

# Transcript - Benefitscast March 2026

**Michael Chambers:** [00:00:03] Hello, everyone. Welcome to this month's Benefitscast. My name is Michael. I'm standing in for David, joined by Will and Pamela. Hi, both. Good to have you here. Will, I'm going to turn to you first. What's top of your list this month?

**Will Hadwen:** [00:00:22] So first thing on my list is about Council Tax Reduction schemes, and in particular, how they can affect people who have a transitional element of Universal Credit. Now, some schemes have taken this into account as income. And this can have the result that people who were previously getting full Council Tax Reduction, for example, on income related ESA, suddenly find that they have to pay. That's no longer the case in Scotland since amending regulations that took effect in November last year. But in England, it really does depend on your local authority now been some court cases that have found that this could be discriminatory and also irrational, depending on exactly the design of your local Council Tax Reduction scheme. And most recently, there's been some guidance to local authorities in England, effectively sort of warning them to be careful about the situation where people suddenly have to pay Council Tax when they haven't paid before, and there's been no change to their income. So that is worth having a look at. Obviously, not every client will be able to get legal advice and take a judicial review against the council. Well, I think what we're seeing now is councils need to be much, much more cautious about how they take those amounts into account.

**Michael Chambers:** [00:01:45] Right. And this is different for every council then in England?

**Will Hadwen:** [00:01:49] In England. Yes, yes.

**Michael Chambers:** [00:01:51] So anybody caught up in this or suddenly has to pay sort of, you know, sees a shortfall. Are there any practical steps they can take to sort of meet this shortfall?

**Will Hadwen:** [00:02:01] Yes. Well, of course, the first thing I would say is to try and get advice about what the shortfall is lawful. But the other thing that you can do in England and Wales, we have 'extra discretionary relief'. And that's under a part of the Local Government Finance Act and that allows councils to extend the help they give people, whether they're getting Council Tax Reduction already or not and they can reduce the bill to nil. Now it is discretionary. So the

cases that I'm talking about have found that the fact that that discretionary support exists doesn't stop a scheme from being discriminatory or irrational, because you might not get the discretionary relief and it might not last very long and also you've got to apply for it and you can't appeal decisions because they're discretionary. So there's several reasons why that doesn't solve the problem. But for an individual who's affected, it would still be a good idea to try and get that help if you can.

**Michael Chambers:** [00:02:57] Okay. So advice first. But an application to this discretionary fund for any shortfall.

**Will Hadwen:** [00:03:03] Absolutely. And just to be clear, that discretionary extra help that's in England and Wales and in Scotland, they've fixed this particular problem at least since the 10th November.

**Michael Chambers:** [00:03:18] Great thanks Will, Pamela, I'm going to turn to you now. What's what's your first item of news?

**Pamela Carysforth:** [00:03:24] It's my first item is the removal or the abolition of the two child limit. Right, so this is fast coming up and it should be good news in the majority of cases, it is good news. I don't think there's a situation where it's bad news, but if you have got any sort of transitional protection in Universal Credit because you've been migrated over, there's no protection. If you start getting your extra child, that extra Universal Credit can erode into your transitional protection. And it might be that great. You've now got your third child paid for, but that could then push you over into the benefit cap. Or if you already benefit capped, you're not actually going to see any increases there. So it's for any assessment periods that begin on or after the 6th April 2026. So depending on where the assessment period lies, people are going to see increases if they have them at different points. But overall it is good news it's not been fully ratified, so it was the second reading today. There's a couple of amendments that have been put forward that after six months, they should do some assessments as to check how effective it's been, which groups it's targeted at. And there is one request, sorry, one proposed amendment that they just don't do it. And the two child limit remains in place. From what we've seen so far, though, it does seem like this is going to happen and the effective date, will the change in legislation will be effective from the 6th April 2026.

**Michael Chambers:** [00:05:09] Right. So I mean, yes, I think everybody thought this was going to be good news. This is the removal of the two child limit coming up next. Not next month. Yeah. Start of April. Um, so anybody with a transitional sort of element included in their Universal Credit or potentially the benefit cap is, is there going to be affected potentially by this? Is there any way round this? Is there any there isn't really unless you know the exemptions to the benefit cap apply I guess.

**Pamela Carysforth:** [00:05:42] So, yeah. I mean it shouldn't. It shouldn't be bad news for anybody, you know. And for instance, say you only had £200 transitional protection and you get a £300 child element added, you could still be better off, but potentially not by the full amount that you were expecting.

