



Post 30 June EU settled status scheme info in this edition

Change to Child Benefit terminal date

New regulations are in force from 31 May 2021, which amend the Child Benefit “terminal date” rules. The period covered is from 1 June to 31 August 2021. This is designed to protect entitlement to Child Benefit for those young people whose public exams have been cancelled this year due to Covid-19, and who are therefore leaving school earlier than in a normal exam year because they are not returning to take exams in the summer term of 2021.

In this instance, the “terminal date” for Child Benefit will be 31 August 2021. Child Benefit will end unless the young person is remaining in full-time non-advanced education from September.

<https://www.legislation.gov.uk/uksi/2021/630/made>



Telephone and video as channels for medical assessments

The DWP’s new guidance on new legislation makes it clear that medical assessments for determining entitlement to specified benefits may be carried out by telephone or video.

The Social Security (Claims and Payments, Employment and Support Allowance, Personal Independence Payment and Universal Credit) (Telephone and Video Assessment) (Amendment) Regulations 2021 (SI.No.230/2021), confirm that from 25 March 2021 medical examinations and consultations can be conducted either in person, by telephone or by video as part of the process for determining entitlement to Employment and Support Allowance (ESA), Universal Credit, Personal Independence Payment (PIP) and Industrial Injuries Disablement Benefit (IIDB).

For the guidance for decision makers, see ADM Memo 4/21 and DMG Memo 3/21 which are available from www.gov.uk

Shared Accommodation Rate: Changes to exemptions

The shared accommodation rate of the Local Housing Allowance (LHA) applies to those who are under the age of 35, living alone and renting privately.

There are a number of exemptions which enable claimants to receive the higher one bedroom LHA rate in certain circumstances, such as for those in receipt of a disability benefit, care leavers up to the age of 22 and those aged 25 and over who have spent at least three months in a homeless hostel.

From 31 May 2021 the government has extended the age thresholds for care leavers and homeless hostels exemptions so that they both apply to under 25 year olds. For care leavers, this means the qualifying age extends from 22 up to 25 years old, and for those who have spent at least three months in a homeless hostel, the lower age limit will be removed to include all claimants aged under 35.

Claimants will be expected to self-identify to claim an exemption.

<https://www.gov.uk/government/publications/la-welfare-direct-bulletins-2021/la-welfare-direct-32021>

Court fines deductions now limited to 5%

The DWP has updated its benefit and pension rates 2021 to 2022 policy paper which now advises that where applicable, court fines are deducted from the payment of Universal Credit at the monthly rates below:

	April 2021 to September 2021	October 2021 to March 2022
Single under 25	£17.20	£12.87
Single 25 or over	£20.58	£16.24
Joint claimants both under 25	£24.53	£20.20
Joint claimants, one or both 25 or over	£29.83	£25.50

The earlier version of the policy paper provided for a monthly deduction of up to £108.35.

Regulation 4 of the Fines (Deductions from Income Support) Regulations 1992 provides for discretion in the amount that can be deducted from universal credit for court fines between a minimum of 5% of the standard allowance and a maximum of £108.35.

The High Court ruled in March 2021 that the DWP's universal credit deductions policy of applying a rigid formula to deduct the maximum amount possible is unlawful.

The Benefit overpayment recovery staff guide has been amended accordingly. See Appendix 4 -Priority of Deductions from Universal Credit.

<https://www.gov.uk/government/publications/benefit-overpayment-recovery-staff-guide/benefit-overpayment-recovery-guide>

EU Settled Status Scheme and after 30 June

The deadline for in-time applications to the EU settlement scheme has passed. EEA nationals and their family members now fall into 5 categories:

1. Those who have applied to the settlement scheme and have been granted **Settled Status**
2. Those who have applied to the settlement scheme and have been granted **Pre-Settled Status**
3. Those who have applied to the settlement scheme **before** the deadline and are awaiting a decision
4. Those who have applied to the settlement scheme **after** the deadline and are awaiting a decision on a late application; and
5. Those who have NOT yet applied to the settlement scheme

For category 3, EEA nationals who applied to the settlement scheme before the deadline the situation has not changed on the 1 July 2021. These people continue to fall within the scope of the [Grace Period Regulations](#), but as EU residence cards stop being valid from 1 July 2021, there may be additional difficulties for some extended family members. For people in category 3, in addition to showing they have a right to reside under the savings provisions they will need to be able to show they have a pending in-time application to the settlement scheme for benefit entitlement.

For category 4, where an application to the settlement scheme is made late, there is potential for difficulties to arise for both existing benefit recipients and those claiming benefits for the first time. The grace period UK legislative protection does not extend to late applicants to the EUSS, although there is discussion as to whether the withdrawal agreement does in fact provide broader protection which may be the subject of future litigation. The current legislation means that any EEA national who has not applied in time to the EUSS potentially becomes a Person Subject to Immigration Control (PSIC) and consequently benefit entitlement could end. The situation is resolved once settled or pre-settled status is granted even if the application is made late, although there may still be gaps in benefit entitlement.

