



## KNOW YOUR RIGHTS

**WHAT CAN I DO IF I HAVE BEEN FOUND 'FIT FOR WORK' WHEN I'M NOT?** If you didn't get enough points from your Assessment you can ask for a **Mandatory Reconsideration (MR)**. While this is looked at, the only way you can get any benefits is by signing on as though you were fit for work. Once you have signed on you can ask your doctor for a note to say that the pressures from the jobcentre are making your health worse and you are not able to work. If the MR doesn't work (most don't) get a welfare advisor to help with an **Appeal**. Appeals have a good success rate. If your application was in the old ESA system and you can survive temporarily with help from family and friends, get advice from a welfare advisor before applying for UC, as you could be worse off in the long run (e.g. you get no disability premiums on UC).

**WHAT ABOUT HOUSING BENEFIT IN UC?** HB has become a Housing Element in UC, and in a UC Full Service area it is no longer possible for someone with low or no income to make a new claim for HB on its own. (You still go to the council for Discretionary Housing Payments – e.g. to cover Bedroom Tax - and to arrange for a Council Tax Reduction.)

**CAN I BRING A FRIEND?** You can bring someone with you to any DWP interview or assessment. They can speak to support your case, including asking questions. If you'd like us to accompany you, let us know in good time by phone, email or Facebook.

**SHOULD I KEEP MY OWN RECORDS?** The DWP makes mistakes and loses documents, so you have to be super-efficient and keep a record (or photo) of everything. You, or your friend, are allowed to take private notes of your interview/assessment. You should be able to make an audio recording in the jobcentre for your own use, but it is generally easier to do this covertly. You can ask the DWP to make you a photocopy of any documents they get you to sign. Keep screenshots from your online UC account in case you have to dispute a claim the DWP has closed down. You can ask (in advance) for an ESA assessment to be recorded – they'll keep a copy.

**WHAT IF I STILL NEED HELP?** Charities provide cooked meals most days, and welfare advisors can refer you to food-banks for basic supplies. They may also be able to help with fuel charges. You can ask your local council for a **Scottish Welfare Fund** crisis grant, (generally supermarket vouchers). Ask if the jobcentre's **Flexible Support Fund** can help with costs (e.g. for travel to interviews, interview/work clothes, training/certificates). You may be able to get a **Budgeting Loan or Advance** for one-off essential items from the DWP, paid back off future benefits (get forms from the Jobcentre, or apply on line). **MPs and MSPs** are a good last resort. When you ask for help this doesn't just help you and your family. It creates a record of what UK government policies are doing, and provides important evidence.

**ALWAYS REMEMBER THAT YOU ARE NOT ALONE** Please talk to our activists, and pick up our list of advice agencies in your area.

**KNOW YOUR RIGHTS, DEMAND YOUR RIGHTS  
AND THEN DEMAND SOMETHING BETTER!**

The **SUWN** is an independent mutual support and campaigning group. Most of us are or have been on benefits. This leaflet outlines some basic rights (what's left of them) and sources of help. You can find more detailed information on our website. If you don't use the internet, or you have a question you want to ask, please ring. We can ring back.

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We want to make sure that as many people as possible know their rights - but this is far from enough. We also campaign to expose the real nature of the UK Government's attack on the unemployed, and to persuade the wider public and politicians of the need for a better system. If you want to join us in anything we do, or if you would like help with a particular problem, or if you just want to find out more, then please get in touch  
**07803 052239** or **07899 798979**  
**admin@scottishunemployedworkers.net**  
**www.scottishunemployedworkers.net**  
**www.facebook.com/scottishunemployedworkersnetwork**



**UNIVERSAL CREDIT OR NOT UNIVERSAL CREDIT?** Universal Credit (UC) is coming in in stages. In some places no more people are being put on UC for the moment, but where they have rolled out the UC Full Service, then everyone who makes a new claim for a means-tested working-age benefit will have to apply for UC instead. **If you are already on one of the earlier benefits (means-tested JSA or ESA, IS, HB or Tax Credits) you won't be moved to UC until at least July 2019 unless a significant change of circumstances means you have to make a new claim.** It is almost always better NOT to be on UC, so don't let them persuade you to change over if you can avoid it. You can check the situation in your area here: [www.citizensadvice.org.uk/scotland/benefits/universal-credit/before-you-apply/Check-if-youre-eligible-for-Universal-Credit](http://www.citizensadvice.org.uk/scotland/benefits/universal-credit/before-you-apply/Check-if-youre-eligible-for-Universal-Credit). Once you are on UC, you stay in the system when moving in and out of work, unless you earn over the benefit limit. If you have been in work and paying National Insurance you are still entitled to 6 months **contribution-based** – now called **'New Style'** - **JSA/ESA**. UC applications are generally best made just after you get your final wages. If you are returning to UC after less than 6 months, it is often best to sign back on within a week of ending work.

**DO I HAVE TO USE A COMPUTER?** The DWP wants to make everyone manage their benefits on line. If you are in the UC Full Service, you are expected to do this even if it means relying on help from family and friends. Councils are providing computer rooms and training. If this is impossible, ring the UC helpline (0800 328 5644) – but they aren't much help. If you have a UC online account you will need to give an email address - which needn't be the same as you use for other things - and you will also need a bank or building society account. Most communication is meant to be via your online UC journal, but if it's urgent, you should write or phone, too. *You* have to check your account regularly for instructions, but *they* might not look for days.

