

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

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

- CAB advised on 39,719 new issues in January 2013. This was a 3% increase in issues compared to January 2012.
- Clients were better off by £7.7 million as a result of advice received at citizens advice bureaux in January 2013 - £1.1 million higher than in January 2012
- Citizens advice bureaux provided representation at 394 tribunals or court cases, including 365 welfare tribunals.
- Advisers helped clients to complete 2,116 forms or applications, including 1,773 benefit forms.
- The actions that bureaux took to help clients increased year-on-year, with the number of benefit forms completed increasing by 31% and representation at benefit tribunals increasing by 60%.

Types of problems

The top ten areas of advice are listed below. One in 14 new issues is now related to ESA which is almost twice as common as any other issue brought to bureaux.

Top 10 most common issues

Issue	Number of cases
ESA	2,978
Housing Benefit	1,577
Unsecured personal loan debts	1,403
DLA (Care)	1,347
Credit card debts	1,198
DLA (Mobility)	1,171
JSA	1,120
Council Tax Benefit	1,116
Council Tax arrears	973
Debt remedies	943

Rather than compare the January figures with December's, it is more useful to compare with January 2012 to iron out seasonal variation. Table 2 outlines the areas of advice that increased year-on-year

Table 2: Year-on-year change

Issue	Year on Year Increase	Change in Number of Issues
Immigration	+45%	+110
Travel	+19%	+74
Health	+11%	+63
Benefits	+8%	+1,222
Relationship	+7%	+107
Employment	+5%	+174
Housing	0%	+12
Consumer goods	0%	+2
Legal	-1%	-26
Utilities	-2%	-17
Debt	-3%	-233
Financial products	-15%	-210
Tax	-19%	-132

Table 2 shows that issues concerning immigration and travel increased year-on-year, but they still make up a small proportion of overall issues. The main driver of increased demand concerned benefits with bureaux dealing with an additional 1,200 issues compared to the previous year. This increase created significantly more work for bureaux with benefit forms being completed increasing by 31% and representation at tribunals increasing by 60% year-on-year.

Table 3 outlines in more detail the issues that have increased year-on-year, which shows that welfare reforms have had an impact. It is also worth noting that credit card debts issues decreased by 15% compared to the same period last year, while unsecured personal loan debt increased by 4%.

Issue	Year on Year Increase	Additional Issues
ESA	+62%	+1,140
Parking	+49%	+57
Health and safety	+46%	+32
JSA	+23%	+212
Divorce	+17%	+85
Housing Benefit	+16%	+212

Issue of the month: Private rented housing

Advice code statistics show that private rented housing remains one of the biggest issues clients seek advice on. Since April 2012 33% of all housing-related enquiries were about the private rented sector, which is disproportionately large given that the sector actually makes up only 11% of the overall housing market.

Despite the introduction of the tenancy deposit scheme and the new legislation making letting agency fees and charges illegal, tenants are still struggling to make landlords abide by these rules. Clients whose tenancies began before the Tenancy Deposit Scheme was introduced are finding it particularly difficult to get deposits back, and some other landlords and letting agencies are simply not complying with the new laws.

- ▶ **An East of Scotland CAB reports of a client whose landlady has not paid her deposit into a tenancy deposit scheme. The client was not aware that such a scheme was now running in Scotland, and said that none of her friends were aware of this either. The client has mould growing on her bedroom and bathroom walls and advised her landlady about the problem a month after she moved in, but the landlady said that the damp was caused by the client herself. But the client does keep the heating on, ventilates the room and does not dry washing in her bedroom. She feels that the issue is with the property. The client decided to move out of property and gave landlady one month's notice. The landlady accepted the notice but told the client that she may withhold some or all of deposit of approx £520 if it proved to be the client who had caused the damp.**
- ▶ **An East of Scotland CAB reports of a client who rented a property from a lettings agency for two years before moving out in December. She paid a £350 deposit and was told by the agency that if she found new tenants she would get her deposit back within 14 days. The client found tenants but has not been able to get her deposit back. The property was checked for damage when she left and it was passed as clear. She has just been to agency today and there is no progress. The agents say it is the landlord who has to refund the deposit, but the landlord is a company in London and they are finding it difficult to make contact. The client is a single mum on reduced working hours and she needs her deposit back to live on. The client says that a lot of her friends have trouble getting deposits back through this agency.**
- ▶ **A West of Scotland CAB reports of a client who has been experiencing**

