

Derbyshire GP Project

A selection of Case Studies



North East
Derbyshire

 **DERBYSHIRE**
County Council
Improving life for local people

CASE STUDY 1

Brenda, aged 58, was referred to our service via her GP after she mentioned to him that she was stressed due to a debt issue (bailiff visit for a council tax debt). Brenda suffered with anxiety and for the past 10 years she had been in receipt of Income Support and Disability Living Allowance.

CAB identified that in January 2009 Brenda was issued with a council tax bill for £3900.91 for the period March 2004 to January 2009. It appeared that March 2004 was the completion date of a granny annexe that she had paid to be built onto her son's property for her to live in due to deteriorating health. The annexe had a connecting door to the main house and Brenda used the kitchen and laundry facilities of the main house.

However in September 2008 Brenda and her son had an argument and Brenda purchased items to become self-contained so that she had no more contact with her son in the main house.

After a suspected tip-off, a council tax valuation officer went to inspect the property and subsequently issued Brenda with the large council tax bill from the date that the annexe was built. Post bailiff involvement Brenda applied for council tax benefit however the council refused to backdate any benefit leaving her with the large debt.

The CAB caseworker was able to get the council to put a hold on bailiff action providing that Brenda paid £13 per month towards the arrears. The caseworker then wrote to Derby Valuation Office explaining the situation and proposed that they altered the council tax valuation list to include the annexe from the date that Brenda became self-contained and also appealed the decision of the Local Authority to not backdate benefit.

2 months later Brenda received an apology letter from the valuation office stating that her property was to be included in the valuation list from September 2008 instead of March 2004. CAB provided medical evidence of Brenda's deteriorating health and the Local Authority agreed to backdate the council tax from the new date when the property was added to the valuation list and remove the court fee and bailiff charges. This left Brenda in credit for council tax and she was issued a refund.

CASE STUDY 2

Karen and Tom were referred to our service via their GP who was concerned about Karen's mental health due to debt problems. The GP had prescribed Karen anti-depressants. The debt problem was contributing to arguments and Karen felt that her marriage to Tom was not stable.

Karen and Tom were in their early 30s and they had 3 young children and one more on the way. They had a mortgage on a property which they had up for sale as it was no longer suitable (only had 2 bedrooms). Due to the recession and the poor state of the property they could not find a buyer and they had £15,000 negative equity preventing a sale.

They also had £32,000 of joint debts (loans and credit cards) that they were struggling to pay. They felt in a trapped situation, drowning in debt and Tom was working 55 hours per week so that they could keep on top of all of their bills.

CAB were able to reassure Karen and Tom and they both felt better after coming for advice. We helped them to budget and it became apparent that they had more money going out than they had coming in and could not continue with what they were doing. CAB gave advice on all of their options for dealing with debt and Karen and Tom were able to make an informed decision.

They decided to stop paying their mortgage and used the money to secure a private tenancy that was larger, in a better condition, affordable and more suitable. When in the new property CAB assisted them with a debt management plan to deal with the mortgage shortfall and non-priority debt, this enabled Tom to work a usual 37 hours per week instead of 55 and so able to spend more time with his children. CAB ensured that they receiving all benefits that they were entitled to for four children and assisted with the application for a Sure Start Maternity Grant.

After a year had passed Karen and Tom decided that they were ready to petition bankruptcy. CAB approached a couple of charities to help with a grant towards bankruptcy fees. They needed to £1020 for both of them to petition bankruptcy and CAB managed to secure £500 and Karen's grandmother assisted with the remainder. The CAB caseworker assisted with the completion of the bankruptcy papers and accompanied Karen and Tom to court to file the bankruptcy petition. Karen and Tom now live a comfortable, healthy life and although they are no longer homeowners they are much happier.

CASE STUDY 3

In March 2014 Janet sought advice after being assessed as fit for work by the Department for Work and Pensions, and so not entitled to Employment and Support Allowance.

Janet disagreed with the decision as due to mental health problems and arthritis compromising her mobility, she did not feel well enough to work or job seek. Her GP supported her and so at CAB we assisted her through the appeal process (Mandatory reconsideration followed by an appeal to the Tribunals Service). The appeal process was explained to Janet and we advised that her payments of ESA should be re-instated and paid until her appeal is heard.

