrated because of a move into
  Specified Accommodation. The claimant will remain on HB or make a new
  claim to HB in their original LA when moving in to Specified
  Accommodation.
• This will apply to Temporary Accommodation from 11 April 2018.

**Change of address notified**
9. Change has happened and was reported in person or by telephone.

10. When a claimant informs you that they have a change of address and
    they need to make a new claim to HB, you must:

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
</table>

1. Check if the claimant has moved to a different LA area

2. Establish if the claimant has an existing HB claim.

All claimants (excluding SDP)

11. If the claimant:
   - has moved to a different LA area, or
   - is not an existing HB claimant and moves within the same local authority area, you must:

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
</table>
| 1.   | Continue current change of address action:  
      | ESA Jobcentre instructions  
      | ESA Telephony instructions |
| 2.   | Signpost the claimant to claim Universal Credit online:  
      | ‘You may be able to claim Universal Credit if you are out of work or on a low income online at www.gov.uk/universal-credit (link is external) (link is external)’  
      | If the claimant is currently also claiming ESA (C):  
      | ‘You can get New Style ESA on its own or at the same time as Universal Credit. Your ESA (C) will automatically transfer to New Style ESA’  
      | signpost the claimant to information online  
      | https://www.gov.uk/guidance/new-style (link is external) (link is external) |
| 3.   | Do not close the ESA claim  
      | Note: the ESA claim will remain open and payment will continue at the current rate until UC is claimed.  
      | MGP1 team will initiate closure of the ESA claim and conversion of ESA contributions to ESA New Style and will take overlapping benefit action |

**Note:** the claimant will remain on ESA, if the claimant is an existing HB claimant and moves within the same local authority area
area and if there are no other changes of circumstances that will trigger Natural Migration

4. Update notepad JA110 'advised to claim UC or 'advised to claim other benefit’

**Work**

Claimants in receipt of Severe Disability Premium (SDP) will not naturally migrate to Universal Credit (UC) if at point of change of circumstance they would retain or have new entitlement to SDP.

1. Natural Migration, see Introduction.

**Starts work**

2. Change has happened and was reported in person or by telephone.

3. When a claimant informs you that they have started work or are about to start work and their conditionality for ESA will no longer be met.

**All claimants (excluding SDP)**

4. If the claimant or partner is not in receipt of Tax Credits, you must:

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Signpost the claimant to claim Universal Credit online: ‘You may be to claim Universal Credit if you are out of work or on a low income online at <a href="http://www.gov.uk/universal-credit">www.gov.uk/universal-credit</a> (link is external)’ (link is external). Continue current action to close the ESA claim or handover to the processing site for claim termination see, Termination and Rotation.</td>
</tr>
<tr>
<td>2.</td>
<td>Update notepad JA110 ‘advised to claim UC’</td>
</tr>
<tr>
<td>3.</td>
<td>Claimant is reporting potentially permitted work: handover to the processing site for DM decision Claimant no longer meets ESA conditionality: continue current action to close the ESA claim or handover to processing site</td>
</tr>
</tbody>
</table>

**Partner starts work**

5. Change has happened and was reported in person or by telephone.

6. When a claimant informs you that their partner has started work or are about to start work and they no longer have ESA (IR) entitlement, you must:
<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Check to see if the claimant has an existing Tax Credit application</td>
</tr>
<tr>
<td>2.</td>
<td>Continue current action to close the ESA claim or handover to the processing site</td>
</tr>
<tr>
<td>3.</td>
<td>Advise the claimant to inform HMRC about the change</td>
</tr>
</tbody>
</table>

**All claimants (excluding SDP)**
7. If the claimant does not have an existing Tax Credit claim, you must:

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Signpost the claimant to claim Universal Credit online: 'If you need additional financial support as you are on a low income when you start work, you may be able to make an online claim to Universal Credit at <a href="http://www.gov.uk/universal-credit">www.gov.uk/universal-credit</a> (link is external) (link is external)'.</td>
</tr>
<tr>
<td>2.</td>
<td>Continue action to close the ESA claim.</td>
</tr>
<tr>
<td>3.</td>
<td>Update notepad JA110 ‘advised to claim UC’ or ‘advised to claim Tax Credits’.</td>
</tr>
<tr>
<td>4.</td>
<td>Do not convert the ESA (C) to New Style ESA. <strong>Note:</strong> MGP1 team will take relevant action. If the claimant has an award of ESA (C), it will be converted to New Style ESA when claiming UC.</td>
</tr>
<tr>
<td>5.</td>
<td>Handover to the processing site for DM decision, if the claimant is reporting potentially permitted work.</td>
</tr>
</tbody>
</table>

**Fit for Work**

**No longer sick**
1. Change has happened and was reported in person or by telephone.
2. When a claimant notifies in writing or diagnosis ends case control matures and no further medical evidence available.