serious difficulties in recovering his deposit back from his letting agency. He had occupied the property for more than four years and on the final flat inspection only two minor issues had been raised. Since the client handed back the keys and moved out, the letting agency have mentioned further issues and are not returning his deposit. The client does not understand why these further issues were not raised before.

- ▶ An East of Scotland CAB reports of a client who had rented a property from a property management company and along with his flatmates they contributed towards paying an administration fee of £75 each. In 2012 he discovered that charging administration fees was illegal and so he used the Shelter sample letters to contact the landlord and asked for a refund. The client received email from the landlord stating that the original property management company had gone into liquidation and no longer existed; therefore he could not claim his money back. The company now trade under a different name.

In May 2013 the Scottish Government are introducing a new Tenant Information Pack which will be given to all tenants when they sign the tenancy agreement. This will help to keep tenants informed about their rights, and encourage landlords and letting agencies to comply with new legislation.

Case analysis

Benefits Administration

As in previous months, in January clients reported problems with benefits administration such as difficulty reaching benefits offices by phone, and loss of paperwork and applications. Problems with benefits administration can be extremely distressing for clients and exposes them to all kinds of vulnerabilities when they do not have access to basic necessities such as food and energy. The CAS

social policy team are planning work related to the difficulties clients and advisers have getting through on Job Centre and DWP phone lines.

- ▶ A West of Scotland CAB reports of a client who had put in a telephone claim for Jobseekers Allowance on 31st December 2012. The client also applied for a Crisis Loan at this time for £91 in order to pay for food and electricity. The client had used her crisis loan to put £40 in her electric meter but the meter did not register the money. The client telephoned the electricity company and they told her that the electricity had been disconnected as the supply was unsafe and she would need a safety certificate before it was reconnected. The client was then put into emergency accommodation. She walked 7 miles to go to the Jobcentre where she applied for a second crisis loan and was refused. The client had visited Social Work and was given a £5 food voucher for Morrison's supermarket. She had recently moved back to the area as she was fleeing domestic abuse from her partner in another city and left with no clothes and no money. She has no money for her bus fare to get to the Jobcentre on Friday to sign on. The client is diabetic and has not eaten in two days. The adviser phoned DWP Crisis Loans on client's behalf and was on telephone for 20 minutes with no reply.
- ▶ A West of Scotland CAB were told the Department for Work and Pensions have only now received a client's Employment Support and Allowance application but they are still processing it, so he can get an interim payment and he doesn't qualify for crisis loan as he's had too many this year. Jobcentre told the client to come to CAB. He is a very vulnerable position as he has not eaten in four days and has no heating or lighting in his property. He also suffers from stress and anxiety.
- ▶ A West of Scotland CAB reported of a client with a two year old daughter. With her partner she made a joint claim for Job Seekers Allowance which will not be paid until next Tuesday, and in the meantime the client's existing Child Tax Credits claim has been closed and a new claim form has been sent by her. It can take up to eight weeks to process and it could not be fast tracked, and then would take up to two weeks to arrive in the post. Until then the client can only rely on child benefit to feed her family, and came into the CAB looking for help to survive. She did not qualify for a crisis loan, and was not in receipt of hardship payments since no claim had been made for this yet. As a last resort we advised the client to contact

social services for help to feed her family. Collection of aging debts

Bullying and Discrimination in the Workplace

In January a number of cases were raised where people complained of discrimination and bullying at the workplace. Employees felt they were discriminated against on the grounds of their race, gender, pregnancy and the like. Even though this is against the law, workplace bullying continues to exist.

