

DWP Central Freedom of Information Team
e-mail: freedom-of-information-request@dwp.gsi.gov.uk

Our Ref: FOI2018/13372

Date: 31 December 2018

Dear Tania Berlow,

Thank you for your Freedom of Information request received on 8 December 2018.
You asked:

The DWP has already stated that once Universal Credit replaces WTC , that transitional protection will be in place for those who also get DLA, PIP or Attendance allowance at the lower rate and ergo for anyone who gets the severe disability element of WTC as they already get higher rates of PIP, DLA or Attendance Allowance.

However there are several thousands of claimants withing the 115 thousand total claimant who get the disability element of WTC who came from legacy benefits into WTC and they do NOT get PIP DLA nor AA but met the conditions to qualify for the disability element of WTC .

HMRC document TC956 explains which legacy benefits entitled someone to transition onto WTC with the disability element

These people who met the conditions for the disability element were split into qualifying criteria A B D E and F depending on what legacy benefit they came from when they made the WTC claim and are split into 2 groups called G and D.

These people need to work 16 hours a week and get an annual disability element of £3090 which is also disregarded by housing benefit.

The DWP has NOT mentioned this group of people at all in any of the current information regarding UC and transitional protection . None of the disability charities nor any of the welfare rights officers can answer this question as the DWP seems to have left this group out of all consideration.

Can someone at The DWP confirm whether this group has been considered for transitional protection once UC is fully rolled out or whether thousands stand to lose £3090 annually from their already low incomes because this group has been forgotten about?

DWP Response

It may be helpful if I explain the role of the Freedom of Information Act. The Act provides a right of access to recorded information held by a public authority like DWP (subject to certain exemptions). The Act does not provide that a public authority must create new information to answer questions; nor does it provide that a public authority give advice, opinion or explanation in relation to issues/policies under question.

In cases where a customer does ask a question, rather than request recorded information, we do our utmost to provide the recorded information that best answers the question. Once the public authority has provided the recorded information, it has met its obligations under the Act; interpretation of the information provided is left to the requestor.

The information we hold that best explains / answers your questions:

The Government has announced that for all those who are moved to Universal Credit as part of the future managed migration we will provide Transitional Protection to ensure that no one has less entitlement to Universal Credit than had been their total entitlement to their existing benefits at the point of their move to Universal Credit. This will include those who have been in receipt of Working Tax Credit's Disability element whose entitlement to Universal Credit, without the award of transitional protection, would have been less than their entitlement to their existing benefits whether or not they are in receipt of Personal Independence Payments, Disability Living Allowance or attendance Allowance.

If you have any queries about this letter, please contact us quoting the reference number above.

Yours sincerely,

DWP Policy Group Fol Team

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing freedom-of-information-request@dwp.gsi.gov.uk or by writing to DWP, Central Fol Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF www.ico.gov.uk