BenefitsBulletin

Aberdeen City & Shire Advice Forum is a local network for people working in advice services to share information and experiences. The Forum meets quarterly throughout the year.

ADVICE WORKERS FORUM ABERDEEN & SHIRE

Court of Appeal to hear Universal Credit assessment period case

The Court of Appeal is due to hear the government's appeal of a ruling by the High Court that the way the Department for Work and Pensions (DWP) has been assessing income from employment through its Universal Credit (UC) work assessment periods is unlawful. The hearing took place on Tuesday 19th and Wednesday 20th May 2020.

Press release here.

Northern Ireland-born British and Irish win EU citizenship rights

The Home Office made its rule change in parliament on 14th May 2020, finally bringing immigration law into line with the 1998 peace deal, which allows anyone born in Northern Ireland to be British, Irish or both.

Click HERE for details.

It just got more difficult for Europeans to become British citizens

The Home Office has decided to make it more difficult for European residents to become British citizens. EU citizens with settled status who apply for naturalisation may now have to provide evidence that they have been living in the UK legally, according to an update to government nationality policy released on 15 May.

Successful legal challenge to 'no recourse to public funds' (NRPF) – may be appealed by Home Office. Decision yet to be issued.

High Court ruling over 'no recourse to public funds' delivers further blow to Home Office's discredited hostile environment policy

An 8-year-old British boy – supported by his migrant mother – has today won a ruling that the policy denying families like his access to the welfare safety net is unlawful.

Details HERE.

From 11 May 2020 there is no longer the option to have any benefit or pension paid into a Post Office Card Account unless the claimant has already been having benefits or pensions paid into a Post Office Card Account.

Benefit claimants who currently have their benefits or pension paid into their Post Office Card Account can continue to do so - even if they are making a new claim for a benefit.

The change is a step towards the abolition of Post Office Card Accounts from November 2021.

Claimants are expected to use a bank, building society or credit union account wherever possible. There is a Payment Exception Service for those who cannot open a bank account.

Treatment of SEISS and CJRS payments made to self-employed universal credit claimants

New regulations have been issued in relation to the treatment of Self-employment Income Support Scheme (SEISS) and Coronavirus Job Retention Scheme (CJRS) payments for self-employed universal credit claimants.

In force from 21 May 2020, the Universal Credit (Coronavirus) (Self-employed Claimants and Reclaims) (Amendment) Regulations 2020 (SI.No.522/2020) provide that -

- a payment under the SEISS is to be treated as a receipt for the purposes of calculating the claimant's self-employed earnings in the assessment period in which it is received;
- no deduction may be made in the calculation of those earnings in respect of the salary or wages paid to a claimant's employee which are covered by a payment under the CJRS; and
- a payment under the CJRS, or any loan or grant to meet the losses or expenses of the claimant's business in relation to the outbreak of coronavirus (COVID-19) disease, is to be disregarded in the calculation of the claimant's capital.

The explanatory memorandum to the regulations advises that -
'By treating the claimant as making a new claim it also allows for surplus earnings to be applied to the universal credit award. This means:

- if the earnings received as an employee under the CJRS or as a self-employed person under the SEISS (within the assessment period), are more than £2,500 over the amount that would normally cause the UC claim to stop i.e. in the case of a lump sum;
- any amount over the £2,500 limit will be deducted from following assessment period (s) if the claim is 'made' within six months of the previous claim ending; and
- will continue until there is no surplus remaining.'

SI.No.522/2020 is available from legislation.gov.uk

Free Disability Rights Handbook Coronavirus Supplement available now

The benefit system has undergone swift change due to the Coronavirus (covid-19) outbreak. Most of these changes are detailed in our recently published Disability Rights Handbook 2020/2021.But in a special free supplement we bring them together.

Read the supplement HERE.

The Coronavirus (Scotland) (No.2) Bill - update

The Coronavirus (Scotland) (No.2) Bill passed Stage 3 on Wednesday 20 May 2020. It makes a number of changes to bankruptcy fees and eligibility, as listed below. These will come into force the day after royal assent, which is expected towards the end of the month. These changes are temporary and will last initially until the end of September 2020.