In September 2014 Janet returned to CAB as she had still not received any payments. She'd had confirmation that the appeal was received and she had submitted a medical certificate from her GP on two occasions; however, she had not received any money. She had been surviving on hand-outs from her friends and family and we discovered that she had not been buying prescriptions (she lost her entitlement to free prescriptions as not receiving benefit).

The CAB worker contacted Jobcentre Plus who said that the reason for no payments was due to them not having a sick note for her. They had not received either of the previous two provided. We therefore helped her obtain another sick note covering from March 2014 and sent it to the relevant department by recorded delivery. We assisted Janet to make a claim for a grant from the Derbyshire Discretionary Fund to pay for gas, electricity and her prescriptions needed and we referred her to the food bank.

A month later Janet returned as still she had not been paid. The CAB worker again contacted JCP with the tracking number for the previous sick note sent in, but they still denied receiving it. We threatened to submit a complaint, as the GP was not happy about issuing a fourth sick note and so Jobcentre Plus eventually agreed to ring her GP surgery for confirmation. In doing so they also agreed to have her money in the bank within 5 days with back pay of £1880, and on-going payments of £72.40 per week. To get her through the next 5 days we assisted Janet with another application to the Derbyshire Discretionary Fund and food bank.

We are providing on-going assistance as Janet is waiting to be allocated a hearing date for her ESA appeal where we will be able to represent her at Tribunal.

Outcomes:

ESA weekly payments of £72.40

Discretionary Fund payments totalling £55.00 and a Food parcel

CASE STUDY 4

Robert was accompanied to an appointment at this local GP surgery by a support worker from Derbyshire Domestic Violence Service. He was living in a refuge in the area after he fled domestic violence. He had relocated to Derbyshire from Bristol with the help of his sister and the Domestic Violence Service after suffering from years of physical, emotional and financial abuse from his wife.

Robert has severe depression and memory problems/confusion. After appointments with a dementia nurse and a psychiatrist it was suggested that the confusion was due to years of being extremely unhappy.

Robert had no income of his own and hadn't done for at least 5 years. Prior to this he did some self-employed work. He was supported to come to the appointment to find out about potential benefit entitlement and due to an income tax debt of £689, which the support worker discovered after receiving paperwork sent from his sister.

The CAB worker advised Robert to claim Income Related Employment and Support Allowance and also suggested a claim for Personal Independence Payments which we assisted with. He was awarded the support component of ESA, and PIP (standard mobility and enhanced daily living).

We anticipated that dealing with Robert's tax affairs would be difficult due to his memory problems and confusion however we established by liaising with his sister in Bristol and HMRC, that when Robert ceased trading as self-employed in 2009 he had completed a tax return for 09/10 but no return was done for 10/11. This resulted in a tax penalty which was what the £689 outstanding was for. We had a dilemma as completing a tax return would have been difficult due to Robert's memory and lack of paperwork, however as he had notified HMRC that he was no longer trading we persuaded HMRC to cancel the 10/11 request for a tax return and the penalty was also subsequently cancelled.

Outcomes:

ESA £119.80 per week

PIP 102.85 per week

Debt written off: £689

CASE STUDY 5

Luis and his wife Eileen were referred to CAB via his GP. Luis, aged 54 had been diagnosed with heart failure. He was the main earner in the household but now was unable to work and his contract of employment was promptly terminated. Eileen worked part time on the National Minimum Wage. They lived in Local Authority housing and had two spare bedrooms. Eileen felt that she couldn't look for more work as Luis needed her at home to provide care.

Luis had numerous debts including credit cards, loans and a catalogue which totalled £12,500. He was unable to make any of the contractual payments following stopping work and the stress from pressure from his creditors was not helping his heart condition. He became very depressed due to his devastating diagnosis and the financial implications.

At CAB we advised Luis to claim Contribution Based Employment and Support Allowance and Personal Independence Payments. We also assisted with a claim for housing and council tax benefit. This was awarded but due to two spare bedrooms his entitlement was minimal (bedroom tax).

Luis was referred to our in-house specialist debt team who were able to set up a Debt Relief Order for him thus writing off his whole debt giving him a fresh start and relieving stress/pressure from his creditors.

