

Snapshot

Monthly advice trends in Scotland



Case evidence and statistics from the Scottish CAB Service

On the Case

A monthly snapshot of CAB case evidence

Snapshot is available here: <http://www.cas.org.uk/publications>

Citizens Advice Scotland and its member bureaux form Scotland's largest independent advice network. CAB advice services are delivered using service points throughout Scotland, from the islands to city centres.

The CAB Service aims:

to ensure that individuals do not suffer through lack of knowledge of their rights and responsibilities, or of the services available to them, or through an inability to express their need effectively

and equally

to exercise a responsible influence on the development of social policies and services, both locally and nationally.

The CAB Service is independent and provides free, confidential and impartial advice to everybody regardless of age, disability, gender, race, religion and belief and sexual orientation.

A snapshot of Scotland

In 2012/13, Citizens Advice Bureaux (CAB) in Scotland advised on over half a million new problems. That's nearly 1,500 new problems brought to CAB for each day of the year. More than 2,200 trained volunteers and paid staff ensure that thousands of people in Scotland receive vital advice every day. However, the Scottish CAB Service isn't just the country's leading independent advice service; it's also a leading advocate for social change. We collect evidence from around the country and use it to demonstrate that change is required. We think this is so important that it's one of our twin aims – to exercise a responsible influence on the development of social policies and services, both locally and nationally.

Key trends in July 2013

The majority of bureaux use a real-time recording system that shows the problems that they see and the work that they undertake to help their clients. The database records around 87% of the total advice given in Scotland, which means that total figures for CAB will be higher than indicated here. In July 2013:

- CAB advised on 41,452 new issues. This was a 7% increase in the number of issues brought to bureaux compared to July 2012;
- Clients were better off by £8.8 million as a result of advice provided by citizens advice bureaux;
- Citizen's advice bureaux provided representation at 421 formal legal forums, such as tribunals or court hearings, including 406 benefit tribunals;
- Advisers helped clients to complete 2,371 forms or applications, including 1,956 benefit forms.

Types of problems

The top ten areas of advice are listed below. ESA continues to be the most common area of advice sought from bureaux. The statistics for July show a breakdown for unsecured personal loan debts and payday loans. These two issues had previously been categorised together under unsecured personal loan debts.

Table1: New issues in June 2013

Issue	Number of New Issues
ESA	3,166
Housing Benefit	1,724
Credit card debts	1,081
JSA	1,109
Council Tax	994
Debt remedies	986
Council Tax arrears	903
Working Tax Credits	898
Unsecured personal loan debts	889
DLA (Care)	792

Tables 2 and 3 show the issues that increased in frequency both in the last month and when compared to the same period last year.

Issues concerning ESA have increased significantly in comparison to the same period in 2012 – a 42% increase. This increase is representative of policy changes to DLA – which saw a relative decline on 2012 figures, with many individuals moving onto ESA. Issues relating to Housing Benefit rose by 27% indicating the impact that the ‘Bedroom Tax’ is continuing to have on clients. Jobseekers Allowance (JSA) also saw an increase in the number of enquiries compared to the same period in 2012 with 22% more issues reported.

Table 2: Year on Year increase

Issue	Year on Year Increase	Additional Issues
ESA	+ 42%	+934
Housing Benefit	+ 27%	+366
JSA	+ 22%	+196
PIP (daily living)	N/A	+626
PIP (mobility)	N/A	+506

The Personal Independence Payment (PIP) replaced Disability Living Allowance (DLA) for new claimants in Scotland in June. Clients were already enquiring about the new benefit in previous months, but we began to see more clients applying for PIP this month. Pension Credit and Tax Credit issues also increased this month in relation to the 31st July renewal deadline.

Table 3: Monthly change

Issue	Percentage Change	Additional Issues
PIP (Daily Living)	+78%	+275
PIP (Mobility)	+94%	+245
Scottish Welfare Fund CCG	-11%	-20
Scottish Welfare Fund Crisis Grant	+21%	+56

Issue of the month: Employment Tribunals

From 29 July 2013 changes were introduced to employment tribunals, resulting in a fee being charged to raise an Employment Tribunal claim, and a further fee if the claim is not then settled through negotiation or conciliation and needs to go to a full hearing. There are two fee levels, depending on the complexity of the case. These fees must be paid for the case to be registered. In some cases, clients may be exempted from paying fees, or will be able to pay a reduced rate. However, they must request this when they apply and strict time limits mean that if a client is not able to provide the correct evidence of their exemption their case may not be registered. Bureaux have already begun seeing clients who will be affected by the introduction of fees, and there is concern that this will impact on a client's ability to exercise their statutory rights.