**All claimants (excluding SDP)**

3. You must:

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
</table>
| 1.   | Signpost the claimant to claim Universal Credit online:  
      | ‘You may be able to claim Universal Credit if you are out of work or on a low income online at [www.gov.uk/universal-credit](http://www.gov.uk/universal-credit) (link is external)' |
| 2.   | Continue current action to close the ESA claim or handover to the processing site for claim termination. See, [Termination and Retention](#) |
| 3.   | Update notepad JA110 ‘advised to claim UC’ |

**Claim termination**

4. When you are to terminate the claim, you must:

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
</table>
| 1.   | Continue current actions to terminate the claim, see:  
      | [Termination and Retention](#) |
| 2.   | Update notepad JA110 ‘Claimant informed to make a claim to UC’ or ‘Claimant informed to claim other benefit’ |

**New Partner**

**Partner on UC**

1. Natural Migration, see [Introduction](#)
2. When an existing ESA (IR) claimant reports a new partner who is claiming UC, the new partner is required to report the change to Universal Credit.
3. The ESA claimant can not make an ESA (IR) claim for themselves and partner. The claimant can not make a joint ESA (IR) claim.

**Partner of Universal Credit claimant**

4. When a ESA partner joins a UC customer in a UCFS area, the couple need to decide who is going to be the main claimant, for example:
the claimants partner can add them to their UC claim, or
the legacy claimant can make a new claim to UC and add their partner to their claim.
5. Change has happened and was reported in person or by telephone.

6. When a claimant advises they have a new partner, you must:

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Establish the name and NINO of the partner check if the partner is claiming Universal Credit on CIS</td>
</tr>
<tr>
<td>2.</td>
<td>Signpost the claimant if the new partner is claiming UC: 'Your new partner is claiming Universal Credit. This means you can not claim Income Based ESA and both you and your partner will need to make a new joint claim to Universal Credit. To do this your new partner must report the change to Universal Credit. We will continue to pay you your ESA while the UC claim is made</td>
</tr>
<tr>
<td>3.</td>
<td>If conditions of entitlement for ESA (IR) end: continue current actions to close the ESA (IR) claim <strong>Note:</strong> if the claimant has an award of ESA (C), it will be converted to <strong>New Style ESA</strong> when claiming UC if conditions of entitlement do not end: do not close the ESA claim <strong>Note:</strong> The ESA claim will remain open and payment will continue at the current rate until UC is claimed. MGP1 team will initiate closure of the ESA claim and will take overlapping benefit action</td>
</tr>
<tr>
<td>4.</td>
<td>Update notepad JA110 'advised to claim UC'</td>
</tr>
</tbody>
</table>

**Partner not on UC**

7. When an existing ESA (IR) claimant reports a new partner who is not claiming UC, and if the claimant or new partner is claiming Tax Credits, a new claim to UC is required. This is because the Tax Credit claim will be closed as a single claim and a new joint claim will need to be made.

8. Change has happened and was reported in person or by telephone.

9. When a claimant has advised they have a new partner, you must:

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
</table>
1. Establish if the claimant or partner are in receipt of Tax Credits

Establish if they have no existing Tax Credit claim: treat this as a change of circumstances if the claimant or new partner do not have an existing Tax Credit claim and there are no other changes of circumstances that will trigger Natural Migration. The claimant remains on ESA.

2. All claimants (exc. SDP)
if r their new partner or both, receive tax credits: take current action to add the new partner to the claim and close the partners existing Income Based or Income Related legacy claim if they have one signpost the claimant to claim Universal Credit online: ‘You and your partner will need to make a new joint claim to Universal Credit. We will continue to pay ESA you are entitled to while the UC claim is made’

3. Update notepad JA110 ‘advised to claim UC’

4. Do not close the ESA claim
Note: The ESA claim will remain open and payment will continue at the current rate until UC is claimed. MGP1 team will initiate closure of the ESA claim and conversion of ESA contributory to new style ESA and will take overlapping benefit action

No longer wants to claim

Partner becomes claimant
1. Change has happened and was reported in person or by telephone.

2. When the claimant advises that they no longer wish to be the claimant and the partner will claim instead.

All claimants (excluding SDP)

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Signpost the claimant to claim Universal Credit online:</td>
</tr>
</tbody>
</table>
Your partner is no longer able to make a new claim ESA (IR). If you wish to continue with this change this means that your current claim to ESA (IR) will close and both you and your partner will need to make a new joint claim to Universal Credit online. You can find out more about Universal Credit or make a claim at [www.gov.uk/universal-credit](http://www.gov.uk/universal-credit) (link is external).

Do you wish to continue?

| 2. | If the claimant wants to continue, continue to close ESA (IR) claim |
| 3. | Do not convert the (C) claim to New Style. MGP1 team will take relevant action.  
   **Note:** if a claimant has an award of ESA (C), it will be converted to **New Style ESA** on claiming UC |
| 4. | If the claimant does not want to continue, do not take further actions to close the claim because of this request |
| 5. | Update JA110 to record conversation |

**Couple Separated**

**Permanently separated**

1. Change has happened and was reported in person or by telephone.

2. When a claimant advises that they have permanently separated from their partner, you must Check if the claimant has an existing Tax Credit (TC) claim.