It took a while for Luis to be assessed for PIP and due to the bedroom tax he continued to struggle financially, so we referred them to their local food bank who supplied food for 10 consecutive weeks until his benefits were put into place. We also supported Luis to obtain a Discretionary Payment to help him pay his rent which was awarded at £22 per week.

Luis was awarded the enhanced mobility and standard daily living components for PIP but for ESA he was put into the Work Related Activity Group which he and his GP disagreed with. We assisted Luis with an appeal and at tribunal where we represented him he was awarded the Support Group of ESA which meant that his entitlement did not end after 365 days and he did not have to partake in work related activity as well as a slight increase in money.

As he was awarded PIP we assisted Luis to apply for a blue badge for parking, gave him information regarding the Motability scheme and Eileen claimed Carers Allowance for looking after him.

Outcomes:

Debt written off £12,500

PIP £111.20 per week

ESA £108.15 per week

Carers Allowance £61.35 per week

Housing benefit £16 per week

Council tax benefit £15 per week

Discretionary Housing Payment £22 p/w

Ten weeks supply of food (food bank referral)

CASE STUDY 6

Ronald and his wife, Hazel, both aged 79, sought advice from CAB at their GP surgery after receiving a letter from DWP about a pension credit overpayment of £5132.40.

The decision that they had been overpaid this amount came as a shock to them and was causing stress. They also confessed that upon receiving the overpayment decision they now felt like criminals, and after being law abiding their whole lives found this hard to cope with. They reported that it was having a negative effect on their health. Also their weekly entitlement to benefit had reduced by £20 per week whilst the DWP clawed back the overpayment.

Both of them are in receipt of Attendance Allowance, however last year Ronald came off Attendance Allowance as his condition improved and so he did not renew his claim. He was diagnosed with a new health condition recently and is again now in receipt of Attendance Allowance but for 10 months he did not receive it. When two people of the same household receive Attendance Allowance often they are entitled to an additional premium within their pension credit entitlement called a severe disability premium. In Ronald and Hazel's case this amounted to £122.20 per week. For the 10 month period that Ronald was not on Attendance Allowance they were wrongly still paid the severe disability premium which caused the overpayment.

Firstly through a benefit check the CAB worker establish that Ronald and Hazel were missing out on carer's premiums within their pension credits (as they both provided care for each other) and assisted them to apply. They were awarded an additional £68.40 per week. Straight away this helped their financial situation as they were substantially better off through seeking advice and the extra money made up for the money which was being deducted by the DWP.

The CAB worker reassured Ronald and Hazel that they had not broken the law or done anything wrong and assisted them with a Mandatory Reconsideration of the decision to recover the overpayment on the basis that it was not their fault that the severe disability premium continued to be paid, as it should have automatically been removed considering it was automatically added to begin with (Ronald and Hazel did not claim it, it was just automatically added). The decision maker at DWP agreed that the decision was unlawful and agreed that they would not have to repay the money.

Financial Gains

Debt written off: £5,132.40

Weekly benefit gain: £68.40 per week

CASE STUDY 7

Terry was referred to our service by his GP. He has chronic respiratory failure. He was in receipt of DLA low rate care and high rate mobility and until recently was claiming Employment and Support Allowance. He received a notice regarding an overpayment of Income Related ESA of £32,294.79 for a 5 year period. It transpired that Terry had made his claim for ESA over the phone. It came to light five years later following a query Terry made to the Local Authority benefit department that the Department for Work and Pensions were not aware that his wife worked. His wife's wages were above the applicable amount for Employment and Support Allowance therefore all the benefit paid to him was an overpayment. Terry was certain that he did not fail to disclose that his wife was working and the overpayment was not his fault. The overpayment was having a negative impact on his condition and he was afraid that his family would become liable for it as he was certain that he would be unable to pay it back within his lifetime. Also, now that his benefit had been stopped he was struggling financially before addressing the debt.

At CAB we were able to reassure client that his family would not become liable for the debt, however the debt would be recoverable from any estate he left behind. We assisted Terry with an appeal about the decision to recover the benefit from him. During our time advising Terry he became of age for pension credit entitlement. We assisted him to claim this which increased his income. We also assisted him to get an increase in DLA under special rules due to his terminal illness.

