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Mick Hayward
Medway Council
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7 December 2014

Dear Mick,

Thank you for your letter of 14 October to the Secretary of State on behalf of Medway Council regarding the impact of Welfare Reforms on the people of Medway. I am replying as the Minister responsible for Welfare Reform and apologise for the delay.

You also wrote to the Secretary of State for Communities and Local Government about this matter. I trust that you will accept this as a reply to both letters.

I was pleased to note that Medway Council will be exploring examples of good practice to see how it can promote and assist in the development of Universal Support delivered locally. We continue to work closely with the Local Government Association and local authority representatives to identify and develop the services that may be required and the best means of providing these. As Universal Credit expands, this Department will put in place delivery partnership agreements between Jobcentre Plus and local authorities to make available funded support for those who need extra help. In the meantime we are encouraging all of our district managers and local authorities to continue to forge links and establish local partnerships to test and develop key elements of Universal Support.

In your letter you highlight concerns around the funding of Local Welfare Provision. The Government has agreed to reconsider how local welfare provision should be funded in 2015-2016. We will complete the review of local welfare provision, which is currently on-going, conduct a consultation which is currently available via the Gov.uk website in the government consultations section, and consider further our equality duty in reaching a fresh decision as to how local welfare provision will be funded in 2015-2016. We will inform all

local authorities of the outcome as early as possible, and in any event by the time of the Provisional Local Government Finance Settlement.

Your letter addresses the fitness for purpose of the Mandatory Reconsideration (MR) process adopted within the Employment and Support Allowance (ESA) assessment process. It is acknowledged that there were delays in deciding applications for MR when this process was first introduced; however, I can assure you that we have greatly improved in this area. We accept there is further room for improvement and are taking the necessary steps. I can confirm that we have no plans to introduce a statutory time limit.

Those who express concern about MR link it to the fact that ESA is not payable whilst the MR is being considered. If there is delay then the claimant will be without money and will face hardship. However, whilst there is no legal basis on which to continue paying ESA whilst the MR process is completed, this is in line with all other benefits and the vast majority waiting for their MR process to be completed are able to claim Jobseeker's Allowance (JSA). We make every attempt to contact the claimant before the decision is taken not to pay ESA. This not only gives the claimant the opportunity to discuss the pending decision and provide further evidence, should it be available, but also for the decision maker to explain that, should ESA stop they can claim JSA. Decision notices confirming the decision also explain this option. Of course claimants have to meet the conditions of entitlement and, contrary to what many believe, this is possible. The conditions of entitlement and the Claimant Commitment can be modified and drafted to reflect the claimant's health condition. Jobcentre Plus advisers, drawing on the expert help of Disability Employment Advisers, can readily facilitate discussions in this area. Accordingly, there is no reason why anyone should be without money during the MR period.

Finally to address your concerns about the delays and growing backlogs within the Personal Independence Payment process I can assure you we are absolutely committed to improving performance. We will continue to work to further reduce processing times and levels of work outstanding. Both providers - Atos and Capita - have more than doubled the number of assessment reports they are returning to the Department since January, as shown in the official statistics published in September, and the number of decisions made has further increased over recent months.

Yours sincerely,



Lord Freud

Minister for Welfare Reform