- ▶ A West of Scotland CAB reported an employment related issue where a Polish client, who was working at a food factory but was being made redundant and angry about this. He was verbally abused by his Scottish female supervisor whom he alleges discriminates against Polish workers.
- ▶ A North of Scotland CAB reports of a 21 years old client who lives with her partner and their only child. The couple are both employed by a local hotel group - she has been employed for five years, her partner seven years. During her first pregnancy, the client found that her previous manager was very accommodating and willing to offer her suitable hours to work around the demands of pregnancy and nursery care. When the client informed her new manager that she was pregnant with her second child, born recently, her manager's attitude towards her changed – she found her hours being cut without explanation while other less experienced staff were given more hours than they asked for and could cope with, her telephone calls and messages to her employer were routinely ignored, and she was told to stand at the bar rather than sit while four months pregnant even when there were no customers in the bar. The client states that she observed similar treatment to another pregnant member of staff who no longer works there.
- ▶ A South of Scotland CAB reports of a client who has experienced unacceptable behaviour by an employer just because she had found another job. The client had given four week's notice to the company she had been employed by for over a year. He had asked her not to leave so she agreed to work a further three weeks into February

to help out. At the staff Christmas party, the employer handed out bonuses to every member of staff except her saying in front of everyone that she didn't deserve one. At a further meeting with the employer he said it was because she had been off work for four weeks, (she had shingles). She then said she was finishing that day having worked required notice. He warned her that the Borders is a small place and that her conduct could have repercussions. She was never given a contract with terms and conditions of employment. Citizens Advice Direct reports of a client who received two letters from a debt collection company for Council Tax for the period 2002/2003 - 2003/2004 for £361.15 for a property that he had sold before that date. The letter states that "failure to pay this amount will leave us no alternative than to recommend to our client that Legal Action or a home visit may be the only option - we have to recover the outstanding balance that is due". The tone of the letter is very threatening.

Consumer Scams

A fifth of the consumer cases reported in January involved scams, reflecting the extent of the problem and the need for policy to address this issue. Clients were typically approached over the telephone, with offers for goods or services. There has been a recent trend of clients receiving phone calls from large companies, or government departments.

- ▶ A North of Scotland CAB reports of a number of clients who have been contacted by phone and offered a digital energy adapter. This is allegedly an electricity saving device and costs £115 + £10 delivery. It transpired that the company responsible for marketing this product is not associated with any utility provider or government body. The company website also states that they don't guarantee the saving of the electricity bill to any percentage.
- ▶ An East of Scotland CAB reports of a client who applied online for a payday loan of £80. She lives with her partner and their young child in rented accommodation. Both the client and her partner are in receipt of Jobseekers Allowance, Child Tax Credit and Child Benefit. The client

has not received the money but has a direct card payment of £69.99 due to come out of her account to repay the loan. She does not have enough money to feed her child, and as she has not received the payments, the client went to the CAB for help to cancel the payment of £69.99. She asked her bank if they could help her cancel it but they refused. The CAB tried to contact Cash Finance Direct on several numbers but lines were dead. The adviser checked online and found that they are not a registered company. Suspecting a scam, the CAB advised the client to report this to the bank.

More of the same Please!

Disability living allowance and Employment and Support Allowance

We have seen a number of cases in which information from a client's Employment and Support Allowance Work Capability Assessment has been used to make a decision about a claim for Disability Living Allowance. This is bad practice and should not be happening, especially when there are on-going issues with the Work Capability Assessment. Decisions about a client's Disability Living Allowance should be made independently of any other benefits claim.

