

Woking CAB

Campaigning for Change

Newsletter

Spring 2009



We use evidence from you to campaign for changes in the law and the way things are

FINANCIAL CRISIS

Because of the financial situation which is affecting everyone at present, we are currently seeing more people struggling to deal with redundancy and money worries. In this issue we have therefore included information and advice on dealing with these problems which we hope will help. There is also an article on bailiffs, and updates on recent campaigns.

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- **Discharge from hospital**
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- **Coping with bailiffs**
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- **Dealing with Debt**

WHAT TO EXPECT ON DISCHARGE FROM HOSPITAL

A Patient's named doctor is responsible for deciding whether a patient is ready for discharge from hospital, but in practice this decision may be taken by a junior doctor on the consultant's behalf.

Discharge should not take place until an assessment of a patient's health care needs and possibly community care needs has been done. This assessment should take the wishes of the patient, their family and any carer into account. They should be kept fully informed and given time to make decisions. They should be told how to ask for a review of any decision and advised that they can ask for a reassessment if health/care needs change in the future.

If a patient has been receiving intensive medical treatment in hospital (with certain exceptions), and they are likely to need community care services, the NHS or Primary Care Trust has a **legal duty** to assess the patient's continuing care needs before notifying Social Services of their likely need for Community Care Services.



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If you have any concerns you should contact the Patient Advice and Liaison Officers (PALS) at the hospital concerned—all our local hospitals have PALS. We have recently contributed to the Citizens Advice response to HM Government Discussion paper: The case for change—Why England needs a new care and support system.

SCHOOL ISSUES



Over the past few months we have been asking you about how much you have to pay for your child's school uniform, or for them to take part in school trips. You told us about 10 local schools, and the good news is that in nearly all cases, uniforms could be bought in the High Street. Some schools also had schemes to help parents who were struggling to cover the costs of uniform and school trips.

We have also contributed to a recent National Report regarding a new way of handling parents' complaints about school issues.

NHS DENTISTRY IN WOKING — The Campaign continues.....

We have just taken part in another survey on the difficulties of finding an NHS dentist in South West Surrey. The results have been included in a new report compiled by Ash CAB. This has been sent to our local PCT, local MPs, our Head Office and other interested organisations.



Our Address: Provincial House, 26 Commercial Way, Woking GU21 6EN
Telephone Number: 0845 1202919
Website: www.windowonwoking.org.uk/wokingcitizensadvicebureau
Opening Times: Monday & Wednesday-Friday: 10am-4pm, Tuesday: 10am-7pm
Saturday: 9.30-12.00
Evidence used is all confidential. Your name and address would only be released with your permission.

COPING WITH COUNCIL TAX BAILIFFS



After a Liability Order, Woking Borough Council can use registered bailiffs Goodwillie and Corcoran to collect unpaid Council Tax arrears.

The Bailiffs job is to collect enough money to cover the arrears plus their charges, which can be £100 per visit, or if you cannot pay, to seize enough of your goods to auction to raise the money to pay the debt.

The Bailiffs will come to the door, asking for the money. If you cannot pay, and the bailiffs think you have goods that could be auctioned, they will try to gain entry to list and 'levy' or 'claim' the goods for Auction. **Do not let them in.** Make sure no-one else lets them in either. If you let them in and sign to say you agree they 'own' the goods, this means they can walk in and take them at any time, they have 'walking possession' of the goods.

Some of our clients have been frightened by receiving letters from the bailiff saying eg

"I will call again THIS WEEK WITHOUT NOTICE to enforce the liability order against you." or "...action can be taken **in your absence** and where necessary with a Removal Contractor and Locksmith in attendance." This would be **illegal** unless someone has let them in and they have already levied goods.

They can only make peaceful entry to levy goods—they cannot force their way in, or go in when only children are present... but they can climb in through an open window, or use a ladder to get in upstairs!!!

And **they can take a car from outside.**

Once you let them in, they CAN break in next time.

It is also **not legal** to levy by looking through a window, or to levy the basic furniture you need to live, or to take items which you need to earn your living

If you have Council Tax arrears, the best thing is to come to an arrangement with the Council to repay the arrears, and stick to it. That way you won't have the Bailiffs round!

REDUNDANCY

Is it really a Redundancy?

Redundancy occurs when your job will no longer exist. Sometimes this is because the business is being re-organised, will be closed or moved elsewhere. If it is you that will be going, but your job will still remain, then that is not a redundancy and may be an unfair dismissal.



What procedure should your employer follow?

Redundancy is a dismissal, but it can be a fair dismissal *provided* certain steps are followed:

1. Your employer must tell you of a possible redundancy.
2. This must be followed by consultations with you, usually by meetings, to discuss what is going on.
3. A decision has to be made—who is to be made redundant
4. You must be told of the decision, and allowed an opportunity to appeal.

During this procedure your employer should explore whether there are suitable alternative posts you could have—to keep you on in another job. This is important, because if you refuse such a post you could forfeit your redundancy pay. Think carefully and get advice before rejecting such an offer.

In addition, the selection procedure to identify those who will go must be made known. The last-in, first-out procedure is less common now and more usual is the use of a grid procedure, which compares work record, disciplinary history, attendance record and so on. It is illegal to discriminate when selecting for redundancy. If you think you have been incorrectly assessed in this grid system you should appeal the decision to make you redundant.

Provided you have two years service with your employer you can be allowed time off to look for another job.

THIS IS A BRIEF SUMMARY OF REDUNDANCY, WHICH IS A COMPLICATED SUBJECT. IF IN DOUBT, DO SEEK ADVICE

What about the money?

See next page for details of pay and benefits you might be able to claim.....

MONEY AFTER REDUNDANCY

Redundancy pay If you have been with your employer for two years you will be entitled by law to redundancy pay. It varies according to age and service, so you will get 0.5 weeks pay for each complete year with your employer before the age of 22, one week for each year between 22 and 41 and 1.5 weeks for every year after 41. The week's pay is your normal rate of pay, but the amount is limited—currently to £330 a week.

Notice Pay You will be entitled to normal notice pay—its length depending again on your service.

Holiday Pay You should be paid for any of the paid holidays you have not been able to take in the current holiday year in your company.

Payments under Contract Your employment contract may provide for additional amounts—it can increase these amounts but not decrease them.

Benefits you might be able to claim:

Job Seekers Allowance (from the JobCentre Plus) There are 2 types:

Contribution-based, which is not affected by Redundancy Payments or capital, and **Income-based**, which is affected by both those and any other household income.

Housing Benefit and Council Tax Benefit (both from the Local Council) Housing Benefit is available to help pay rent, and Council Tax Benefit for Council Tax. Both are affected by other household income and any savings you have between £3000 and £16000. If you have capital of more than £16000 you cannot claim them at all.

Working Tax Credit (from H M Revenue & Customs) This is available to increase household income where at least one member is working.

Child Tax Credit (from H M Revenue & Customs) Available to households which include children under 19 in full time education.

Help with your mortgage . You can get help with mortgage payments once you have been on Income-based JSA for 13 weeks. The government have also recently announced a new package of help for people struggling to pay their mortgages. For more details on both these, please ask an adviser.