We assisted Terry through the whole appeal process and represented him at a Tribunal Hearing. The Tribunal judge agreed that Terry did not fail to disclose the material fact that his wife was working and so the appeal was allowed and the DWP could no longer recover the money from him.

Outcomes:

Debt written off £32,294.79

Increase in DLA £59.75 per week

Pension credit award £80 per week

Council tax benefit increase £9 per week

CASE STUDY 8

Gary was due to be evicted for rent arrears within a few days meaning he would be homeless. He said that he could not cope with his life any longer. Not being able to work due to ill health and marriage breakdown he started to fall into arrears on his household bills. Being a proud man and not knowing what benefits he was entitled to his doctor introduced him to the CAB as we were based at his surgery.

Gary's presenting problems included –

- He had no income
- He had not eaten for days
- His mobile phone was due to be disconnected
- Court proceeding had been commenced for possession of his property. Gary was a local authority introductory tenant and so had little security. This meant we had no legal grounds to defend his case. Prior to getting this flat he had slept in his van for 18 months after his marriage broke down and he had to leave the family home and his two children.
- Gary's van had been seized by DVLA and impounded. He couldn't afford to tax it after he paid £1,800 to have the van repaired. He was not able to work after this happened being a self-employed plasterer. He said that this was the final incident that tipped him over the edge and he started to have suicidal thoughts.
- His ground floor flat is mouldy and impacting on his health. He was having difficulty breathing and has constants colds.
- He doesn't have a cooker
- He does not have a television licence.
- He suffers from a number of health issues depression, anxiety and panic attacks. He has mobility issues. Muscle spasms, sciatica, and cramps in his legs.

At NEDCAB we assisted Gary with contacting a food bank. A food parcel was delivered that day.

We helped with making successful applications for Housing Benefit, Council Tax Reduction and Employment Support Allowance. We also requested a backdate of benefit.

This helped to clear half his rent arrears as he received over £1,000 backdated payment. Likewise his backdated ESA claim, which he intends to use to clear his council tax arrears with purchase a washing machine.

We went with Gary to the court hearing and presented his case, the District Judge made an order that his case be adjourned for 28 days, based on the fact that we have applied for housing benefit and a referral had been made to the Royal British legion.

We approached a local supermarket who donated a mobile phone so that we could be in contact with Gary and a ten pound voucher for credit.

We assisted him with reporting his damp problem to the relevant department.

The Royal British Legion has agreed to pay the rest of his rent arrears. Pay for a television licence, arrange for a delivery of a cooker and also provided a £30 food shopping voucher.

Unfortunately Gary's van has been auctioned; this action had been taken before we became involved. Gary was very upset that this had happened as he hoped to return to work at some point and the van had all his tools inside and his trading logo. We have been in touch with his local MP who has agreed to take his complaint up on his behalf.

This situation is not unique many of the clients that we see are faced with a crisis and do not seek help before things get out of hand. CAB being present in GP surgeries is a life line, and in Gary's case saved his life.

In summary Gary has said since the involvement of NEDCAB and other agencies like the local authority, charities etc. we have empowered him and helped him to make his own choices. We have listened and taken away some of his frustrations and feelings of hopelessness. He can now see a future and has restored his confidence in society.

Outcomes:

Food parcel

New Mobile phone provided with £10 top up

New cooker provided

Possession prevented

ESA weekly income £72.40

Housing benefit weekly income £83.00

Council tax benefit weekly income £15.00

Lump sum backdate: £2,044.80

Empowered to deal with housing issue

Potential suicide prevention

CASE STUDY 9

Adele has learning difficulties and has been long term unemployed and in receipt of Job Seekers Allowance (£71.70). This is her only income and she had two deductions for a social fund loan and a fine for non-payment of a TV licence leaving her with only £58.05 per week. Her husband died two years ago and she has been struggling to manage since. She lives in a three bedroomed local authority property. She has rent arrears due to a previous issue with benefits and there was a court order in place to pay £3.65 per week towards the arrears. She also had an overpayment in housing benefit and so received a deduction from her on-going housing benefit entitlement of £10.50 per week meaning that she had to pay rent of £14.15 per week from her £58.05 JSA as well as other essential bills and buy food etc. She lived alone after her adult children left the property.

