



Employment and Support Allowance Inquiry

Summary of recommendations:

- All claimants who have been affected by the administrative error (stretching back to 2011) should be awarded arrears.
- LCNI believes that the government's decision to only pay those claimants affected from the 21 October 2014 is irrational, as the underpayment resulted by way of an official error which should be corrected in full.
- The Department for Work and Pensions/Department for Communities should provide additional resources to ensure that claimant's arrears are processed before April 2019.

About Law Centre (NI) and introduction

1. Law Centre (NI) works to promote social justice and provides specialist legal services to advice organisations and disadvantaged individuals through our regional office in Northern Ireland. It provides advice, casework, training, information and policy services in employment, health & social care and social security law and facilitates regular Advisers Network meetings and a Welfare Reform Group for our members. LCNI works with Advice NI and CAB to deliver the Welfare Reform Support Project and is a member of the Department for Communities Operational Forum and Disability Consultative Forum.
2. LCNI welcomes the opportunity to make a submission to the Public Accounts Committee's Inquiry on Employment and Support Allowance (ESA). The Department for Communities has confirmed that around 8,000 claimants in Northern Ireland have lost out on an average of £3,000 due to the administrative failure of the Department to consider whether claimants who were transferred from Incapacity Benefit (IB) to ESA qualified for income-related ESA¹ - which can include entitlement to extra premiums – rather than just for contribution-based ESA.
3. We do not agree with the government's approach in relation to the payment of arrears. LCNI believe that all those who have been affected, including those who were migrated to ESA before 21 October 2014 should be awarded their full entitlement.

¹ '8000 ESA claimants lost £3k due to errors', claims SDLP, Belfast Telegraph (Belfast, 5 April 2018) <https://www.belfasttelegraph.co.uk/news/northern-ireland/8000-esa-claimants-lost-3k-due-to-errors-claims-sdlp-36777577.html>



4. The underpayment of ESA was the result of an administrative oversight perpetrated by the Department for Work and Pensions/Department for Communities which should be corrected in full. It is unfair to treat claimants differently based on the date they were migrated from IB to ESA. Those who were migrated in 2011 have the same right to entitlement as those who were migrated after 21 October 2014.

5. LCNi are also concerned about the length of the review period. The Department for Communities has indicated that they will follow the Department for Work and Pensions approach, with completion of the review set for April 2019.² This is a significant additional waiting period for those who have been affected by the administrative error.

For further information about this submission contact:

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² See, n. 1 above.