

Information on DWP / DfC Income Support Claims Review Exercise

The Department for Communities (DfC) wishes to inform you of the Income Support Claims Review Exercise being conducted by the Department for Work and Pensions (DWP) and the impact for Northern Ireland customers, as DfC will also take part in this exercise.

DWP has identified that some customers (since 31 January 2011) have made new claims for Income Support (IS) on the grounds of disability or health condition when they should have made new claims to Income-related Employment and Support Allowance ESA (IR) instead.

As a result, some of these customers may have been under or overpaid because there are differences in the amounts paid via Income-related ESA and IS. The exercise addresses this by identifying or asking eligible customers to come forward.

Where customers are underpaid, they will receive an extra-statutory payment to cover this, if they have been overpaid this will be written off.

Eligibility

Eligible customers will need to have:

- made a claim to IS on the grounds of disability or health condition since 31 January 2011.
- not been in receipt of Incapacity Benefit or Severe Disablement Allowance when they made that IS claim; and

- undergone a Work Capability Assessment (WCA) where they have been found to have Limited Capability for Work (LCW) or Limited Capability for Work and Work-related Activity (LCWRA).

How eligible customers can apply

Full details and eligibility criteria will be available at <http://www.nidirect.gov.uk/articles/special-payment-if-you-claimed-income-support-instead-of-esa> from 30 June 2023. Eligible customers can apply by calling 0800 022 4250, choose option 2 for Income Support and state reason for call as 'Income Support Claims Review exercise'. Lines are open Monday to Friday, 9am to 4pm

Further details are outlined below. For more information, contact CorporateCommunications@communities-ni.gov.uk

Current IS customers

For those still receiving IS erroneously, the purpose of this exercise is to put them into the position they should have been in, i.e. claiming ESA(IR).

To do this the Department will use current processes to convert these customers to ESA(IR) by asking them to undergo a Work Capability Assessment (WCA) to see if they have Limited Capability for Work (LCW) or Limited Capability for Work and Work-related Activity (LCWRA).

If they are successful in claiming ESA(IR) the information from this claim will be used to calculate any under or overpayment for the period of the erroneous IS claim. The outcome of the WCA will be taken from the date of conversion and applied to past periods. This is because it is not possible to do retrospective WCAs. If customers do not have LCW or LCWRA they will not be able to claim ESA (IR) and will have to claim Universal Credit (UC) instead.

Customers who have already moved to ESA(IR) and UC

For those who have moved directly to ESA(IR) or UC from IS and have met the criteria above, the purpose of the exercise is to use the information available to work out any under or overpayments they may have. In both cases the

customer would need to have been through a WCA and found to be LCW or LCWRA to enable the Department for Communities to review the case and calculate any under or overpayment for the period of the erroneous claim. The customer will receive any underpayment they are entitled to and if there has been any overpayment identified during this exercise, the overpayment will be waived.

Evidence

DfC will use any evidence it can to help the customer work out if they are eligible for the exercise and to do any comparisons between IS and ESA(IR) or the notional ESA(IR) award, to see if they have been under or overpaid.

If DfC does not hold any evidence to show that the customer qualifies for the exercise, it will ask the customer to supply this information. Where they cannot do this, they will not be eligible because the Department needs some form of evidence to base its calculations and any subsequent payments on.

Yours sincerely,

Corporate Communications

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