**All claimants (excluding SDP)**

3. If there is an existing Tax Credit claim, you must:

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
</table>
| 1. | Signpost the claimant to claim Universal Credit online:  
   'We are required to inform Tax Credits about this change. This means your existing joint Tax Credit claim will close and you are no longer able to make a **
new 'single' claim to Tax Credit. If you continue to require additional financial support because you are on a low income, out of work or because you have children and/or QYP living with you, you can make a claim to Universal Credit on line at www.gov.uk/universal-credit (link is external) (link is external)

2. Do not close the ESA claim
   **Note:** the ESA claim will remain open and payment will continue at the current rate until UC is claimed. MGP1 team will initiate closure of the ESA claim and will take overlapping benefit action

3. Continue current actions to remove partner from the claim see, Removing partner details (link is external) (link is external)

4. Advise the claimant to inform HMRC about the change

5. Update notepad JA110 'advised to claim UC'

---

**Hospital 52 Weeks**

**Partner in hospital 52 weeks**

1. When the partner or the ESA lead claimant is in hospital for 52 weeks, and the decision has been made that the claimant and partner are to be treated as separated, you must:

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Check if the claimant has an existing Tax Credit claim.</td>
</tr>
<tr>
<td>2.</td>
<td>If no Tax Credit claim: remove the partner from the claim, see: removing partner details</td>
</tr>
<tr>
<td></td>
<td>no new claim required, claimant continues on ESA</td>
</tr>
</tbody>
</table>

---

**All claimants (excluding SDP)**

2. If the claimant has an existing Tax Credit claim, you must:

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
</table>

---
1. Establish if they are claiming ESA(C) signpost the claimant to claim Universal Credit online:

'We are required to inform Tax Credits about this change. You and your partner must be paid separately and this means your existing joint Tax Credit claim will close and you are no longer able to make a new single claim to Tax Credit. If you continue to require additional financial support because you are on a low income, out of work or because you have a child and/or QYP living with you, you may be able to make a claim to Universal Credit online www.gov.uk/universal-credit (link is external) (link is external)

If the claimant is currently claiming ESA(C):

"You can get New Style ESA on its own or at the same time as Universal Credit. Your ESA C will convert to New Style ESA’ signpost the claimant to information online at "https://www.gov.uk/guidance/new-style-jobseekers-allowance (link is external) (link is external)

| 2. | Update notepad JA110 ‘advised to claim UC’ or ‘advised to claim UC and ESA New Style |

| 3. | Remove partner from the claim, see removing partner details (link is external) (link is external). |

| 4. | Advise the claimant to inform HMRC about the change. |

| 5. | Do not close the ESA claim. |

**Note:** The ESA will remain open and payment will continue at the current rate until UC is claimed. MGP1 team will initiate closure of the ESA claim and transfer to **ESA New Style** and will take overlapping benefit action.

---

**First Dependent or QYP**

**First dependent**
1. Change has happened and was reported in person or by telephone.
2. When a claimant notifies that children and/or QYP have joined the household, you must:

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
</table>
| 1.   | Contact the claimant to confirm:  
it is the first and only child, children and/or QYP  
they are claiming for the child, children and/or QYP  
for the first time, and  
the claimant does not already receive Tax Credits |
| 2.   | Existing Tax Credit claim:  
advise the claimant to inform HMRC about the change  
Note: if the ESA claimant is already claiming TC they can add the additional child, children and/or QYP to their existing claim and continue to claim ESA. |
| 3.   | If no existing tax credits claim, you must:  
signpost the claimant to claim Universal Credit online:  
‘If you wish to claim additional financial support because you have your first child, you are able to make an online claim to Universal Credit at www.gov.uk/universal-credit (link is external) (link is external)’. |
| 4.   | Update JA110 'advised to claim UC'. |
| 5.   | Do not close the ESA claim  
Note: the ESA claim will remain open and payment will continue at the current rate until UC is claimed. MGP1 team will initiate closure of the ESA claim and will take overlapping benefit action. |

**Death of a claimant**

Claimants in receipt of Severe Disability Premium (SDP) will not naturally migrate to Universal Credit (UC) if at point of change of circumstance they would retain or have new entitlement to SDP.

1. ESA will take appropriate action to terminate the claim. Surviving partners who do not have an existing Tax Credits claim, must no longer be advised that a new claim to legacy benefit and, or TC is appropriate. They must be directed to claim Universal Credit online. The Department must advise the claimant to inform HMRC about the change.
Surviving partner
2. Change reported in person or by telephone.

3. When you are informed of the death of the claimant and there is a surviving partner, you must check if the partner is under State Pension qualifying age.

**All claimants (excluding SDP)**
4. If the partner is under the qualifying age for State Pension you must:

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
</table>
| 1.   | Signpost the surviving partner to appropriate benefits as follows:
|      | 'We are sorry to hear about your loss. Your partner’s ESA claim will close. If you require additional financial support because you are on a low income, out of work or because you have children and/or QYP living with you, you may be able to claim Universal Credit online at [www.gov.uk/universal-credit (link is external)](https://www.gov.uk/universal-credit) (link is external), in addition to any bereavement allowances or help with funeral expenses. |
| 2.   | Continue current action to close the ESA claim. |
| 3.   | Update JA110 'advised to claim UC'. |
Annex C – Moving onto Universal Credit Guidance

Moving onto Universal Credit

Moving onto Universal Credit

When claimants on existing benefits move onto Universal Credit this is known as migration. There are two types of migration: natural migration and managed migration.

