

Appendix 1:

Belfast Tribunal Representation Service

Introduction

In the past few years, advice services across Belfast have experienced a significant rise in the number of people accessing our services.

Advisors are now dealing with clients who have never been on benefits before, clients who are worried and concern about their present entitlement, and clients who are being continually reviewed and assessed for benefits. At a time when unemployment has risen, and those on low or fixed incomes are experiencing financial pressures as a result of the rising cost of living, the last 18 months have also seen significant changes to the existing benefit system, with some benefits being removed and others being frozen.

This trend is likely to continue – indeed, to accelerate - with the introduction of Welfare Reform, which represents the most significant change to the benefit system since the foundation of the Welfare State.

At present, advice services across the city are stretched, with advisors not only having to accommodate increasing numbers of clients, but also dealing with more complex cases, which are more time consuming because of the need to more actively monitor and progress claims on behalf of clients, and secure supporting evidence to submit with those claims.

Demand for Representation

Since the introduction of Employment Support Allowance (ESA) in 2011, the need for tribunal representation has steadily increased, as the number of claimants being disallowed benefit has grown, due to continuous changes to benefit criteria and constant periodic reviews of ESA claimants by ATOS, a commercial medical support service.

Over the past year, the Appeal service (TAS) in Belfast has had to make provision for an increased number of hearings, and is currently operating from three locations in the city. The operational team at TAS are currently reviewing the service, based on their expectation that the number of appeals will treble in 2013/2014 with the continuation of ESA, and the introduction of Personal Independence Payments (PIP) in place of Disability Living Allowance.

The Social Security Agency staff have confirmed to us that the number of people currently appealing ESA decisions is approximately 9,000. We believe that the number of appeals will grow with the introduction of the so-called '365' rule, which will place a time limit on contribution based ESA for those in the Work Related Activity Group.

The introduction of PIP will see at least 10,000 people across Northern Ireland lose benefit at the time of its introduction: this will generate further demand for representation in Belfast, as the city encompasses some of the most deprived areas in NI. Universal Credit will also generate large numbers of appeals, as clients will be appealing benefit amounts, and sanctions of benefits. The new Discretionary Support Scheme, which will replace the Social Fund, will prompt further reviews and appeals where claimants believe a grant

instead of a loan should have been awarded, or when claimants challenge proposed repayment schedules.

From our perspective as advice providers, such representation is a natural extension of our work on behalf of clients, as appeals are an integral part of the process begun by generalist providers when they complete a form on behalf of clients.

In providing such representation, we are not only helping clients exercise their right to appeal, and ensuring that those who are entitled to benefit receive their entitlement; we are also helping to make the system work more effectively. Staff providing representation effectively operates a *triage* system – identifying cases where appeals are not appropriate and identifying other options for those clients, and seeking reviews from SSA decision makers rather than formal hearings, as well as taking cases forward to hearings. Representation therefore not only provides redress for cases in which there is clear system failure – where entitlement exists but was not correctly identified – but also reduces the burden on TAS by reducing the number of unnecessary hearings and the costs that result.

The importance of representation in the benefits process cannot be overstated: all available evidence indicates that clients who have such representation at hearings have a significantly improved chance of securing a positive outcome. One estimate is that clients have a 70% chance of securing such an outcome with representation, while overall success rates at hearings are around 50%. In North Belfast, where the consortium has employed a full time representative, success rates have been above 70% in recent years.

Existing Service Provision

Currently across Belfast the advice sector employs 2 full time Tribunal Representatives, one based in North Belfast and the other in East Belfast. The service in North Belfast has been in place since 2005. However in the past 2 years this service has seen the number of appeals increase dramatically and in the past year the service dealt with 961 appeal hearings as a direct result of introduction of Employment Support Allowance, with £1,162,208 of benefit being secured on behalf of clients. In terms of this additional benefit entitlement, the return on representation is the highest of the highest return ratios within the advice sector, in the North of the city the cost of the service in relation to the output is for every £1 of funding a return of £29 is achieved on behalf of clients.

The full time service in East Belfast was only set up in 2011, but in that short period has seen an increase in demand for representation from 143 for the whole of 2011/12 to 100 in the first 6 months of this year alone.

We know from the two existing services that representation is effective and clients stand more of a chance to win entitlement. Representation benefits clients as it prepares them for the appeal process and provides them with representation; it also helps the TAS to deliver a more timely cost effective service, as representatives can guide and direct panels on appeal matters. This allows panel members to focus on the relevant issues in each individual case, rather than a more time consuming generic service.