In April 2013 the introduction of the under occupation reduction ('bedroom tax') resulting in Adele losing an additional 25% of her housing benefit leaving her with another £21.25 per week rent to pay from her £43.90 disposable income. This left her with only £26.90 to pay for council tax, gas/electricity, water, food, travel, clothes etc. which is an impossible amount to live on. As she already had a suspended possession in place due to rent arrears the Local Authority threatened to apply for eviction.

At CAB we were able to obtain a discretionary payment from the local authority of £20 per week to help her pay the shortfall in her rent. We also negotiated a lowered deduction for the overpayment of housing benefit and the social fund loan she had giving her an extra £13.20 per week in money to pay her bills. We also assisted her with the support of her GP to claim Employment and Support Allowance instead of JSA. This gives her an extra £28.45 per week in income. Adele is currently managing to stay in the property without accruing further debt due to CAB intervention however it is unlikely that the Local Authority will agree to pay the Discretionary Payment on a permanent basis and so we are currently working with Adele to attempt to find a solution to her problem, this could be finding a lodger to take one of her spare rooms or finding alternative affordable accommodation to live in.

As part of the social policy work we do we recorded evidence from this case to submit to our National body to assist with social policy influence on a large scale.

Outcome:

£61.65 per week benefit gained.

Eviction avoided.

CASE STUDY 10

Sharon was receiving support from the community mental health team due to depression, anxiety and borderline personality disorder. Her condition resulted in her making some poor decisions particularly regarding finances.

She came to CAB at her local surgery after a referral from her GP due to feeling suicidal regarding her financial position. She had criminal proceedings pending for suspected fraudulent activity and had debts of over £30,000. Due to neighbour issues caused from the suspected fraud issue she had moved from London to Derbyshire into a private rented accommodation that was isolated in the middle of nowhere. The rent on this was high and her heating was expensive to run as oil powered. Post relocating her partner's new job did not work out and he was made unemployed unable to claim any benefit due to his national insurance history.

Sharon's only income was Employment and Support Allowance (support group). Due to her expensive rent there was a large shortfall in her housing benefit leaving them with very little money to live on. They were getting by from selling personal possessions.

At CAB we assisted Sharon to see a solicitor specialising in criminal advice. Criminal proceedings were dropped and she was cleared of any fraud allegations. The CAB debt team assisted Sharon to petition for bankruptcy. Clearing the £30,000 of debt enabled her to have a fresh start and lifted her mental well-being.

CAB also assisted Sharon with a claim for Disability Living Allowance. This was rejected but upon appeal high rate care and low rate mobility was awarded giving Sharon a large backdate in DLA enabling her to be able to pay rent and purchase oil fuel. Whilst the DLA decision was pending we assisted Sharon to get a discretionary housing payment from the Local Authority to assist with the shortfall in her rent and post the DLA decision we assisted Sharon's partner make a claim for Carers Allowance as due to her mental health problems he was providing a significant level of care for her. The extra boost in income and the write off of the debt enabled Sharon and her partner to live a healthier lifestyle and not worry too much about their finances thus improving Sharon's mental well-being. However the high rent will be difficult to sustain financially and so we are currently supporting them with an application for social housing and we provided information regarding setting up a fuel co-operative for the purchase of cheaper oil.

Financial Gains:

DLA £98 week

Carers Premium £32.60 week

Debt written off £31,230

Discretionary housing payment £19.00 week

Backdate in DLA and carers premium £3265

CASE STUDY 11

Sarah aged 49 was a victim of domestic abuse. The history of abuse was long standing with her husband spending time in prison for his physical violence towards her. Despite this they continued to live together as man and wife. However a further incident prompted Sarah to stay in a women's refuge. Sarah's husband left the marital home (a privately rented accommodation) so Sarah could return home. Sarah was left to sort out benefits and pay the debts that had accrued on the gas and electricity during her time in the women's refuges. The property she lived in was in disrepair and the heating system was inadequate resulting in a very high level of gas consumption. Sarah had a breathing problem which the damp and coldness of the property was not helping and she had mental health problems. Sarah had never had debt before and was finding the concept very stressful.