Change of circumstances

Claimants in a Universal Credit Full Service (UCFS) area cannot make new claims to any benefit that Universal Credit is replacing. These are:

- Income-based Jobseekers Allowance (JSA(IB))
- Income-related Employment Support Allowance (ESA (IR))
- Housing Benefit (HB)
- Income Support (IS)
- Child Tax Credits (CTC)
- Working Tax Credits (WTC)

If an existing benefit claimant in a UCFS area has a change of circumstances that means they would have to make a new claim to one of those benefits or credits, they will not be able to do so, and must make a claim for Universal Credit.

The exceptions to these are:

- where a claimant is receiving Severe Disability Premium (SDP) as part of a legacy benefit or were receiving it within the last calendar month and still meet the SDP qualifying condition
- where a claimant wants to claim housing costs because they are in or have moved to Supported Accommodation or Temporary Accommodation. In these cases they can still make a new HB claim and be treated as having underlying entitlement to Universal Credit housing costs. This ensures the Universal Credit claimant still qualifies for any relevant Work Allowance and remains eligible to apply for Discretionary Housing Payments (DHP) should they require additional assistance

If any of the circumstances in the table below happen to a claimant living in a Universal Credit Full Service postcode area then they will need to claim Universal Credit if they wish to claim support.

This list is not exhaustive so when deciding whether a claim to Universal Credit needs to be made it is important that the individual circumstances of the existing benefit claimant are taken into account when deciding whether a move to Universal Credit is applicable.
<table>
<thead>
<tr>
<th>Move from in work to out of work including claimants whose hours reduce to less than 16 hours per week. Claimants may qualify for <strong>New style JSA - contribution based</strong></th>
</tr>
</thead>
</table>
| **Move from out of work to in work**  
Only claimants that already have CTC can continue to claim tax credits. This is because a new award of WTC would be a change of circumstances to the existing Tax Credits award and not a new claim. |
| **Move from ESA(IR) to out of work** |
| **Move from ESA to in work**  
Only claimants that already have CTC can continue to claim tax credits. This is because a new award of WTC would be a change of circumstances to the existing Tax Credit award and not a new claim. |
| **Move from In work to being sick**  
Claimants may qualify for new style ESA - contribution based. |
| **Move from out of work to being sick** |
| **Become responsible for a child for the first time**  
Only claimants that already have WTC can continue to claim tax credits. This is because a new award of CTC would be a change of circumstances to the Tax Credit award and not a new claim. |
| **Existing Housing benefit claimant who moves from one Local Authority (LA) to a new UCFS area LA**  
Only claimants who move into Supported Accommodation or Temporary Accommodation can continue to claim HB. In cases of Temporary Accommodation, HB is claimed from the LA who made the Temporary Accommodation placement. In cases of Supported Accommodation, HB is claimed from the LA whose area the accommodation is located. |
| **A lone parent on Income Support whose award ends when their youngest child reaches 5 or leaves their household.** |
| **Existing benefit or credits claimant forms a couple with a Universal Credit Claimant.**  
They will not be able to remain on existing benefits or credits; they must make a joint Universal Credit claim with their new partner. |

Managed migration
This occurs where DWP initiate the transfer of an entire household from legacy benefits to UCFS, and is planned to start from July 2019.

For further information, see All about Universal Credit Full Service.

Housing Benefits to Universal Credit housing payment

Claimants who claim Universal Credit after 11th April 2018 continue to receive Housing Benefit for 2 weeks. The Housing Benefit will be paid for 2 weeks from the date the claimant claimed Universal Credit. This is disregarded and the Universal Credit housing costs can still be paid as usual for the same period.

https://intranet.dwp.gov.uk/policy/moving-universal-credit

Signposting claimants correctly

Useful telephone numbers

If the claimant’s enquiry is urgent or they have complex needs, the Universal Credit phone number can be provided.

Note: Universal Credit is primarily an online service and claimants should be asked to apply and maintain claims online independently where possible. The online service is available 24 hours a day, 7 days a week and 365 days a year.

Universal Credit is designed to work on mobile devices, as well as on a desktop computer, making it easier for claimants to access the service in a way and at a time that suits them.

<table>
<thead>
<tr>
<th>Service Line</th>
<th>Freephone number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Universal Credit</td>
<td>0800 328 5644</td>
</tr>
<tr>
<td>Universal Credit Live to Full Service Transfers</td>
<td>0800 328 7844</td>
</tr>
<tr>
<td>Universal Credit / Working Age Welsh Line</td>
<td>0800 328 1744</td>
</tr>
<tr>
<td>Universal Credit Text phone</td>
<td>0800 328 1344</td>
</tr>
<tr>
<td>New style ESA</td>
<td>0800 328 5644 and follow the options available</td>
</tr>
</tbody>
</table>
Know your claimant

It is important that we fully understand the claimant’s position before we give advice, signpost to another service or process a new claim.

