

Migration from ESA to Universal Credit - The Facts.

There has been a lot of speculation around the web about Universal Credit recently. That's only natural for something new that is going to affect most of us. But many of the articles and posts you see elsewhere are mistaken, or speculation, or just plain wrong.

People are not reading things properly, misinterpreting what legislation and guidance says, and then shouting about their wrong conclusions. (I have seen a number of blogs and posts that have later been removed once the author realised they were wrong. Of course by that time their false conclusion has been spread about the web by others who also didn't check properly).

The UC rollout is changing which areas are Full UC or Live UC from week to week. And of course the government keep tinkering with the laws underpinning it. So here's a quick recap of what is actually happening with ESA and migration to Universal Credit at the moment.

As of the current time: September 2017. Nobody is being made to change from Income Related ESA to Universal Credit. (This is called 'Managed Migration' and will happen eventually, but it's not happening yet). (The latest government 'guesstimate' is that it will start in July 2019).

Contribution Based ESA will not change to Universal Credit. All Contribution Based benefits stay outside of Universal Credit. (It is only Income Related benefits that are/will change). (So if you claim Housing Benefit for instance, that will eventually become UC).

It does not matter which ESA group you are in. - The only criteria is Income Related or Contribution Based.

It is possible to have CB ESA with a Universal Credit top-up. (Just like you can have CB ESA with an IR ESA top-up).

In the future those who change from IR ESA to Universal Credit by 'Managed Migration' will not get any less money. (There will be 'Trasitional Protection' to make sure you don't get any less money than your ESA).

BUT!!!

You can be changed from Income Related ESA to Universal Credit if you have a 'Change of Circumstances'. (This is called 'Natural Migration').

This can only happen if you live in, or move to, a Universal Credit 'Full (digital) Service' area.

Not all 'Changes of Circumstances' will trigger a migration to Universal Credit. (For instance a change of health circumstances that moves you from WRAG to SG,

or vice-versa, should not trigger a migration to Universal Credit).

It will only happen if you need to make a new claim for an Income Related benefit in a 'Full Service' area. (For example if you are claiming HB but move to a house in a 'Full service' area you will have to claim UC-Housing Element in the new area, a new claim). (If you are already in a Full Service area and move house in the same Local Authority area this does not apply, you can stay on HB. It only applies if you move to a different Local Authority). (Eventually though all HB will be migrated to UC).

Contribution Based ESA WRAG ending after 365 days is a 'Change of Circumstances' that also currently counts. (This is because after 365 days are over you technically have to make a new claim for Income Related benefit. So in a Full Service area this would have to be a new UC claim).

There is no 'Transitional Protection' for 'Natural Migration' by a change of circumstances, so you could end up with less money. But equally you could end up with a few pounds more, it all depends on your individual circumstances. (So you need to check carefully before considering a move). (In particular Disability Premiums are not paid with Universal Credit, but alternatives may be).

Those are the main points about migration from ESA to Universal credit at the current time. Obviously it does not cover all the little wrinkles, that would just get too long and complicated.

And yes, the DWP are making some wrong decisions about it. (They always do with something new). If they do get something wrong then of course you can still ask for MR and appeal.

Eventually the whole country will be Full Service for Universal Credit (which will simplify thing a bit).

<http://www.youareable.com/forums/sho...>

Advice from Gary Vaux..

This is pretty accurate although I would query some of the wording. What is missing is some guidance on the process if you do switch from ESA to UC at present.

The problem stems from the fact that the UC section don't have full access to your ESA records. So people moving into UC are often told that they have to have a fresh assessment (even if they've just had one) and they don't get the additional payments for ill-health due under UC until that assessment is done. Worse still, they are wrongly told to look for work in the meantime!

In fact, under Regulation 19 universal credit (transitional provisions) regulations 2014, none of those should happen. The previous assessment stands, until the original planned date for review, the additional payments should kick in on transfer and jobsearch is removed.

This is scandalous ignorance by DWP staff and should be challenged in every case. It's different if you've transferred to uc because you've failed an assessment but if you have a live esa claim, it shouldn't cause the grief that's currently happening.

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