She was referred to CAB by her Community Psychiatric Nurse. At CAB we assisted Sarah to sort out her benefits. We applied to the British Gas Trust Fund who were able to clear her gas and electricity arrears by making a grant payment of £1471. Due to the history of her account (many failed payment plans), British Gas wanted to install pre-payment meters as a further debt occurred after the grant payment and Sarah's usage continued to be high. After many phone calls and negotiations we managed to prevent the installation of a pre-payment meter (on the basis that Sarah is likely to self-disconnect due to her mental health problems, need for large consumption of fuel and financial difficulty) and sort out an affordable payment plan which Sarah now understands she must adhere to. We assisted her with budgeting advice and the provision of a food shop from a local food bank after discovering she had pawned her mobile phone in order to buy food.

We are currently assisting Sarah to move into a more suitable property. The Local Authority have offered her accommodation but it will be a while before the property is ready. At CAB we will continue to support Sarah as she will struggle financially with the costs of moving.

Benefit Gains

Employment and Support Allowance £119.85 week

Council Tax Benefit £14.97 week

Local Housing Allowance £92 week

Weekly Total benefit gain = £226.82

Charitable Grant £1471

CASE STUDY 12

Mr and Mrs Armstrong, aged 80 and 84, were referred to the service by their GP for a benefit check. Both Mr and Mrs Armstrong had health problems and were providing care for each other. They were finding that their expenses were increasing as it was essential that they ran a car (due to disability), they needed the heating on much more, had to buy more convenience foods as unable to prepare meals and they were paying for the services of a gardener and cleaner.

They both had state pensions and savings. The only benefit they were receiving was a small amount of savings pension credits.

CAB identified that both Mr and Mrs Armstrong were potentially missing out on Attendance Allowance. We assisted with claims for the benefit and Mrs Armstrong was awarded high rate but Mr Armstrong's application was unsuccessful. Ironically Mr Armstrong's health was worse than Mrs Armstrong's so we assisted with an appeal which was successful and high rate was awarded.

CAB then assisted with a claim for Carers Allowance for both of them (underlying entitlement) and assisted them to notify Pension Services of their circumstances to gain extra premiums (2 x carers premiums and 2x severe disability premiums).

Their benefit gain was significant and Mr and Mrs Armstrong finally were able to enjoy their retirement and pay for things that helped them around the home and outdoors.

Financial gains:

Attendance Allowance £147.20 per week

**Guaranteed Pension credits (including carers premium and Severe Disability Premium)
£172.60 per week**

Council tax benefit: £25.08 per week

Passported help with free dental and glasses etc.

Total backdate in all benefits £4927.96

CASE STUDY 13

William, age 60, was referred to service by Age UK. He was struggling financially to manage his money and Age UK were concerned as they had visited William at home and noticed that he lacked all basic goods including fridge/cooker/washing machine etc. He did not eat well and appeared to live on bread and jam. His home was in a state (not looked after) and due to him not having heating on it caused problem with central heating pipes. The tenancy was with the local authority and although the tenancy officer was sympathetic with William's situation she was feeling under pressure to consider serving notice seeking possession to William due to the state of the property and complaints from neighbours.

William's only income was Incapacity Benefit. He appeared vulnerable and unable/unwilling to help himself. He did not seem to think that he had a problem and just kept going regardless spending most of his days walking around the countryside.

CAB identified his main issues included; problem with bank account (bank charges swallowing his income), no immediate money to buy food, a large debt to Severn Trent for water arrears, lack of basic provisions and the state of the property in disrepair (threat of eviction/homelessness).

CAB assisted William to sort out his bank account and was able to stop the bank from taking pending charges. We assisted William to find alternative ways to pay his bills as paying by direct debit was causing bank charges due to his poor money management. As he had no immediate money to buy food, CAB arranged for a food parcel to be delivered to William which we obtained through food donations within the bureau from local charities etc. We also assisted with a Severn Trent Trust Fund grant to clear his large water bill enabling him to have a fresh start paying future water bills.

CAB identified that William had served in the armed forces some time ago. We referred him to the Royal British Legion caseworker who works within CAB. The Royal British Legion agreed to assist William through their 'poppy fund' and with CAB recommendations William was provided with a cooker, fridge, washing machine, television, carpets and decoration. The provision of this took a lot of co-ordination from the Royal British Legion/CAB caseworker who liaised constantly with the Local Authority who worked with us to help William thus preventing eviction/homelessness.