Incorrect signposting / advice leads to significant additional work and can cause considerable inconvenience and distress and potential hardship to the claimant.

Note: Legacy benefits use a National Insurance number to trace the claimant. For Universal Credit, the claimant’s name and postcode are used. The claimant’s name can be used on its own or can be used with the postcode to cut down search results.

What is Universal Credit?

Universal Credit is a benefit which combines in and out of work benefits whilst supporting employed claimants with childcare and housing costs. Universal Credit is replacing:

- Income Support
- income-based Jobseeker’s Allowance
- income-related Employment and Support Allowance
- Housing Benefit
- Working Tax Credit
- Child Tax Credit

Claimants must:

- be over 18
- be under State Pension age
- not be in full-time education or training
- not have savings over £16,000

Young people aged 16 and 17 will not usually be able to get Universal Credit in their own right but there are exceptions (refer to Universal Learning for more information).

Since 16 January 2019, claimants who are entitled to an award of an existing benefit which includes the Severe Disability Premium (SDP), or have been entitled to an award of an existing benefit within the last month that included the SDP and have continued to meet the SDP eligibility conditions, will be prevented from claiming Universal Credit following a change of circumstances. They will need to apply for an appropriate Legacy benefit instead.

NOTE: This does not allow claimants who have already made a claim to Universal Credit prior to 16 January 2019 to return to Legacy benefits.

If a claimant queries whether they should claim Universal Credit, they should initially be directed to claim online. There are a series of questions at the New Claim Gateway which are designed to direct claimants to claim the
appropriate benefit. A contact number will be displayed for the specialist team who will be available to handle queries from those claimants who might be affected.

For more information, please see the Gatekeeper Memo 01.19.05 Changes to Severe Disability Premium.

Universal Credit

Universal Credit is an interactive service which claimants and staff use to build and maintain accounts for Universal Credit. The online service is available 24 hours a day, 7 days a week and 365 days a year.

Universal Credit is designed to work on mobile devices as well as on a desktop computer, making it easier for claimants to access the service in a way that suits them.

Universal Credit fully rolled out on 12 December 2018 and is available to all claimants with the exception of some claimants in receipt of a SDP.

Since 16 January 2019 claimants who are entitled to an award of an existing benefit that includes the SDP, or have been entitled to an award of an existing benefit within the last month that included the SDP, and have continued to meet the SDP eligibility conditions have been prevented from claiming Universal Credit following a change of circumstances. They will need to apply for an appropriate Legacy benefit instead.

NOTE: This does not allow claimants who made a claim to Universal Credit prior to 16 January 2019 to return to Legacy benefits.

If a claimant queries whether they should claim Universal Credit, they should initially be directed to claim online. There are a series of questions at the New Claim Gateway which are designed to direct claimants to claim the appropriate benefit. A contact number will be displayed for the specialist team who will be available to handle queries from those who might be affected.

For more information, please see the Gatekeeper Memo 01.19.05 Changes to Severe Disability Premium.

Universal Credit Help to Claim

From 1 April 2019 Citizens Advice and Citizens Advice Scotland will deliver Help to Claim support for claimants making a new Universal Credit claim or moving from a legacy benefit to Universal Credit because of a change of circumstances.

Claimants can access Help to Claim at any point from identifying they need to make a claim up until receiving their first full correct payment.
For more information on what the service offers, please see Spotlight on Help to Claim.

For details on how and when to signpost/refer the claimant, please see the National Provision Tool - Help to Claim.

Mixed Aged Couples

New Claims

Where one member of a couple has reached State Pension age and the other hasn’t, the couple can currently choose to claim Pension Credit/Housing Benefit (any eligible children in the household will be paid within Pension Credit) or claim Universal Credit (unless they have a SDP, or have had in the month previous to claiming, and are still eligible).

From 15 May 2019 the option to claim Pension Credit / Housing Benefit will be removed and the couple will have to claim Universal Credit, until the younger member of the couple also reaches State Pension Age.

Existing Legacy awards (other than joint-claim JSA)

If the older member of the couple is receiving IS, ESA or JSA, their award will end when they reach State Pension Age. From 15 May 2019, they will no longer be able to claim Pension Credit, so the couple will have to make a claim to Universal Credit, until the younger member of the couple also reaches State Pension age.

If the younger member of the couple is receiving IS, ESA or JSA they can remain on their Legacy benefit (with any additional pensioner premiums) until they too reach State Pension age, unless their circumstances change which means the couple have to make a new claim to Universal Credit as above.

Existing Legacy awards (joint-claim JSA)

Once one member of a joint-claim couple reaches State Pension age the couple can no longer receive joint-claim JSA. At this point, the couple can either:

• continue on JSA with the younger member of the couple receiving a Standard Allowance for both of them (with any additional pensioner premiums) until the younger member also reaches State Pension age
• claim PC/HB (but only before 15 May), or
• claim Universal Credit (unless they have an SDP or have had in the month previous to claiming, and are still eligible)

Change of claimant circumstances

Under no circumstances should a claimant be advised to close or withdraw their Universal Credit claim and claim a Legacy benefit.
This applies to all changes.