The changes are:

- The 'Minimal Asset Process' fee is reduced to £50
- No fee will be payable in MAP cases for those receiving certain benefits, including when those benefits are not the applicant's sole income
- The maximum debt level for MAP is increased to £25,000, and student loan debt is removed from that calculation
- The Full Administration Fee is reduced to £150
- No fee will be payable in Full Administration cases for those receiving certain benefits, including when those benefits are not the applicant's sole income
- The minimum debt level for creditor petitions is increased to £10,000
- All bankruptcy-related forms and circulars may be sent electronically.

Also announced were

- an additional £19.2 million investment in the Carer's Allowance Supplement.
- Additional £5 million will be made available to local authorities through Discretionary Housing Payments

The Scottish Parliament
Pàrlamaid na h-Alba

MSPs call for significant changes to debt solution

The Economy, Energy and Fair Work Committee has today published a report on protected trust deeds citing that changes are needed to make the debt solution more effective in supporting people who are in debt.

A protected trust deed is one of three statutory debt solutions in Scotland. It involves a debtor's assets being managed by an insolvency practitioner for the benefit of the creditors for a four-year period. During this time, part of the debtor's income is paid to the insolvency practitioner.

Last year around 8,000 people entered a protected trust deed, 150,000 people sought debt advice and, beyond that 600,000 adults are considered to be over-indebted in Scotland.

Amongst its calls within the report, the Committee asked for changes to the way fees are charged in protected trust deeds. The current rules can see debtors making contributions but not reducing their overall debt levels for at least the first two years.

nawra
national association of welfare rights advisers

National Association of Welfare Rights Advisers (NAWRA)

Thank you to everyone who attended and contributed to our first online event on 15th May 2020. As promised, we are in the process of uploading the sessions to our YouTube channel and the first session is available now

In part one of NAWRAs online COVID-19 Special introduced by our Chair, Alan Markey (Coventry Independent Advice Service) you will be able to follow Tom Messere's (Big Book of Benefits, NAWRA) workshop on the various updates to social security announced by government so far. This includes a Q&A session, facilitated by our Vice-Chair, Daphne Hall (rightsnet).

rightsnet

Daily news and case law updates across five areas of social welfare law: welfare benefits, debt, housing, employment and community care.

Rightsnet have now published more than 250 COVID-19 social welfare law updates to rightsnet ... they're all 'open access' in order that the maximum number of people can benefit from them. Go visit.

Coronavirus and Social Security Entitlement in the UK (Journal of Social Security Law)

The social and economic effects of the COVID-19 pandemic have prompted urgent wide-ranging reforms to social security across the UK, most of which have been implemented via secondary legislation. In a number of respects the changes that have been made have extended support, either by relaxing some of the stricter elements of conditionality or by raising needs thresholds or allowance rates. With the shutdown that has affected large parts of the economy, huge numbers of the working age population have had to turn to the welfare state for support, swelling the numbers of benefit claimants. Changes have also been made to the processes for claiming and the arrangements for the determination of appeals. This article examines the key changes that have been made and assesses their implications, both immediate and over the longer term.

HM Government

CORONAVIRUS JOB RETENTION SCHEME
EXTENDED TO
31 OCTOBER 2020

JRF

New short film ThisIsPoverty.

Watch and share this poignant documentary which demonstrates the injustice of poverty in the UK. Together we can change this and #SolveUKPoverty.

FCA announces support for customers who are struggling to pay their mortgage due to coronavirus

(22/05/2020)

The Financial Conduct Authority (FCA) has today announced proposals which will continue support for customers who are struggling to pay their mortgage due to coronavirus.

The proposal outlines the options firms will be required to provide customers coming to an end of a payment holiday, as well as those who are yet to request one. For customers yet to request a payment holiday, the time to apply for one would be extended until 31 October 2020. For those who are still experiencing temporary payment difficulties due to coronavirus, firms should continue to offer support, which could include extending a payment holiday by a further three months.