**Michael Chambers:** [00:06:00] Yeah.

**Pamela Carysforth:** [00:06:01] It also might mean that some people say they shared care in place while the two child limit was in effect. You might have kind of decided, right. I'll claim for two children. You claim for one child. That could have been totally legitimate, but some people might now start to look at that and see if it's in their best interest. Yeah. Now, really, those rules are quite clear. You know who's responsible for a child? You can't manipulate your circumstances to get the most out of benefits. But I do wonder if there will be some people swapping who the main carer is once this rule has been relaxed.

**Michael Chambers:** [00:06:38] Yeah, worth thinking about. Definitely. Okay.

**Pamela Carysforth:** [00:06:42] The good news for many. Good news for many, but not everybody.

**Michael Chambers:** [00:06:46] Couple of pitfalls there. Yes. If for some. Thanks, Pamela. Will back to you. What's your second item of news?

**Will Hadwen:** [00:06:57] So my second item is something about evidence in PIP cases, although it could apply to medical evidence in other benefits as well and this is about when you, as a representative or an advocate for your client might be putting words into the mouth of a health professional. When are you being too leading in getting them to supply evidence? And the

tribunal simply said that the claimant's GP statement was unsatisfactory, but they hadn't given adequate reasons as to why. And actually, that statement wasn't just agreeing with what the advice agency had suggested, but pointing out where they agreed, where they disagreed. It demonstrated that the GP was familiar with the claimant and knew them and knew how their condition affected them. So it wasn't evidence that should have been dismissed as unsatisfactory. It wasn't evidence which simply consisted of an advocate telling the GP what to say and was something more useful than that and more relevant than that. So I think this is part of a small body of case law that we've got now on medical evidence, which is becoming really useful. And there's another case that says even if the medical evidence doesn't deal specifically with the PIP activities and descriptors, that doesn't mean you should discount that either. It might still be relevant. It's for the tribunal to make findings of fact on the evidence, and to be clear about why they are rejecting evidence if they do so.

**Michael Chambers:** [00:08:36] Right? I mean, because standard practice is if you can get a letter from a GP or a consultant, it's, you know, usually considered to be helpful for a PIP claim. So is there a good way of is there a format or the right format. Is it just a general open letter? Do you do you want to get them to comment on specific descriptors that are, you know, you're arguing about? Is there a good way of a good way of doing this to sort of minimise the DWP saying it's, you know, you've got words.

**Will Hadwen:** [00:09:03] I think there are ways to avoid looking like you're putting words into the mouth of the health professional. But the problem is, you can't guarantee how much the health professional is prepared to do. So you might want to say, for example how do you think the client's condition affects them when attempting to do this activity? Washing and dressing, for example? And please say if you think this could be unsafe or would be particularly slow referring to the reliability criteria, but in practice you need to keep it relatively simple. Otherwise they're just not going to engage with it because they're very, very busy. So it's about getting that balance right between referring to the activities which I think is useful to do. It's something that is not going to take them too long, but also something where you're not proposing yes or no answers. You are trying to get them to actually engage with how the condition affects the client.

**Michael Chambers:** [00:10:04] Great. And the general sort of body of case law on this is that it is helpful to get medical evidence, isn't it? Yeah. Yeah.

**Will Hadwen:** [00:10:12] Absolutely. So what with you when you think about the other cases as well, what we're saying is don't worry if you end up with medical evidence that doesn't directly address the activities, it may still be relevant. As long as you haven't simply told the health professional what to say and then they've just signed it off, then it's also not going to be leading evidence. But do take some care with that.

**Michael Chambers:** [00:10:36] Great. That's really helpful. Thanks, Will. Okay, Pamela, back to you. What's your second news item?

**Pamela Carysforth:** [00:10:43] Just a quick on Will's. Sometimes I think it can be useful to put in the evidence request as well. So they can see what you asked for and then what they replied. So it kind of completes the circuit.

**Michael Chambers:** [00:10:58] All right. Yeah.

**Will Hadwen:** [00:10:58] Yeah. So in in this test case, what happened was there was a sort of pro forma that was sent to the GP, but you could see that the GP had commented on it. They hadn't just gone yes, yes, yes. And in our PIP course, actually we do provide a similar sort of pro forma that people can use.

**Michael Chambers:** [00:11:17] Okay. Thanks. Back to you then, Pamela. Yeah.

**Pamela Carysforth:** [00:11:21] Yeah. So I love this topic. April 2026 the time of change. And this does actually link to a little bit of something else with the two child limit as well. So it's just the effective dates of change and how these can all kind of come together in April time. So if anything else changes if it's a beneficial change, you need to declare that change in Universal Credit in the assessment period at which in which it occurs to get the benefit for that whole month. So around April, we've got a lot of rents going up as well. Yeah. So if we just look at the rules for that, my rent goes up on the 1st April and my assessment period, let's say it ends on the 4th April. I've only got a couple of days to declare the rent increase, but then I should get a full month's equivalent in that assessment period. So the assessment period that included the

date of change. Yeah. The separate rule is for changes in legislation. And those changes are effective from the start of the assessment period. Sorry. So for instance uprating effective from the 6th April, that's only going to affect your claim on the assessment period that starts on or after the 6th April. The two child limit is a change in legislation. So that's only going to be in effect for the assessment periods that start on or after the 6th April.