The claimant must be advised to contact Universal Credit to report their change of circumstances.

Incorrect advice to claimants results in hardship for the claimant and additional work for DWP and other government departments that can be avoided if we signpost claimants correctly. With the exception of some claimants with a SDP (as stated above) who inadvertently claim Universal Credit from 16 January 2019, once a Universal Credit claim is made - the gateway to Legacy benefits is closed and a Legacy claim cannot be re-opened.

Natural migration from Legacy benefits to Universal Credit

This happens where a claimant’s change of circumstance triggers the requirement to make a new claim to Universal Credit.

It is important that staff familiarise themselves with the rules to ensure the claimant is supported to claim the correct benefit. Otherwise the claimant may suffer hardship and additional unnecessary work will be created for DWP and other government departments.

With the exception of some claimants with an SDP (as stated above) who inadvertently claim Universal Credit from 16 January 2019, once a Universal Credit claim is made - the gateway to Legacy benefits is closed.

Even if a claimant withdraws or ends their Universal Credit claim (regardless of whether they have received payment) they cannot choose to re-claim or seek re-instatement of a Legacy benefit. The law does not allow DWP to re-open Legacy benefit claims in this case. This applies irrespective of whether the Legacy benefit termination has been actioned ’on time’.

It is important to understand the instructions:
• UC Natural Migration - Universal Learning
• UC Natural Migration - Working age benefits

Claiming new style ESA and JSA

New Style JSA and ESA are the contribution-based benefits introduced where Universal Credit has replaced Legacy (or old style) JSA and ESA. All of the information is hosted in one place: the New Style Benefits page. Please use this page and the links out to specific websites / products to aid understanding of these benefits and improve signposting correctly. This helps to guide claimants to make the right decisions on claiming in respect of their circumstances.

Universal Credit and new style ESA or JSA can be claimed and paid alongside each other, though the ESA/JSA payment amount will be deducted from Universal Credit.
In addition, new style ESA and JSA may be payable where claimants do not qualify for Universal Credit. It is important to understand that those claiming new style ESA/JSA can retain any existing Housing Benefit or Tax Credits, but only if they have not claimed Universal Credit.

Claimants do not need to have made a claim to Universal Credit in order to make a claim to new style ESA or JSA.

The table at Appendix 1 sets out how the claimant should make a claim to new style ESA or JSA – either over the phone or on-line. A Frequently Asked Questions section has been included to support front line staff, however further information for both staff and claimants can be found via the links below:

Links for claimants on gov.uk:

GOV.UK new style jobseekers allowance (link is external)

GOV.UK new style employment and support allowance (link is external)

Internal DWP guidance

New style Employment and Support Allowance and Jobseeker's Allowance (contribution-based)

Action

All staff must undertake a 'house-keeping' exercise to ensure that all references to out of date telephone numbers (for example, 0345 numbers) are removed from office areas such as:

- walls
- noticeboards and other shared areas
- desks

This must include:

- removing obsolete posters or other flyers (local or national products)
- removing or updating contact lists
- removing out of date 'post-it' notes, printed emails, printed guidance etc.

Work is underway with your local Intranet leads to maintain and update web pages for each jobcentre.

Appendix 1 - Signposting - New Claims for ESA/JSA
<table>
<thead>
<tr>
<th>ESA New Style</th>
<th>ESA Income Related</th>
<th>JSA New Style</th>
<th>JSA Income Based</th>
</tr>
</thead>
<tbody>
<tr>
<td>0800 328 5644 and follow the options available</td>
<td>Universal Credit only (unless receiving a SDP as above then claimants should contact 0800 055 6688)</td>
<td>JSA Online</td>
<td>Universal Credit only (unless receiving a SDP as above. The preferred method for claiming is via Jobseekers Allowance Online (link is external) at gov.uk).</td>
</tr>
</tbody>
</table>

Frequently asked questions

Please see the FAQ page

Note for Working Age directorate

If Working Age Directorate colleagues have any suggestions for improvements to this product, please route ideas through your Universal Credit Site Customer Orientation Lead Adviser (SCOLA)

This product has been developed in conjunction with representatives from Operational Excellence Directorate, the Universal Credit Programme, Policy, Universal Credit Operations and Working Age Directorate to support frontline staff to answer common issues/queries when signposting claimants to the most appropriate service line and should be used by:
• Universal Credit
• Working Age Service Centres

Please be aware this is not a replacement for current DWP guidance. Detailed guidance must be used to confirm actions.
## Annex D – Summary of the cases relating to maladministration and the amount awarded for each

