



Work and Pensions Committee

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From the Chair

27 February 2019

Rt Hon Amber Rudd MP
Secretary of State Department for Work and Pensions
Caxton House
Tothill Street
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Dear Amber

Universal Credit natural migration

The Committee held its first evidence session on ‘natural’ migration to Universal Credit this morning. I am sorry to say that we were dismayed by what we heard.

Our witnesses gave us stark evidence about the substantial financial losses that some legacy benefit claimants face when they experience a change in circumstance and move to Universal Credit through ‘natural migration’, without transitional protection. We will take further evidence on this and make recommendations for action in due course.

I am writing to you urgently, however, about extremely worrying evidence that some Jobcentres have been moving claimants to Universal Credit even when their circumstances have not changed. This seems to be happening without consideration of whether the move will leave claimants worse off over all. It is not at all clear to us, nor to the organisations who gave us evidence, why this is happening.

In particular, NAWRA pointed to examples—reported on Rightsnet—of instances of this happening in different areas of the UK, including Bridport, Stockton, Renfrew and Middlesbrough Jobcentres.

Might you please confirm, as a matter of urgency:

- a) Whether Jobcentres have been encouraged or instructed to move claimants, either individually or in groups, from legacy benefits to UC even where the claimants’ circumstances have not changed?
 - a. If not, can you explain why this happening and what you will do to ensure that this practice ends?

More widely, we were also concerned by evidence from Citizens Advice, NAWRA, Child Poverty Action Group and Scope that widespread confusion about whether specific changes in a claimant’s circumstances mean that they need to claim Universal Credit is, in many cases, leading to DWP staff, local authorities and support organisations giving claimants inaccurate advice. We heard that this ‘misadvice’ is causing claimants to ‘naturally’ migrate to UC before they need to—and, as a result, to lose out on money to which they are entitled. We also heard that, when this happens, there is no way for claimants to go back to legacy benefits; they therefore forfeit any transitional protection to which they might otherwise have been entitled.

We have also heard about a specific problem facing ESA claimants who are appealing a decision. While the appeal is being considered, those claimants are encouraged to claim UC. If the appeal finds in their favour, however, they cannot then return to legacy benefits—even if this leaves them substantially worse off than they would have been if their ESA claim had been correctly decided in the first place.

I would be grateful if you could confirm:

- b) What guidance is provided to DWP staff about when they should advise a claimant on legacy benefits to make a claim for UC;
- c) What tools are available to DWP staff to help them advise claimants whether they will be better or worse off on UC compared to legacy benefits;
- d) What safeguards are in place to ensure that claimants who stand to lose out financially when they transfer to Universal Credit do not inadvertently move over before they have to, leaving them worse off and without transitional protection;
- e) What recourse is available to claimants who have claimed UC on the basis of misinformation from the Department or other organisations, leaving them worse off and without transitional protection; and
- f) What legal basis the Department has for refusing to allow claimants to return to legacy benefits if they mistakenly claim UC or if they win an appeal against a decision not to grant ESA.

Finally, we are concerned that the millions of Tax Credit claimants due to renew their claims in the coming months will not have sufficient information to determine whether they should renew their existing claim or make a new claim for Universal Credit.

I would be grateful if you could discuss this issue with HMRC ministers and let us know:

- g) How clear and accurate is the information sent to claimants due to renew their Tax Credits about whether they should renew their claim or make a new claim for Universal Credit;
- h) How the Department and HMRC plan to prevent those Tax Credit claimants who stand to lose out when they move to Universal Credit from moving over before they need to.

With best wishes and I look forward to hearing from you,



Rt Hon Frank Field MP
Chair