William had not attended a CAB service before. As CAB operated a service in William's GP surgery he felt able to access the service with ease

Financial Gains:

Bank charges written off: £115

Water Arrears cleared: £1092

Food Parcel delivered

Provision of washing machine, fridge, cooker, television, carpets and decoration.

CASE STUDY 14

Lucinda attended an appointment with CAB at GP her surgery to obtain information on evicting her tenant. Lucinda was disabled (physical and mental health) and had to leave her mortgaged property to live in a Local Authority Bungalow. Her mortgaged property was in negative equity so she was unable to sell however she got a tenant in so that the mortgage could be covered. However she started having problems with her tenant (tenant not paying rent) and improvements needed to be made on the property. Due to this the mortgage became fell into arrears.

Lucinda's income was Income Support (claiming for her partner) and Disability Living Allowance (high rate care and low rate mobility). She was getting housing/council tax benefit for the bungalow she resided in.

During the appointment the CAB caseworker gave advice regarding correct procedures to evict her tenant however the caseworker identified that problems with her tenant were not the underlying issue. Lucinda had a lot of other unsecured debt (approx. £35,000). She had negative equity in her mortgaged home of approximately £18,000 and the payments her tenant was supposed to pay were not covering the mortgage anyway and there was little spare money for Lucinda to keep the property in good condition as per her duty as a landlady.

CAB gave advice on options and one option discussed was bankruptcy. She was referred to our in-house specialist debt team who after ensuring that bankruptcy was suitable she was assisted to petition her own bankruptcy. The property was handed back to the mortgage company and so was no longer Lucinda's concern.

Lucinda was previously using £150 per month of her Disability Living Allowance income to pay a debt management company towards her debts. She now has this money as surplus to enable her to spend it on what it was intended (care and mobility costs). As she no longer had the mortgaged property and tenant problem her mental well-being improved.

During our time with Lucinda we also identified that she should probably be getting the high rate of mobility instead of low rate. Lucinda had unsuccessfully applied for an increase in DLA 12 months previously. CAB assisted with a late appeal and Lucinda was awarded high rate mobility. By the time this was processed she received a 16 month backdate.

Financial Gains:

Debt written off £53,000

Increase in weekly income £31.85

Backdate of DLA £2133.95

CASE STUDY 15

Michelle was referred to CAB service by her mental health counsellor. She had separated from her husband and had left the marital home to live in rented accommodation. Amid this her 9 year old daughter was diagnosed with juvenile arthritis and was unable to attend school so Michelle had to give up her part time job. She was struggling financially anyway but then received a very large gas bill of £854.33 that she was not expecting. She had been in receipt of housing and council tax benefit for the last 6 months however the Local Authority had written to her advising that they intend on stopping her benefit due to capital held in the former marital home. Michelle had made a claim for Disability Living Allowance for her daughter which was unsuccessful. Her daughter was virtually bed bound and unable to walk further than a few steps. All of this happening was resulting in depression and stress.

CAB assisted Michelle with a claim for Employment and Support Allowance. We encouraged Michelle to seek legal advice regarding her equity share in the marital home this then enabled the local authority to disregard the capital held in the marital home for an extended period. We represented Michelle at a DLA appeal; her daughter's condition improved with treatment however at an appeal hearing Michelle was awarded a backdated lump sum of DLA (high rate mobility and high rate care for a 9 month period). This gave her an increase in Child Tax Credits and a Carers Premium.

Lastly we assisted Michelle with a charitable application to the British Gas Trust fund and her large gas bill was cleared giving her a fresh start.

The latest update we had from Michelle was that her estranged husband sold the marital home and she obtained a capital lump sum enabling her to come off means tested benefits and provide for her child.

Financial Gains:

Housing and Council Tax Benefit: £125 per week

ESA: £67.50 per week

DLA lump sum: £4602.50

Child Tax Credits lump sum: £5118.75

Carers Premium lump sum: £1209

Charitable assistance for gas bill: £854.33

CASE STUDY 16

Jade was referred to the service via the Health Visitor attached to her GP surgery. Jade is aged 21, she is a single parent living in local authority accommodation; she has a 4 year old daughter. Jade recently became unemployed and she suffered with severe depression. She had multiple debts (priority and non-priority) totalling approximately £21,000 and she was struggling financially. Her home was not adequately furnished with limited appliances and she relied on her father who lived nearby to wash clothes, cook meals etc. However her relationship with her father broke down which contributed to her depression and she tried to take her life resulting in her being sectioned and sent to hospital whilst her daughter went to stay with family.