<table>
<thead>
<tr>
<th>No</th>
<th>Description</th>
<th>Misdirection</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>12769E</td>
<td>Incorrectly advised that Child Benefit (CHB) was included in Universal Credit (UC) when it should be claimed separately. The customer was late to claim CHB and lost out.</td>
<td>Yes</td>
<td>£178.10</td>
</tr>
<tr>
<td>12775E</td>
<td>Claimant was incorrectly advised regarding New Enterprise Allowance which led to the claimant not qualifying.</td>
<td>Yes</td>
<td>£1,274.00</td>
</tr>
<tr>
<td>12861E</td>
<td>Incorrectly advised to claim Income Support (IS) and Housing Benefit (HB) instead of UC. IS was paid but customer missed out on HB which had to be paid as LOSE.</td>
<td>Yes</td>
<td>£1,270.41</td>
</tr>
<tr>
<td>13026E</td>
<td>Incorrectly advised to claim New Style (NS) Employment and Support Allowance (ESA) instead of UC. This resulted in a late claim which could not be backdated.</td>
<td>Yes</td>
<td>£293.40</td>
</tr>
<tr>
<td>13184E</td>
<td>Incorrectly advised to claim IS when HB was involved when in a UC Full Service area.</td>
<td>Yes</td>
<td>£959.57</td>
</tr>
<tr>
<td>13158E</td>
<td>Advised to claim NS ESA whilst still receiving Statutory Sick Pay (SSP). Claimant should have been told to claim UC. Caused delay to UC claim which could not be backdated.</td>
<td>Yes</td>
<td>£1,464.11</td>
</tr>
<tr>
<td>13376E</td>
<td>Incorrectly advised to claim NS ESA instead of UC. The claim to UC could not then be backdated.</td>
<td>Yes</td>
<td>£2,319.29</td>
</tr>
<tr>
<td>13369E</td>
<td>Customer on Jobseekers Allowance (JSA) moved address and was wrongly advised to stay on JSA. She made a claim for HB from new address which was disallowed as she was in a Full Service area. Claimed UC but could not get backdating for HB element.</td>
<td>Yes</td>
<td>£613.35</td>
</tr>
<tr>
<td>13600E</td>
<td>The customer was misadvised to close his claim 2 days before the end of the Assessment Period which meant he missed out on the whole period rather than any earnings for the period being taken into account.</td>
<td>Yes</td>
<td>£812.76</td>
</tr>
<tr>
<td>Ref</td>
<td>Description</td>
<td>Backdated</td>
<td>Amount</td>
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</tr>
<tr>
<td>14253E</td>
<td>Incorrectly advised to claim NS ESA instead of UC. UC claim could then not be backdated.</td>
<td>Yes</td>
<td>£410.09</td>
</tr>
<tr>
<td>14251E</td>
<td>Incorrectly advised to claim NS ESA instead of UC, UC claim could then not be backdated.</td>
<td>Yes</td>
<td>£105.94</td>
</tr>
<tr>
<td>14575E</td>
<td>Customer advised to claim HB instead of UC following a change of address. They couldn't get backdating.</td>
<td>Yes</td>
<td>£490.28</td>
</tr>
<tr>
<td>14572E</td>
<td>Representative incorrectly advised to claim ESA in a Full service area, once UC claimed could not get backdating.</td>
<td>Yes</td>
<td>£755.31</td>
</tr>
<tr>
<td>14525E</td>
<td>Wanted to claim NS ESA but was incorrectly advised to claim UC, should have been NS ESA &amp; HB but couldn't then get backdating of HB.</td>
<td>Yes</td>
<td>£1,499.03</td>
</tr>
<tr>
<td>14599E</td>
<td>Incorrectly advised to claim Tax Credits instead of UC, late claim to UC could not get backdating.</td>
<td>Yes</td>
<td>£305.05</td>
</tr>
<tr>
<td>14690E</td>
<td>Incorrectly advise to claim NS JSA instead of UC, when claim made to UC backdating refused.</td>
<td>Yes</td>
<td>£1,188.38</td>
</tr>
<tr>
<td>14686E</td>
<td>Incorrectly advised to continue claiming JSA following a change of address unable to claim HB and when UC eventually claimed backdating refused.</td>
<td>Yes</td>
<td>£1,690.64</td>
</tr>
<tr>
<td>14731E</td>
<td>Customers advised to claim Child Tax Credits when grandchild moved in as he was on JSA should have been advised to claim UC. Could then not get backdating when he did claim UC.</td>
<td>Yes</td>
<td>£999.10</td>
</tr>
<tr>
<td>14710E</td>
<td>Customer on UC advised to claim IS in error, when reclaimed UC could not get backdating.</td>
<td>Yes</td>
<td>£640.00</td>
</tr>
</tbody>
</table>
Annex E – Tax Credits Overpayments Letter

HM Revenue & Customs

Reprint-referenceXX-999
www.gov.uk/contact-hmrc
Recipient-Name_Line-1_Max_35_CHARSX
ADDRESS_line_1_MAX_35_CHARSXXXXXXXX
ADDRESS_line_2_MAX_35_CHARSXXXXXXXX
ADDRESS_line_3_MAX_35_CHARSXXXXXXXX
ADDRESS_line_4_MAX_35_CHARSXXXXXXXX
ADDRESS_line_5_MAX_35_CHARSXXXXXXXX
POSTCODE_X

