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

Disabled student launches legal case for right to claim universal credit

A disabled student has launched a legal case against the government for the right to be able to claim universal credit.

She claims that the Department of Work and Pensions' current policy, which prevents disabled students from claiming universal credit is unlawful.

Details **HERE**

Conditionality and benefit sanctions return from Wed 1st July

Department for Work & Pensions

The Work and Pensions Secretary confirmed in Parliament last Monday that the temporary reprieve is to end and claimants will once again be sanctioned if they fail to comply with conditionality requirements for benefits.

Sanctions, which dock people's benefits if they do not follow government rules, were formally halted for three months from March 30 for anyone failing to look for work or attend an interview.

Jobcentres in Scotland will remain closed until further notice - though services are available to claimants over the phone and online.

Amongst the elements temporarily paused in March were sanctions, disability assessments and face-to-face appointments - with the suspension initially set to last for 3 months.

As suspension of conditionality ends, DWP confirms that the claimant commitments of existing claimants will be reviewed and updated 'as capacity allows'.

Universal Credit: **Written question**

HM Revenue & Customs

Tax credits claimants urged to carefully check renewal notices before 31 July after HMRC issues around a million notices without correct income figures

The **Low Incomes Tax Reform Group** (LITRG) has urged tax credits claimants to carefully check their renewal notices after HM Revenue and Customs (HMRC) confirmed that it has issued around a million notices without correct income figures.

HM Revenue and Customs is asking tax credits customers to tell them about any changes in circumstances or income by 31 July.

www.gov.uk/government/news/tax-credits-its-time-to-update-your-award

Check GOV.UK for information on how to **recognise genuine HMRC contact** and **how to avoid and report scams**

Aberdeen City Health & Social Care Partnership | acvo

Aberdeen Technology Enabled Care (TEC) Pathfinder Project

The Aberdeen TEC Pathfinder Project is looking for input into how practitioners and services working in Aberdeen support incidences or disclosures of domestic abuse.

More information **HERE**

Carer Grant Statistics

The Scottish Government Riaghaltas na h-Alba

Our latest statistics have been published.

Read more here: www.socialsecurity.gov.scot/news/young-carer-grant-pays-out-over-370k-since-launch

Alcohol & Drugs Action

NEW FREEPHONE HELPLINE NUMBER - 0333 3 448 355 (01224 594700 WILL CONTINUE TO WORK ALSO)

ADA Alcohol & Drugs Action

Our webchat facility is available if you're worried about your own or someone else's substance use. Go to **alcoholanddrugsaction.org.uk** now. The internet has no borders so whether you are City based or in the Shire, please get in touch

Please click **HERE** to be re-directed to advice and information on coronavirus (COVID-19). You can also use the 'search' button to find our page on the virus.

Please click **HERE** to be re-directed to 'Available Services' which details what we are operating at present (page under development).

*Our recently launched **ADA Online Chat** * 1200-1300 & 1400-1700 daily, will have additional coverage between 1900-2100 Tuesday-Friday (from 26/05/20)

DWP confirms its commitment to consider reinstating legacy benefits of victims of fraudulent universal credit claims

Department for Work & Pensions

Minister says reinstatement may occur where there is 'clear evidence that the claimant had no involvement in the fraud, and where the claimant wishes us to do so'

Responding yesterday to a written question in parliament on the steps the DWP is taking to ensure that claimants of legacy benefits who have fraudulent universal credit claims made in their name will not be transferred onto universal credit as a result, Minister for Welfare Delivery Will Quince said -

> 'Where a claim to universal credit was prompted by fraudulent activity, and a claimant is a victim whose details have been used to make a claim, the Department will consider the reinstatement of legacy benefits if there is clear evidence that the claimant had no involvement in the fraud, and where the claimant wishes us to do so.'

NB - in October 2019, the **DWP's Permanent Secretary Peter Schofield advised the Work and Pension Committee** that the Department would work with victims of fraudulent universal credit claims - estimated at that time to be 85,000 - to look at -

> '… whether moving them back to legacy is the right thing to do. Some people are better off staying on universal credit, but where they are better off moving to legacy, that is what we would do.'

Mr Quince's written answer is available from parliament.uk

Social Care Staff Support Fund

The Scottish Parliament
Pàrlamaid na h-Alba

Launched in Scotland to provide financial support to care workers facing income losses as a result of coronavirus

New statutory instrument includes eligibility conditions for payments from new Fund, including that workers must have lost income as a result of being ill with COVID-19 or while self-isolating

In force from 24 June 2020, the *Social Care Staff Support Fund (Coronavirus) (Scotland) Regulations 2020* (SSI.No.188/2020) include provisions that establish the Fund (under powers conferred by the **Coronavirus (Scotland) (No.2) Act 2020**) that ensure that eligible social care workers do not experience financial hardship as a result of being ill with coronavirus or needing to self-isolate in line with Scottish NHS guidance.

In particular, the regulations set out eligibility conditions for workers to access the Fund -

- their ability to undertake contracted health and care work is or has been, restricted for a reason relating to coronavirus;
- their income is, or has been, reduced as a result of that restriction;
- they are or were (a) unable to attend work as a result of having coronavirus; or (b) self-isolating in accordance with relevant public health guidance; and
- they would experience or are experiencing financial hardship.