- ▶ **A North of Scotland CAB reports of a client who was a sole trader and a joiner by trade. He was recruited in Poland by the Polish owner of the company based in the UK. The client approached his employer for unpaid wages, however the employer asked the client to do some electrical work. When he refused on the grounds that he was not qualified, the employer threatened him by saying "If you do not do the work I will employ an electrician and charge you for his time". The client advised the CAB that this was a common occurrence with this employer as he only employed Polish nationals who had little or no English. If they objected to the employer's actions he fired them and provided a ticket back to Poland. The adviser informed the client that it is illegal to retain money due to him, and that if the employer does not pay him he is entitled to go to an Employment Tribunal to recover the unpaid wages. Unfortunately, this would now cost him a fee of £390.**
- ▶ **An East of Scotland CAB reports of a client who returned to the bureau after sending her employer another letter by recorded delivery informing them that she was ready to return to work following maternity leave. The client has not received any replies despite asking for a reply within 7 working days. The client wanted to know the next step. The client was advised about the introduction of fees for using the Employment Tribunal and that in her case these would be £250 for the initial papers and an additional £950 for any potential hearing. In the circumstances the client is going to look for other employment.**

- ▶ **An East of Scotland CAB reports of a client who was dismissed on 21st June, without notice pay or holiday entitlement. The reason given was that she would not work back to back shifts. The first shift ran from 9am to 4:30pm with the evening shift following immediately thereafter at 6pm on the same day. In addition, she was given no advance warning. The client wanted advice on getting her notice pay and holiday entitlement which she estimated amounted to over £270. The client also went on to say that many other employees at the company had been bullied into working impossible shifts, including a Polish worker who was dismissed for seeking maternity leave. The adviser went over the grievance procedure with the client, and was advised that there was a 3 month time limit to apply for an Employment Tribunal hearing and that after 24th July there would be fees to apply and further charges if the case went to Tribunal.**

Case analysis: goods and services

Bureaux across Scotland are reporting on a range of consumer issues demonstrating the variety of problems faced by those in receipt of unsatisfactory goods and services. The cases below demonstrate how bureaux have worked to overcome these problems.

- ▶ **A North of Scotland CAB reports of a client who sought advice about replacing a gas boiler. The client lived in their own four bedroom home and has multiple health problems for which they are in receipt of pension credit and attendance allowance. The client's gas boiler recently broke down so the client had called out British Gas who came and repaired it. While there, the engineer recommended that the client get a new boiler as the current one was very old and inefficient. The client received a quote of £2000 for a new boiler to be fitted, but the client's current low income means this is unaffordable. The CAB adviser contacted Home Energy Scotland and provided details on behalf of the client as requested. The client was advised about eligibility for 2 schemes: Affordable Warm Scheme (Ever Warm) and a national scheme which would take a little longer as the process involved contacting DWP before a survey and subsequent work could be carried out. The client opted for the local scheme and was put in touch with Home Energy Scotland in order to make arrangements. HES will also support the client to apply for the Warm Homes Discount.**
- ▶ **A South of Scotland CAB reports of a client aged 92 whose home phone line stopped working. The client went to a friend's house to report the fault using a BT land line. The client's friend has now received a bill detailing a cost of £80 for the client's call to the company's helpline. He was unaware that he might be charged for the call, but he spent over 30 minutes on the phone, being put through to remote help lines. The fault was found to be with a cable some way from his house and the client has not been charged for repair. The friend's daughter contacted BT on his behalf, but they denied any responsibility for this and offered only a £5 goodwill payment. The CAB adviser suggested that the client should phone the land line company and try to negotiate a refund, on the grounds that they don't provide a free phone number for use with other networks to report a fault. The adviser offered to write a letter of complaint on the client's behalf.**

Case analysis: PRS housing quality

Around 11% of the Scottish population currently rent their home through the private sector. Those most likely to rent within the private sector are often single households/small families in urban areas staying on average 1-2 years in their tenancy. Across much of Scotland there is an increasing lack of affordable accommodation, currently being exacerbated by the recent 'bedroom tax' and changes to local area housing allowances. The effects of these changes are pushing many individuals into the private rented sector.

Evidence from bureaux indicates that poor quality accommodation and unregulated landlord practices within the private rented sector are key issues. There has been increasing reports from bureaux about the poor quality of many privately let properties which many people are unable to leave due to a lack of affordable accommodation elsewhere.