This service in North and East has proven invaluable to both clients and advisors, a dedicated tribunal representative frees up generalist advisors to continue to deliver

generalist daily advice at main centres, outreach clinics etc., allowing them to the time to deal with more clients and enquires.

In other areas of Belfast generalist advisors, either paid or voluntary, attend appeal hearing with clients. Given the time consuming nature of this work, this represents a significant diversion of resources from delivering front line advice services. One tribunal will displace at least two advice sessions requiring the advisor to reschedule these sessions and thus limiting the overall service available to clients.

Proposal Aim

The delivery of a Tribunal/Appeals Service across the city of Belfast that clients can avail of at any BCC funded advice service. Representing clients who wish to appeal SSA decisions on benefits including Employment Support Allowance, Disability Living Allowance, Personal Independent Payment, Universal Credit and any other SSA benefit. This service would enable clients to challenge decisions, assisting them through the process and representing them at hearings.

Service Delivery

All five consortia will establish a Belfast Advice Group, comprising of a representative from each consortium. This group will be the mechanism to develop this service; it will nominate a lead partner as employer to oversee the administration of finances. We would hope to constitute this group, establishing a terms of reference for the group with clear objectives, alongside decision making processes and roles/responsibilities.

We would aim to employ 5 Tribunal Representatives inclusive of the 2 existing posts as both posts do not have funding beyond March 2013: one of the posts would be a Senior Tribunal Representative, overseeing the daily operational side of the service, providing a support and mentoring service to the tribunal representatives.

We would employ 70 hours of weekly administrative support for Tribunals representatives to meet the administration workload of representatives, which includes case recording, appeal correspondence etc.

We would obtain a common case recording system to assist representative's record client details, keep case notes and outcomes/outputs. This would show the value for money aspect of the service and the effectiveness of tribunal representation.

Management/Monitoring Arrangements

The Steering Group with a representative from each consortium, will monitor service delivery and set targets for staff. The Group will review and monitor the service on regular basis to ensure meeting the need and fit for purpose.

Lead Partner

The lead partner would be responsible for the recruitment and employment of staff, day-to-day financial administration and operational issues. The lead partner would provide regular reports on both financial and operational issues to the Belfast Advice Group.

The service would roll out in two stages;

Stage 1: Initial Set Up (By March 2013 – funding secured)

Key Actions

- Establishment of the Belfast Advice Group, lead partner identified, initial set up and recruitment, all taking place between January/March 2013, with staff recruited, agreement around referral processes, and familiarisation of staff with workload, protocols and generalist services.
- We would also seek to meet with the Appeal Service, SSA and other agencies that would positively contribute to delivering a citywide tribunal service.
- Promotion and launch of service across Belfast.

Costs:

			Total
Faciliation Costs	Formation of Belfast Advice Group	2,000.00	2,000.00
Equipment	Office Equipment	2,500.00	2,500.00
	Computer Equipment	3,250.00	3,250.00
Recruitment	Staff Recruitment	1,000.00	1,000.00
Induction	Staff Training & Induction	2,500.00	2,500.00
Total Set Up Costs		11,250.00	11,250.00

Stage 2: Annual Service Delivery Costs (24 months: 2013-2015)

		Year 1	Year 2	Total
Staff Costs	Tribunal Representatives			
	Salary Costs (See Note)	130,924.84	130,924.84	261,849.68
	NIC Er's Pension Contribution	13,015.20	13,015.20	26,030.40
		11,128.61	11,128.61	22,257.22
	Administrative Support			
	Salary Costs: 2 Full time Administrators	31,486.00	31,486.00	62,972.00
	NIC Er's Pension Contribution	2,623.84	2,623.84	5,247.68
		2,676.31	2,676.31	5,352.62
	Subtotal: Staff Costs	191,854.80	191,854.80	383,709.60
	Support Costs	Travel	4,000.00	4,000.00
Telephone		2,500.00	2,500.00	5,000.00
Indemnity Insurance		500.00	500.00	1,000.00
Advertising & Publicity		3,000.00	3,000.00	6,000.00
Management Fee (Lead Partner)		5,000.00	5,000.00	10,000.00
Hosting Costs		6,250.00	6,250.00	12,500.00
Subtotal: Support Costs		21,250.00	21,250.00	42,500.00
TOTAL COSTS				426,209.60

Note

These costs are based on:

1 Senior Tribunal Representative @ £ 28,636.00 gross salary per annum
 4 Tribunal Representatives @ £ 25,572.21 gross salary per annum