DD_MonthXXXX_CCYY

As-appointee-for--
Claimant_Name_Line-1_Max_35_CHARSXX-
National-Insurance-number-AA_99_99_99_A

Your tax credits overpayments
As-you-have-made-a-claim-to-Universal-Credit,-we've-checked-for-any-tax-credits-overpayments-or-charges-which-you-need-to-pay-back.-These-are-shown-in-the-table-below.-
The-total-amount-you-personally-owe-for-the-periods-shown-in-the-table-is-£999999.99.
If-you-claimed-tax-credits-as-a-couple,-the-amount-shown-is-your-share-at-the-date-of-this-letter.-If-you-have-a-partner,-or-a-previous-partner,-we-may-contact-them-separately-about-their-share-of-the-overpayments-or-charges.
If-you-claimed-tax-credits-as-a-couple-but-have-since-separated,-there-may-be-instances-when-we-need-to-adjust-the-amount-you-have-to-pay-back.-If-this-is-the-case-we'll-contact-you-again.
We've-stopped-any-payment-plan-previously-agreed-with-you-and-cancelled-anything-Direct-Debits.-You'll-need-to-cancel-other-payment-methods-such-as-Standing-Orders.-
For-more-information-about-tax-credits-overpayments,-go-to-www.gov.uk/tax-credits-overpayments

What happens next
If-you-want-to-pay-back-all-or-part-of-what-you-owe-now,-go-to-either:
- www.gov.uk/benefit-overpayments/how-to-make-a-repayment-if-you-live-in-Great-Britain-
- www.nidirect.gov.uk/articles/overpayments-and-benefit-
types-if-you-live-in-Northern-Ireland
You-don’t-need-to-do-anything-else.
We’ll-send-details-of-the-amount-you-owe-to-the-Department-for-Work-and-Pensions,-or-the-Department-forCommunities-if-you-live-in-Northern-Ireland,-so-they-can-recover-it-from-your-Universal-Credit-payments-unless-they-tell-you
otherwise.

<table>
<thead>
<tr>
<th>Award-period-ended-</th>
<th>Amount-you-owe</th>
</tr>
</thead>
<tbody>
<tr>
<td>DD/MM/CCYY--</td>
<td>£99999999.99</td>
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<tr>
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<table>
<thead>
<tr>
<th>Award-period-ended-</th>
<th>Amount-you-owe</th>
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TCI131(UC)-          Page-1-                HMRC-10/17-
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| DD/MM/CCYY- | £99999999.99 |
| DD/MM/CCYY- | £99999999.99 |

As appointee for:
Claimant_Name_Line-1_Max_35_CHARSXX-
National_Insurance_number-AA_99_99_99_A

Your tax credits overpayments and charges continued
<table>
<thead>
<tr>
<th>Award-period-ended-</th>
<th>Amount-you-owe</th>
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<tbody>
<tr>
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</tbody>
</table>

*Your tax credits overpayments and charges continued*

<table>
<thead>
<tr>
<th>Date</th>
<th>Amount</th>
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<tbody>
<tr>
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<td>DD/MM/CCYY-</td>
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DD/MM/CCYY- £99999999.99
DD/MM/CCYY- £99999999.99
DD/MM/CCYY- £99999999.99
DD/MM/CCYY- £99999999.99
DD/MM/CCYY- £99999999.99
Penalties, interest and other charges--£99999999.99
Total amount you owe for these periods £99999999.99
Annex F – Tax Credits Appeals and Complaints Procedure

Tax credits: appeals and complaints

Contents
1. Overview
2. Dispute a tax credits overpayment
3. Disagree with a tax credits decision
4. Complain about tax credits

Dispute a tax credits overpayment

You can be overpaid tax credits even if you told HM Revenue and Customs (HMRC) about a change of circumstances on time. You’ll normally have to repay these.
Disputes are usually only successful if HMRC made a mistake.
Fewer than 1 in 10 tax credit disputes are successful.

How to dispute

Tell HMRC online or by post.

You can do this even if you’re no longer getting tax credits.
HMRC will continue to reclaim overpayments while they review your dispute.

Deadlines

Send your dispute form within 3 months of either:
- the date on the first letter, statement or notice you received telling you that you’ve been overpaid
- the ‘decision date’ on your Annual Review notice

You can only send it after the deadline in exceptional circumstances, for example you were in hospital for the 3 months.
If you’ve requested a ‘mandatory reconsideration’, you need to send your dispute form within 3 months of getting a reconsideration decision.

What happens next

You’ll get a dispute decision letter telling you:
- if you have to repay the tax credits
- how much you have to repay
- the reasons for the decision

If you do not agree with the decision

You can:
- send HMRC new information
- ask them to review the information you sent

You need to do this within 30 days of getting your dispute decision letter unless there are exceptional circumstances, for example you were in hospital.
You can only ask for the decision to be reviewed once.
HMRC will continue to reclaim overpayments while they review your information.

You can contact an organisation like Citizens Advice if you have not got any new information and you're still unhappy.

(Full link to gov.uk webpage: https://www.gov.uk/tax-credits-appeals-complaints/dispute-tax-credits-overpayment)