- ▶ **A West of Scotland CAB reports of a client who called with an on-going issue with a letting agent. The client has water damage through most of house caused by a leaking roof. This has been a problem for some time and has led to significant damage throughout the property. The bedroom roof has collapsed and further water ingress prevented only by tarpaulin. The water comes into the other bedroom and living room also. The landlord is reluctant to fix the problem. The client has issued his notice to quit and is looking for new housing. The client's exit date from the property is at the end of July. The client is also concerned that he may not get his deposit back as he believes the letting agent is well known for its "sharp practice". The client is looking for help in obtaining secure accommodation and in dealing with the letting agent.**
- ▶ **A West of Scotland CAB reports of a client who phoned bureau about the condition of their privately rented flat (£400 per month) as the roof is leaking, wall subsiding, no running drinking water. Rent has to be paid cash in hand to the name on lease or whoever the landlord sends to collect it. Client has complained about the condition but no action has been taken and the client feels that the landlord and agents have become intimidating. The client leased a flat previously along with friend but had to move out of the property due to the harassment of the landlord. The client paid up the rent till the end of January but his friend did not pay his share for that month. The letting agent informed the client's friend that payment for January was not necessary due to the circumstances. Unfortunately, the landlord has now written demanding payment of £1056 and threatening legal action if a payment is not made. This amount is for the rent due for February and March as well as the apparent cleaning costs, even though the flat was left in an excellent condition.**

Case analysis: unfair parking charges

CAB throughout Scotland have reported a number of cases in recent months regarding fines received from private car parks, often associated with shops and retail parks. These fines are generated by third party companies who run number plate recognition technology at car parks and have been known to mail bills to clients of up to £175 for overstaying a stated 'free period'. In many of these cases the driver was using the shops or service where they parked. In addition, reports are also being made of a large number of disabled blue badge holders being fined in this way. These fines are a civil matter under contract law rather than a criminal one, and bureaux across Scotland have had great success in letting clients know about the legal standing of such fines and the clients' options in dealing with them.

- ▶ **An East of Scotland CAB reports of a client who went to Matalan and parked in Gallagher Retail Park. The client saw that it said free parking and so did not display a ticket. When the client returned 10 minutes later, they had been issued a parking ticket. The initial parking ticket was for £60 but the client has not paid as s/he feels it is an unreasonably high amount. As a result, the fine has gone up to £160 and been referred to debt collection agency. After discussing the case with a bureau adviser, the client decided not to pay the fine and to fight the case in court if the debt collection agency decided to pursue him for payment. The client felt that the fine was unreasonably high and was happy to make that argument in court.**
- ▶ **A North of Scotland CAB reports a client who had parked her car in a private car park for four and a half hours and had not realised there was a limit of three hours. The client received a notice from the operator for a fine of £150 which was reduced to £75 if paid in a certain timeframe. The client had phoned the retail premises but had been informed that the matter was now out of their hands; they had had to introduce the parking restrictions due to members of the public using their car park improperly as they were not customers. The client explained that they had actually been in the retail premises restaurant and shop for the four and a half hour period. CAB gave advice on different options available to the client and the legal standing of the fines regarding contract law and it being a civil matter not a criminal one. The client was made aware that if they were being harassed by the parking operator they could contact the company to ask them to stop. The client could also make a complaint to the British Parking Association (BPA) if the company was a member.**

Emerging trends

Scottish Welfare Fund

This month the Scottish Government announced that only half of the available funding for the first three months of 2013 had been spent. In a recent article Third Force News suggest that one reason for a lack of claims could be an increasing use of food banks in place of Crisis Grants. Some of the evidence being presented at bureau would suggest that it can be difficult to access the fund due to restrictions and difficulties encountered at a local authority level.

- ▶ **A North of Scotland CAB reports a client who contacted the bureau as they had no money, food or electricity. The client had applied to the Scottish Welfare Fund for a grant for a washing machine and fridge freezer. The grant was turned down and the client had appealed this decision twice. The client used pension credit to purchase a fridge/freezer at a cost of £180, leaving the client with no money until their next pay day on 15th July. The client applied on Tuesday 9th July for a Crisis Grant and was told that this would take 3 days to process. The client is blind, diabetic and doubly incontinent, and cares for a spouse who has had two strokes. The last of their money was used to wash bedding at the laundrette. Food was provided to the client through Home Aid who were able to deliver directly to the clients' home. The Salvation Army were also available to provide a same-day electricity top-up.**
- ▶ **A North of Scotland CAB reports of a client who approached the bureau with rent arrears due to long delays in processing ESA claims. The client had not had access to any funds for over two months and had been using Local Housing Allowance to survive, resulting in rent arrears. The client suffered from diabetes and depression, and stated from the outset how the whole process of claiming benefits was overwhelming and that they were unable to cope. The client had no food and was deemed to be in crisis due to the adverse effects this would have upon their diabetes. A call was made to Highland Council Scottish Welfare Fund for a Crisis Grant using the number on the Council website. The phone rang and went to a voicemail message saying the mailbox was full and the call was being diverted to another attendant. Again, it rang, and then said the number was unavailable and rung off. The adviser tried several times with the same response.**