Upon her discharge from hospital we identified that Jade was not receiving full benefit entitlement. Since coming out of part time work she was just receiving Child Benefit/Child Tax Credits and due to low income she was accruing housing and council tax arrears. The local authority was threatening possession proceedings against her. We were able to assist Jade with a claim for Income Support and Housing/Council Tax Benefit. The council agreed to backdate her housing/council tax benefit which reduced her priority arrears and we were able to negotiate an affordable amount for Jade to pay a minimum amount towards her rent and council tax arrears.

We referred Jade to our debt team who assisted her with a debt management plan. Regarding the problem she had with not having any appliances, we made an application for a Community Care Grant to purchase a washing machine, cooker, bed for her daughter (who had outgrown her cot but was now sleeping in bed with Jade) and carpet for her living room floor. The CCG was refused and CAB assisted with a review of the decision which was also refused. Following this we made an application to two charitable trusts that between them provided all of the requested items.

As a result of CAB intervention Jade was financially better off (claiming housing and council tax benefit with a backdate) and her debt was rescheduled and managed. We were able to prevent possession proceedings on her home and bailiff action for council tax arrears. We assisted Jade to deal with all of her debt which eased a lot of her pressure and stress and we assisted her to furnish her home adequately making it a safe and healthy environment for Jade and her young daughter to enjoy. Jade has since been discharged from Mental Health Services.

Outcomes/Gains

Weekly Benefit Gain: £76.30

Debt Rescheduled/managed: £21000

Charitable lump sum: £900 (cash equivalent)

CASE STUDY 17

Gavin was referred to us by his CPN due to him struggling to pay his bills. Gavin has schizophrenia; he lives alone in private rented accommodation. Upon exploration we discovered that Gavin had outstanding water arrears, council tax arrears, electricity arrears and an unpaid magistrate's court fine. He was not making payments to any of his creditors.

Gavin was in receipt of long term Incapacity Benefit. His weekly benefit was slightly above the amount the law states he needs to live on which resulted in him not getting full housing and council tax benefit. This is why he had outstanding council tax arrears going back 4 years with 3 separate liability orders. He was in a cycle that each year his council tax arrears would increase further with added court costs. Gavin had attempted to get some of his debts directly deducted from his benefit but he was told he was not on the correct benefit to have deductions (not on Income Support)

At CAB we explained the importance to Gavin of paying priority bills. We assisted him to prioritise payments and make arrangements with his creditors. CAB applied for a Severn Trent Trust fund and Gavin was awarded £255.27 to clear his water arrears. However despite budgeting advice, at this point, Gavin still struggled to manage paying his bills.

Gavin had applied for DLA but his application was unsuccessful. CAB assisted with an appeal. Upon appeal he was awarded low rate care. We felt that the DLA award did not reflect Gavin's care and mobility needs so we appealed again and Gavin was awarded low rate mobility and middle rate care (backdated 11 months from the start of application). As Gavin lived alone and was entitled to middle rate care (DLA), he qualified for a severe disability in his applicable amount (the amount the law states he needs to live on) and so we assisted Gavin to claim Income Support. This then qualified him for full housing and council tax benefit and as backdated his council tax arrears for the current year were written off. CAB then arranged for Gavin to pay his magistrate court fines, on-going water rates and council tax arrears directly from his income support. This resolved Gavin's problem of struggling to budget and pay bills.

As he is a vulnerable customer (disabled and on low income), we arranged for a cheaper tariff for his gas and electricity usage from his utility company.

Outcomes/Gains

Weekly Benefit Gain (DLA, Income Support, Housing/Council Tax Benefit): £138.82

Lump sum of benefit £3,718.74

Debt Rescheduled: £1,191.59

Severn Trent Trust Fund Grant: £255.27

Cheaper Gas and Electricity Tariff

+ Imprisonment avoided (non-payment of magistrate court fine)

Chesterfield CAB
Derbyshire Districts CAB
North East Derbyshire CAB
South Derbyshire CAB

www.derbyshirecab.org.uk
www.healthyadvice.org.uk