

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.



Aberdeen City Crisis Support Line

0800 0304 713

We're here to help.



Carers

This House of Commons Library briefing paper provides information about the number of carers in the UK and the issues they face. It also explains the rights, benefits and support available to carers as well as current and previous Government policy on caring.



Download the report [HERE](#).

pipinfo

an adviser guide to personal independence payment regulations & case law

New case added to [#pipinfo](#) web tool relating to less favourable awards and tribunal practice. See [HERE](#)



First edition of ACVO News, the new **fort-nightly** newsletter which replaces the former ACVO E-Bulletin.

SUPPORTING FAMILIES DURING THE COVID-19 PANDEMIC

The government has acted quickly to protect people's economic livelihoods during the covid-19 pandemic. However, as raised in our previous Covid-19 briefing (March 2020), there is still no additional financial support beyond free school meal vouchers for families with children, despite these households facing significant extra costs.



As a priority, we are calling for:

- emergency support for families with children, with a £10 increase in child benefit as the top priority plus the removal of the benefit cap and the two-child limit;
- changes to universal credit (UC) and legacy benefits that respond to gaps in the system and will directly benefit families; and
- more money to local authorities so that local welfare assistance schemes are able to provide cash support.

[Read the briefing](#)

Briefing: section 17 of the Children Act 1989

Section 17 of the Children Act 1989 imposes a general duty on local authorities to safeguard and promote the welfare of "children in need" in their area.

To fulfil this duty [section 17](#) gives local authorities the power to provide support, including accommodation and financial subsistence to families with "children in need", even if they have [no recourse to public funds](#).

The power under section 17 can be used to support the family as a whole and to promote the upbringing of the child within the family unit.

Contents:

[Establishing eligibility for section 17 support](#)

1. [Which local authority should the family approach?](#)
2. [Are the children "in need"?](#)
3. [A "power" or a "duty"?](#)
4. [Are the adults excluded due to immigration status?](#)
5. [Are there any exceptions to this exclusion?](#)
6. [Can the local authority avoid breaching human rights by advising or assisting re-turn to the country of origin?](#)

[Section 17 procedure](#)

- [The assessment](#)
- [Interim support](#)
- [Requesting an assessment](#)

UNIVERSAL CREDIT

The DWP has developed a new online ID verification process, using Government Gateway rather than [Verify](#). It is currently being rolled out as part of Universal Credit. Within a couple of weeks it should be part of all new claims. The service is called 'Confirm Your Identity'.



We have been contacted by Laurence Piercy, User Researcher at DWP. He would like to make contact with a range of advice organisations with the goal of creating a line of contact for advisers to highlight any issues with Confirm Your Identity.

Do you have any feedback about the new service?

This might include things like:

- The wording used and whether or not users understand it
- Parts of the page – like hyperlinks, or buttons - which are consistently misunderstood by users
- The kinds of ID users have access to, and whether this prevents them from confirming their ID online
- Missing elements of the design which conflict with how advisers work with claimants

Please send your feedback to Laurence Piercy, User Researcher: Identity & Trust Services at LAURENCE.PIERCY@dwp.gov.uk

Impact of SEISS and CJRS payments on JSA and new-style ESA claimants



Department
for Work &
Pensions

New guidance has been issued in relation to the impact of Self-Employment Income Support Scheme ([SEISS](#)) and Coronavirus Job Retention Scheme ([CJRS](#)) payments on jobseeker's allowance (JSA) and new-style employment and support allowance (ESA) claimants.

In [ADM Memo 8/20](#), the DWP advise that, in relation to JSA, the impacts of payments from the schemes include that -

- where payments are from the CJRS, recipients are considered to be engaged in remunerative work and are not entitled to JSA, with the exception of recipients whose weekly pre-COVID-19 contracted hours were fewer than 16;
- where payments come from the SEISS, recipients are considered to be engaged in remunerative work both for the notional period for which the SEISS payment is made and for any later period, until subsequent evidence shows otherwise; and
- where a self-employed earner indicates that, pre-COVID, they usually worked for fewer than 16 hours a week on average, a SEISS payment will be treated as part-time earnings and will be brought to account for the period covered by the payment.