Emerging trends

The adviser then rang Highland Council call centre and requested the current number for the Scottish Welfare Fund. The call handler said it was the correct number and that if there was a problem with the phone line it was the Scottish Government's line and they would need to sort it. The adviser explained to the call handler that SWF is handled by the local authority and after taking advice, the call handler agreed that there was a designated team in Inverness for SWF and that their phone lines were just busy. After several calls a representative from Highland Council was reached who promised that the client would receive a decision by text as long as it was possible to obtain a bank statement. The representative phoned back within 2 hours to confirm that the client had been awarded £36.87 for the period 4th - 15th July and that this was low because the client was not a householder. It should be noted that at this point the client did not have any food or money for food and was concerned that this would not last 11 days. The client received a code to show at a paypoint to receive the money. The client was concerned that, although this saved a trip to Inverness and the cost of travel, there was no privacy when claiming money as the nearest paypoint is a newsagent and anyone in the shop, including the staff, would know and this could be embarrassing. The Duty Social Worker telephoned back to inform that the client could collect a food parcel today from Nairn Town and County Hospital, however, as this is the second food parcel in a few days, further Social Work assistance will be limited as they can only supply clients with three food parcels in a 12 month period.

Emerging trends

Direct Earnings Attachment

As part of the Welfare Reform (2012) Act, mandatory Direct Earnings Attachment's (DEA's) are being piloted across the UK. DEAs affect those found to be in debt to the DWP, in particular those who have received a benefit overpayment. Debtors are liable to be subject to a deduction from their wages once entering into paid work. DEAs differ from earnings arrestments in that the DWP are not required by law to take court action against the debtor before applying a DEA. This means the DWP can go straight to the employer, and the client, as in the case below, will not necessarily be informed before their wages are seized. Evidence indicates that DEAs are currently being piloted in the West of Scotland.

- ▶ A West of Scotland CAB reports of a client in part time work (17-30 hours per week) who received a letter from the DWP stating that she owed £140.07. Upon contacting the DWP she was informed that this relates to an outstanding debt from a crisis loan five years ago. The client requested evidence from the DWP of the crisis loan and suggested a repayment plan of £5 per month if evidence of the debt could be provided. The client received no further contact from the DWP, however did receive a letter from her employer informing her that they were under instruction to conduct a DEA. Subsequently, £113 was deducted from the client's salary in June with the remaining £30 to be deducted in July. The client now has no money for food after rent and utilities are paid, and is currently walking approximately 10 miles a day to her work. Her salary is usually £799.00 per month but in June she had undertaken overtime and earned £1000.00. The client has contacted the Scottish Government as she feels her human rights have been breached. She was advised to speak to Turn2us who advised her of local food banks and to come to the CAB. She has also written a letter of complaint to the DWP about no information being sent to her before taking money directly from her salary.

Using evidence provided by Bureaux, CAS writes consultation responses, briefing sheets and research reports on a variety of issues. All of our external publications can be found on the CAS website www.cas.org, in the publications section.

Tribunals (Scotland) Bill:

Evidence to the Justice Committee

Citizens Advice Scotland recently issued a response to the call for evidence by the Justice Committee of the Scottish Parliament on the Tribunals (Scotland) Bill.

The Citizens Advice Service in Scotland continues to support and represent users of the civil justice system and strongly advocates the principle of access to justice.

Tribunals are, for users, a forum which facilitates the pursuit of their rights and are often accessed at times of crisis in a user's life. It is essential that the framework for tribunals is effective, efficient and capable of ensuring consistent access to justice: both now and in the changing civil justice landscape ahead.

During July, the CAS team have been working on:

ESA Litchfield Review

Policy Officer Beth Reid has been working on a consultation response to the Litchfield review – the fourth independent review of the Employment and Support Allowance Work Capability Assessment. CAS is drawing on the wealth of evidence provided by bureaux across Scotland to show what particular problems our CAB Service clients face when attending medical assessments.

Consumer Snapshot

Policy Officer Sarah Beattie-Smith has been writing the first of our quarterly Consumer Snapshot publications which highlight trends in consumer advice and statistics from the Citizens Advice Consumer Service helpline which, in its first nine months, dealt with 48,000 calls originating in Scotland. Consumer Snapshot will be available on the publications section of the CAS website.

New Research Team

The Policy and Communications team has recently benefited from the addition of a research team comprising a Research Officer and Research Co-ordinator as part of the new consumer responsibilities transferred to the Citizens Advice service. The new posts will assist the policy team to undertake more detailed analysis of the problems that clients experience, as well as support the service to evidence its work through improving the quality of information that is available.

Community Action Team

This month the community action team have been working to launch the national campaign focused upon payday loans with national media coverage and a mail out of materials to bureau. The team have also been preparing work on the Young Consumer website to be launched in September, and have produced two short videos for the service Vimeo channel which can be found here <http://vimeo.com/scottishcabservice>

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