- ▶ **A West of Scotland CAB reports of a client who won an Employment and Support Allowance appeal in December. The client approached the bureau for help with an application for DLA in November. The form was completed and posted to the DLA service. However she received notification that she had been unsuccessful based on the medical information provided for the ESA claim form. The adviser helped the client to complete a GL24 form with client to appeal the decision as client believes the decision for DLA should not have been based on the ESA Work Capability Assessment, especially as this was reversed at a tribunal and therefore should not have been taken into consideration for the DLA claim. This is causing the client considerable distress.**

We are interested to hear of any cases in which a decision about one benefits award is based on the assessment for another benefit, as in the above case.

Under-Occupancy

We are interested to hear more about how the Housing Benefit under-occupancy rules will affect people who have developed their own arrangements to help with illnesses and disabilities, for example, household caring arrangements which might be complicated if the client is forced to move to a smaller property. We are particularly interested in hearing about how people who have had various adaptations built into their homes such as lifts or ramps etc. may be affected by under-occupancy.

- ▶ **An East of Scotland CAB reports of a client who recently had a visit from a WESLO official who told her that from April 2013 she will have to pay £36 per month extra rent because she has an extra unused bedroom. She is in receipt of Pension Credit, Housing Benefit and Council Tax rebate. Client suffers from diabetes and osteoporosis and has carers who come in to help her with bathing twice a week. She has lived in her home for the past 29 years and does not want to move out. She wants to know if she has to pay this out of her benefit or if she can she get financial help.**
- ▶ **A West of Scotland CAB reports a client who received a letter from her Housing Association stating that she will be subject to a 25% reduction in Housing Benefit because her home is larger than she needs. The client is not working and is in receipt of Employment and Support Allowance. A friend of client died two years ago and the client has power of attorney for her 18 years old son who suffers from Aspergers syndrome. He finds it difficult to engage with people and was supported by a special care project for a while and is now at university. He is in student accommodation and although he is managing his studies, he is not engaging with other students. At the moment he spends many weekends and university breaks at the client's home. The client feels that she cannot take a smaller property when she needs to provide him with a safe haven when he needs it.**

Star Case

Every month, the CAS team picks one star case to highlight and explain just what sets that case apart.

- ▶ **An East of Scotland CAB reports of a client who went online to apply for a loan just before Christmas and looked into quite a few options thinking she was just putting in applications and awaited a loan to come forth. However she then went into her bank to take money out she found that all her money had been taken as the loan companies were in fact brokers and charged a fee for searching for a loan. She has now changed her bank details to stop the brokers from taking any more money but wonders if we could help to get any refunds if at all. The client is a single mother who works part time in a supermarket. The CAB went through the list of companies, telephoned them and spoke to a sales person from one of the companies who will require a letter from client cancelling her agreement and they will refund full amount of £49.50. Another of the companies asked her to fill in a cancellation form online and then send a printed copy back to them by recorded delivery for a full refund amount of £1. A third company asked for a letter of cancellation after which they will refund £64.99 of the £69.99 keeping the difference for administration fees.**

This is a star case because:

This is a star case for two reasons. First, it records specific details which make the case stronger and more useful for social policy purposes, for example, the client profile details such as gender, ethnicity, age group etc.

It also mentions the online loan companies by name (although these have been taken out), so that it is possible to keep track of whether these companies are regular offenders. Secondly, the case clearly raises the issue of unclear or hidden terms used by the online brokers meaning the client didn't realise what exactly she was getting herself into.

Why is that an issue?

This is a social policy issue because the hidden or unclear terms used by the loan companies and brokers. It should be clear from the outset how much the client is going to be charged for services, and the terms and conditions of the service.

Why is that an issue?

This is an issue because the client ended up being stuck with a debt that she did not intend to take on. She thought she was applying for loans and waiting for them to come through. She had no idea until she suddenly found herself with no cash that she had been charged for searching for a loan. This is likely to be particularly problematic given the client's circumstances as a single parent with a low income.

Could this case be better?

The case could be improved by mentioning how this experience impacted the client, for example whether she felt stressed out, anxious, cheated or if she suffered any disadvantages as a result of unwittingly giving away her limited finances. These kinds of details make the case stronger because they provide records of how a particular policy or practice can negatively impact on people.

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