EEA nationals and their family members in category 5, who have failed to meet the deadline of 30 June can still make a late application and this will be accepted if they have reasonable grounds for applying late. There is a non-exhaustive list of good reasons in the [EUSS guidance](#) that includes children (under 18), claimants lacking mental capacity and/or with care and support needs; victims of modern slavery; and people prevented from applying because of an abusive or controlling relationship or situation. It is understood that for an undefined initial period most late applications will be accepted where a person was unaware of the need to apply. A data matching exercise has been done and the Home Office will write to all EEA nationals who are benefit claimants and who have still not applied, to prompt them to do so or risk their benefit payments being stopped. Any continuation of payment is extra-statutory and will come to an end if an application to EUSS is not made within a month of the contact.

[Government guidance](#) states that assisting clients with a late application where it is likely that they meet the reasonable grounds threshold is level 1 OISC advice which means any local Citizens Advice can help clients in this situation.

£20 Uplift —yes or no?

Universal Credit

Readers will know by now that the Government made a last minute decision to keep the uplift in Universal Credit from April but only up to 6 October 2021. Campaigning groups, including CPAG and Citizens Advice continue to argue for the increase to remain in place, but also for legacy benefits to also have an equivalent rise for hundreds of thousands of people not on Universal Credit. The Government continues to state its intention to remove the higher rate of allowance.

Osborne's Law are representing two ESA claimants who have been granted leave from High Court to challenge the DWP decision to limit the increase to Universal Credit. 1.9 million claimants could be affected by the outcome of the case which is due to be heard in July.

Working Tax Credit

The Chancellor announced on 3 March 2021 that a new one-off payment of £500 would be introduced to provide extra support when the temporary increase in Working Tax Credit ended in April 2021. There is no need to apply for the payment. HM Revenue and Customs (HMRC) will have contacted those who were entitled to the payment by text message or letter in April 2021.

Entitled claimants include those who, on 2 March 2021, were in receipt of:

- Working Tax Credit
- both Working Tax Credit and Child Tax Credit
- Child Tax Credit and were eligible for Working Tax Credit but did not get a payment because income was too high.

All payments will have been made by 23 April 2021. The payment is non-taxable and does not affect benefits. Claimants do not need to declare it as income for Self-Assessment Tax returns or for Tax Credit claims and renewals.

Housing Benefit

Certain groups of people who worked on average either 16 hours or 30 or more hours each week had an additional earnings disregard of £37.10 per week applied to their earnings in their Housing Benefit calculation. This was a temporary increased amount that was granted in April 2020 so that the increases in Working Tax Credit and Universal Credit were not eroded in Housing Benefit.

National Living and Minimum Wage Rates from April

From 1 April 2021 the National Living Wage (NLW) and National Minimum Wage (NMW) rates changed as a result of the National Minimum Wage (Amendment) Regulations 2021. The significant change is that the trigger age for entitlement to the NLW reduced from 25 and over, to 23 and over.

The NMW/NLW rates from 1 April:

Workers aged 23 and over should be paid £8.91

21-22 - £8.36 (£8.20)

18-20 - £6.56 (£6.45)

16-17 - £4.55 (£4.62)

Apprentices aged under 19 (or over 19 and in the 1st year of their apprenticeship) should be paid £4.30 (£4.15)

<https://www.legislation.gov.uk/ukdsi/2021/9780348219586>

Post Office Account Closures in 2021

If a client has a Post Office card account (POCA) for their benefits, tax credits or state pension payments these accounts will be closing in November 2021. The DWP is sending out letters over the coming months and will be encouraging them to provide alternative bank, basic bank, building society or credit union account details.

The DWP has set up a dedicated customer service centre to take calls from POCA customers to answer queries about the end of the service and to take alternative payment details. They will ensure that future benefit or pension payments are switched into the claimant's new account.

Telephone: 0800 085 7133;
Textphone: 0800 085 7146

For those POCA customers who are unable to obtain an alternative account, DWP will contact them to advise about next steps.



Contact us

If you have any comments or complaints about the service you receive from Surrey Welfare Rights Unit you can discuss them with the Chief Officer at bureau@swru.org

SEISS and Maternity Leave

The High Court, Mrs Justice Whipple, ruled that the Self-Employment Income Support Scheme does not unlawfully discriminate against women who have taken leave relating to maternity or pregnancy and dismissed an application for judicial review.

Read the full summary here:

<https://www.rightsnet.org.uk/employment/caselaw/item/high-court-rules-that-self-employment-income-support-scheme-does-not-unlawfully-discriminate-against-women-who-have-taken-leave-relating-to-maternity-or-pregnancy>

SWRU Training

All courses are delivered on Zoom.
You can view the Aims and Objectives of each course and book online at:
www.swru.org/training/

Benefits Update

Thursday 15 July
10am - 12pm

PIP Overview

Wednesday 1 Sept
10am—12pm

PIP - Effective Form Filling

Tuesday 12 October
10am - 12.30pm

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