In relation to ESA claimants, the DWP advises that -

'Payments from the CJRS do not affect entitlement to ESA for claimants who are not working. Where work is being undertaken the exempt work regulations would apply to both hours worked and earning received, which would include CJRS.

Payments from SEISS do not affect entitlement to ESA, but decision makers should continue to follow the guidance provided in [ADM Chapter V3](#) for self-employed claimants engaged in permitted work.'

[ADM Memo 8/20](#) is available from gov.uk

DWP issues new guidance on temporary absence abroad and cash sickness benefits

In [ADM Memo 09/20](#) and [DMG Memo 12/20](#), the DWP provides guidance to decision-makers on determining whether claimants who intend to return from an absence abroad in the EEA, within permitted periods of temporary absence under domestic benefit rules, can retain entitlement to 'cash sickness benefits' - personal independence payment (PIP), disability living allowance and carer's allowance - during the absence.

The guidance has been issued in response to the Upper Tribunal case of *KC v SSWP* (not currently published to the Upper Tribunal (AAC) website). The DWP says the case involved a British claimant in receipt of PIP who remained habitually resident in Britain when she went abroad to the Czech Republic. The reason for her trip was solely in connection with arrangements for medical treatment, and her intention was to return to GB within 52 weeks.

The DWP goes on to advise that -

'At the Upper Tribunal Judge Ward decided that as the claimant was habitually resident in the UK and hadn't switched her habitual residence then she was therefore subject to domestic legislation. The claimant's temporary absence was for 26 weeks, and they had intended to return within 52 weeks. The claimant was entitled to both components for the remainder of the temporary absence but not beyond that period.'

In addition, the Memos provide examples of other circumstances where claimants may be able to rely upon domestic legislation to retain entitlement during temporary absences.

[ADM Memo 09/20](#) and [DMG Memo 12/20](#)

Judgment just out in:



[Prichard, R \(on the application of\) v The Secretary of State for Work and Pensions \[2020\] EWHC 1495 \(Admin\)](#) (12 June 2020)

In short, the High Court concludes that the exclusion of mixed-age couples from pension credit is not discriminatory

CPAG
Scotland

[Browse and book](#)

now for a whole range of online training courses from June onwards.



DWP issues new universal credit guidance in relation to coronavirus self-employment and reclaims regulations

New regulations clarify treatment of SEISS and CJRS payments in the assessment of income and capital, and make provision for treating claimants as re-claiming benefit for up to five assessment periods

The DWP has issued new guidance in relation to the [Universal Credit \(Coronavirus\) \(Self-employed Claimants and Reclaims\) \(Amendment\) Regulations 2020 \(SI.No.522/2020\)](#).

In [ADM Memo 10/20](#), the DWP advises that the new regulations come into force from 21 May 2020 and -

- clarify the treatment of payments from the Self-Employment Income Support Scheme (SEISS) and Coronavirus Job Retention Scheme (CJRS) in the assessment of income and capital for universal credit purposes; and
- make provision for treating claimants as re-claiming benefit for up to five assessment periods where they have made a universal credit claim but no award has been made, or entitlement to an award of universal credit ceases, because their income is too high.

[ADM Memo 10/20](#) is available from gov.uk

THE DWP - have produced a range of BSL videos on coronavirus and benefit changes. These include new content for Universal Credit and Statutory Sick Pay.

You can view these videos on the DWP YouTube Sign channel: <https://www.youtube.com/user/dwpsign>

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ABC Note: British Sign Language is a sign language used in the United Kingdom, and is the first or preferred language of some deaf people in the UK. There are 125,000 deaf adults in the UK who use BSL, plus an estimated 20,000 children.

Learn how to sign [HERE](#)

ARE YOU OKAY?