**WHERE'S THE FIRST UC PAYMENT?** UC is paid a month in arrears plus 7 days for the money to go through, so the *minimum* wait is 5 weeks. You can ask the jobcentre for a **Benefit Advance**. This is a loan paid off from future payments. If you can't cope, ask your local council for a **Scottish Welfare Fund Emergency Grant**, but they will expect you to have exhausted the advance loan first. If you are having trouble (e.g. in paying the rent), **contact local advice services** before problems get even worse and harder to deal with. You're paid the same day each month, but in Scotland you can opt to have your money paid twice a month instead. This is done by delaying the second half of the second and subsequent payments.

**WHAT DO I HAVE TO DO TO LOOK FOR WORK?** The jobcentre will make you sign a **Claimant Commitment** listing what you must do. This is supposed to be 'reasonable', but there's limited room to negotiate - without signing you won't get paid. (If you're unhappy with what you're being made to agree to do, and request a second opinion that doesn't go in your favour, your claim will be stopped and you have to start again.) You can be told to search for work 35 hours a week, unless you have particular issues such as childcare or poor health, when you should only be expected to look for part-time work. We can help you explain your situation, and you could try and suggest your own choice of voluntary work or courses. It helps to be able to give a good report of your '35 hours' jobsearch'. For ideas of what counts, see [www.scottishunemployedworkers.net/universal-credit](http://www.scottishunemployedworkers.net/universal-credit). Always **check whether any activities you are asked to do outwith your Claimant Commitment are mandatory**. If you are on JSA a mandatory activity must be given via a **Jobseeker's Direction**, if you are on UC it will be called a **Requirement**. If you're 18-21, on UC and unemployed more than 6 months, you will be sent for training or a work placement. Mandatory activities are supposed to be reasonable in your particular circumstances and the DWP must follow strict procedures; if not you have grounds for complaint. If you chose to do an activity that is not mandatory, you should check whether you are also free to leave when you wish. If you are sent on a mandatory work placement you can still refuse to sign the documents that are needed for them to process it, so long as you show willing to do everything else. (See [www.scottishunemployedworkers.net/universal-credit](http://www.scottishunemployedworkers.net/universal-credit).) If you're on JSA you can say 'no' to **zero hours contracts**, but on UC you no longer have a choice; and UC gives **no allowance for a holiday**, even if you're working. (see <https://scottishunemployedworkers.net/2018/05/04/how-universal-credit-can-muck-up-your-holiday>)

**WHAT CAN I DO IF I'M SANCTIONED?** **If you miss an appointment or activity – explain why asap. If you're sanctioned – challenge it.** (You've a good chance of success; they may think twice about sanctioning you again; and if they do, the sanction won't be as bad.) Ask for a **Mandatory Reconsideration**, explaining why you shouldn't have been sanctioned. If you're on JSA, hand in a letter; if you do UC on line, you can also write a letter to be sure it's received. The decision will be looked at by another person within the DWP. **If this doesn't work, go to appeal** and be heard by an independent tribunal. Check if the DWP have followed procedure, and note that the law only requires you to 'take all reasonable action for the purpose of obtaining paid work', even if that takes less than 35 hours and you've not followed your Claimant Commitment to the letter (See [www.cpag.org.uk/content/ask-cpag-online-challenging-universal-credit-sanctions-1](http://www.cpag.org.uk/content/ask-cpag-online-challenging-universal-credit-sanctions-1), or [www.cpag.org.uk/content/ask-cpag-online-how-can-you-avoid-jsa-actively-seeking-work-sanction](http://www.cpag.org.uk/content/ask-cpag-online-how-can-you-avoid-jsa-actively-seeking-work-sanction).) You can ask for **Hardship Payments**, but these aren't paid straight away or given to everyone. If you're on UC you have to apply for these each month and they are loans paid back off future benefits, so you're on reduced rates for 2½ times the length of your actual sanction. You can ask your local council for a **Scottish Welfare Fund** grant to cover any gaps, but they'll expect you to apply for any Hardship Payments you are entitled to first. When sanctioned, you need to **keep signing on and doing the tasks set** or you'll be sanctioned further. Even if you have found a job you have to keep up with your set tasks to the last minute.

**WHAT IS HAPPENING TO TAX CREDITS?** If you are currently getting Tax Credits then you'll stay on these for now, but people who get a job when on UC, stay on UC; and in a UC Full Service area, new claims are for UC not Tax Credits. If you are on UC and earning less than the equivalent of 35 hours at the minimum wage, you will be under similar pressures to find more or better paid work as people who are unemployed, and so can be sanctioned. Because UC is calculated independently each month, irregular earners can lose out particularly badly. If you earn a lot one month and receive little UC, you can't make up for this the next month even if your earnings are tiny. Try and arrange for earnings to be staggered if you can. UC can be particularly difficult if you are self-employed - see a welfare advisor before setting up on your own.

**WHAT CAN I DO IF I'M TOO ILL TO LOOK FOR WORK?** If your area hasn't had the full UC roll-out, you can apply for Employment and Support Allowance (ESA). If you are already on UC or live in a UC Full Service area this is included in UC. Once you have been on UC on doctor's lines as unfit to look for work for 4 weeks, the DWP should send you a UC35 form to apply for being treated as unfit for work long-term. (If you haven't received this, then ask for it.) Either way, you will then have to complete a detailed medical form and (usually) go to a Work Capability Assessment. If you are on UC and waiting for an assessment, you will still be expected to look for work and carry out other activities. You can argue – with the help of your GP – that there would be substantial risk to your health if you were treated as fit to look for work or made to do certain things, and it is not 'reasonable' to expect you to do these. **Get someone who knows the system to help with any medical assessment forms** and bring a friend to your assessment as witness and support.