**Michael Chambers:** [00:13:01] Okay.

**Pamela Carysforth:** [00:13:02] So what this can mean is you might think, okay, April's coming up. Benefit rates are going up, my rent's going up. So I'm going to have I'm going to go from the old regime to the new regime. And the amount I get at the end of April should be my new amount. But actually, it might take a bit of time for you to get to this year's amount or to your new amount, and especially so with those cases with transitional protection as well.

**Michael Chambers:** [00:13:35] The key message has always been, hasn't it? With any changes of circumstance that increase the amount of Universal Credit is to notify that change of circumstance as soon as possible, and certainly within that assessment period, to get the increase in in that assessment period. And that still remains the same, doesn't it?

**Pamela Carysforth:** [00:13:54] That still remains the same. But then you might. So for instance, in that example, if your assessment period ended on the 4th April, And let's just say for very simplicity, you had £200 transitional protection.

**Michael Chambers:** [00:14:07] Yeah.

**Pamela Carysforth:** [00:14:09] If your rent went up by £50 on the 1st April, then your transitional protection is then reduced to £150.

**Michael Chambers:** [00:14:17] Yeah.

**Pamela Carysforth:** [00:14:17] Yeah. So your rents raised, transitional protection is lowered. But from a very practical point of view, if you're paying the rent yourself, your UC is going to stay the same. You need to increase your direct debit. Or if it's a direct payment that'll go up, the amount of money you get will be less. But then from the 6th April benefit rates go up.

You've then got a different increase that's going to be eroding in this example the transitional protection in a different month. So you might have thought right my rent increase is done. We've got our new figure. Well no. Now benefit rates are going to go up. Transitional protection is going to go down again. But also remember in benefit rates that includes your housing cost contribution or your non-dependent deduction. So in one month your rent might have gone up and that's eroded it. The next month the housing cost contribution goes up, your rent goes down. You're not getting your transitional protection back for that difference. Yeah.

**Michael Chambers:** [00:15:20] Yeah.

**Pamela Carysforth:** [00:15:21] So I did one worked example. And it would actually take certain people, depending on dates until June to get their new figure in.

**Michael Chambers:** [00:15:30] What was that example Pamela? What was it?

**Pamela Carysforth:** [00:15:34] It was similar to that when it was assessment period that ended in between the first and the sixth?

**Michael Chambers:** [00:15:41] Yeah.

**Pamela Carysforth:** [00:15:41] Where somebody also had a non-dependent in the property.

**Michael Chambers:** [00:15:45] Yeah.

**Pamela Carysforth:** [00:15:46] The housing cost contribution. And they had transitional protection alongside.

**Michael Chambers:** [00:15:50] Right. A number of things factoring in there. Yeah. Yeah.

**Pamela Carysforth:** [00:15:55] And just the last bit, which should have been in the two child limit bit, really. If you're already on Universal Credit and you've declared your child and they're not getting paid. Universal Credit should work it out and give you the new child element from the correct period. But if you weren't on Universal Credit at all, and you'd only qualify if you got your three kids, yeah, then you're only going to qualify in an assessment period that starts on or after the 6th April.

**Michael Chambers:** [00:16:23] Right. Okay. Yeah, that is an important point, isn't it? So this would be a new claim for people who yeah with three or more kids, presumably would have to make the claim after the 6th April when they change. The change is.

**Pamela Carysforth:** [00:16:38] Absolutely. So if I thought, oh, 1st April, let's make my claim two child limits gone, I'm going to have an assessment period of not qualifying. The third child is only going to, you know, you've lost nearly a month in that instance.

**Michael Chambers:** [00:16:51] Yeah. Timing of the claim is crucial there. Great. Thank you. Well, I think we've got time for a third, third news item if you have one?

**Will Hadwen:** [00:17:04] This is something we've mentioned before, which is the changes to the limited capability for work related activity element also from April. So for some new claimants, we know that that's going to be significantly cut. However some amending regulations have come out recently and it's extended the group of people who will still get the higher rate, which is really good news. So we already knew that people were already getting the element that they would keep it at the same rate as long as they remained on Universal Credit and had LCWRA status. But we now know that some other people will also get that protected rate, and those are people who are waiting for an assessment before the 6th April. People who perhaps have limited capability for work only at the moment, but who've asked to be reassessed and are waiting for that reassessment before the 6th April and people getting ESA with the support component before the 6th April. So although it doesn't cover absolutely everybody that we might have wanted it to, and that is a much bigger group of people who will now get the protected rate of the LCWRA element than we previously thought. So that's okay.

**Michael Chambers:** [00:18:24] It is good news. Yeah. So anybody waiting for an assessment or has asked for one that's they're included in this this new protected..

**Will Hadwen:** [00:18:34] That's right. And that's really crucial because we know there's so many people out there who are waiting. And Pamela has done some research into this and not just waiting for assessments but waiting for reassessment because they feel that it should be in the LCWRA group. We know there's a massive, massive backlog, but at least those people, if they are subsequently found to have limited capability for a related activity, they'll get the protected rate.

**Michael Chambers:** [00:19:00] So it doesn't matter how long it takes because we, as you said, we know there's people waiting a very long time for assessments, no matter how long it takes, as long as you get the request in.

**Will Hadwen:** [00:19:10] As long as you're waiting before the 6th April.

**Michael Chambers:** [00:19:12] And you're waiting, that's great. So thanks for that. Yeah, really important I think you're doing are going to be doing a closer look at this, these changes, next, next month as well, aren't you? So that's great, but good to know. Pamela, last news item. Have you got a got a last one?

**Pamela Carysforth:** [00:19:32] Yeah, it's a bit of a funny one. So this one we're going to put in a link to Rightsnet but it's from a stakeholders meeting. So unfortunately you do need a Rightsnet subscription to see all the nuts and bolts in it because it's not strictly public knowledge. It's kind of like for stakeholders, stakeholder knowledge. Yeah but basically they are so sorry with Income Support and income related Jobseeker's Allowance those benefits are going to end in April, so people are getting shorter migration notices. But income related ESA, we still don't have a final abolition date on there and basically what they're saying is they are going to there's no end date for extending this ESA, the kind of like keeping it open because they know that they have got some really special cases with extra needs. So what they have said in this is that as and when they get a new migration notice they're going to check up on it every week. But there will still be a three month window for those people to claim Universal Credit, but they are going to review it each week and they are doing this big push, the people that are left now, we assume our people with far more complex needs, you know, who might be at risk if you did suddenly end their benefit. But it's not 100% clear what's going to happen next, except that they're all under the focus but I suppose the takeaway is if you get somebody that hasn't claimed Universal Credit yet and has been given a migration notice, if there is a real reason why they need extra time, it is possible for that to be extended still. Whereas a lot of the time there is this message that's like, no, no, everything is ending in April. It's a bit different for these income related ESA cases. They do also say in that announcement that they're reviewing it weekly, because they expect it all to be done by early summer, you know, so they don't want it to go on forever. But at the moment they haven't put a specific end date on it.

**Michael Chambers:** [00:21:52] There's no specific deadline on it because originally they did say at the end of March, didn't they, for everything. And we've still got quite a few of the, the, the income related ESA people waiting to get their migration notices. Yeah. So if so, if people if anybody's working with somebody who is getting income related ESA and hasn't received their managed migration notice yet, does it make any difference? Should they just wait? Or should they contact the DWP to try and hurry? Hurry it along. What do you think?

**Pamela Carysforth:** [00:22:23] So if you're with an organisation that has got access to partnership managers and stakeholders forums, you could go through it that way. Yeah. One thing that is really important is don't just claim Universal Credit, because if you're not a notified person, that could be just saying goodbye to all of your important. So I'd say if you've got a route in an escalation route, have a look at that. But then potentially phoned the migration line and just find out.. have they tried to contact you? Is the address up to date? Do they know who you are? But I would start off with the migration helpline. Right. And just find out. Have I been asked can we discuss this further? But the big thing.. don't just claim Universal Credit, because then potentially you've missed the boat on any income protection. And it's about there's not many left. It sounds like a high figure, but in the world of benefits, it isn't really. But just short of 4000 income related ESA claimants and two still left on Jobseeker's Allowance as of that meeting. So I kind of want to find that I want to find the last jobseeker out there. Um, put up a little blue plaque saying this.

**Michael Chambers:** [00:23:35] Doesn't realize what historical importance they have. Two left. Brilliant. Okay. That's great. Thanks both. And thank you for tuning in and watching. And we'll see you next month for the Benefitscast in April. That's great. Thanks. Bye. Bye, everyone.

**Pamela Carysforth:** [00:23:54] Thanks, Michael. Cheers.