In addition, the regulations -

- make provision for the categories of worker who can qualify for payments from the Fund, defined by section 47 of the *Public Services Reform (Scotland) Act 2010* as those working for a support service, a care home service, an offender accommodation service, or a housing support service; and
- specify that the amount to be paid is the difference between the person's expected income from health and care work in respect of a period of entitlement, and their actual income from health and care work (including any sick pay) in respect of that period.

SSI.No.188/2020 is available from legislation.gov.uk

1.4 million people in UK are subject to 'no recourse to public funds' condition

citizens advice

Citizens Advice research finds that almost 1.4 million people in UK are subject to 'no recourse to public funds' condition

Charity calls for condition to be lifted during coronavirus pandemic to avoid migrants facing 'impossible choices' concerning their health and that of their families

For more information, see **Citizens Advice reveals nearly 1.4m have no access to welfare safety net** from citizensadvice.org.uk

Prevent Suicide North-East Scotland

Prevent Suicide North-East Scotland is a suicide prevention app and **WEBSITE** aimed at users in Aberdeen City and Aberdeenshire.

It provides helpful info for those affected in any way by suicide, extensive contact details for services in Aberdeen city and Aberdeenshire as well as providing users with the ability to create their own safety plan.

Check out the **WEBSITE** or get the **APP** now.

Elected Members Briefing

Latest Elected Members Bulletin **30 June 2020**

Previous bulletins **HERE**

The FCA has confirmed the support users of certain consumer credit products will receive if they are still experiencing temporary payment difficulties due to coronavirus (Covid-19).

The measures outline the options firms will provide credit card and other revolving credit (store card and catalogue credit) and personal loan customers who are coming to the end of a payment freeze and for customers who have agreed an arranged interest-free overdraft of up to £500. Customers yet to request a payment freeze or an arranged interest-free overdraft of up to £500, will have until 31 October 2020 to apply for one.

The FCA has confirmed:

- If customers can afford to return to regular repayment, or make partial payments, it is in their best interest to do so.
- Firms should contact customers coming to the end of a first payment freeze to find out if they can resume payments – and if so, agree a plan on how the missed payments could be repaid.
- For customers still facing temporary payment difficulties as a result of coronavirus, firms will provide them with support, which could include freezing or reducing payments on their credit card and personal loans to a level they can afford for 3 months.
- Customers who are negatively impacted by coronavirus and who already have an arranged overdraft on their main personal current account can request up to £500 interest-free for a further 3 months. Firms will also provide these customers with further support where it is needed including reducing the cost of borrowing above the interest-free buffer, especially if this cost of borrowing would otherwise increase.
- Customers that have not yet had a payment freeze or an arranged interest-free overdraft of up to £500 and experience temporary financial difficulty, due to coronavirus, would be able to request one up until 31 October 2020.
- Any payment freezes or partial payment freezes offered under this guidance should not have a negative impact on credit files. However, consumers should remember that credit files aren't the only source of information which lenders can use to assess creditworthiness.

This guidance comes into force on 3 July 2020 and only applies to credit cards (and other retail revolving credit, such as store cards and catalogue credit), personal loans and overdrafts.

It does not apply to other consumer credit products, such as motor finance, high-cost short-term credit, rent-to-own, pawnbroking and buy-now pay-later, which are covered by separate guidance which will be updated soon.

HOMEENERGYSCOTLAND.ORG
0808 808 2282
FUNDED BY THE SCOTTISH GOVERNMENT

Funding in place to help tenants and residents with fuel bills

Home Energy Scotland has been successful in receiving funding to provide prepayment meter top up vouchers to customers to offset the increased fuel costs caused by being at home longer as a result of the lockdown. Home Energy Scotland has been awarded £148,813 which will provide 3037 £49 prepaid top up vouchers. The funding is for households in the North East of Scotland (including Perth & Kinross, Dundee City, Angus, Aberdeen City, Aberdeenshire and Moray) and will be distributed on a first come first served basis.

The project will last 3 months (or until funding has been fully spent). A person can claim up to 3 vouchers (one voucher per month) during this period. The criteria is as follows:

- Resident in one of above Local Authority areas
- Pre-Payment Meter
- Impacted by Coronavirus – increased time in house/higher energy bills/living in fuel poverty

1 x £49 voucher per household per month (up to £147 if fund lasts for the 3 months)

To apply for the voucher, the household can call Home Energy Scotland on **0808 808 2282** and request the voucher from 1st July 2020

DWP abandons legal battle against universal credit claimants

Department for Work & Pensions

The Department for Work and Pensions has abandoned its lengthy legal battle to avoid fixing a "perverse" design feature in universal credit that has left thousands of working claimants hundreds of pounds a year out of pocket.

The issue currently affects claimants whose wages are paid two days earlier than usual when the month ends on a weekend or bank holiday. The system assumes they have been paid twice in a single universal credit assessment period, and none in the next, meaning their benefit payments fluctuate wildly.

The appeal court ruled, in a case brought by four single mothers, that the DWP had acted irrationally and unlawfully in refusing to allow affected claimants to change their assessment period dates to avoid a problem that had the effect of leaving them £500 a year worse off.

Court of Appeal's judgment in *Secretary of State for Work And Pensions v Johnson & Ors* [2020] EWCA Civ 778 which found that the Secretary of State acted irrationally by failing to adapt the earned income assessment rules in universal credit.

The urgent question on the Court of Appeal judgment and subsequent debate are available from Hansard

DWP change to Universal Credit law will hand 200,000 pensioners £350 each

Department for Work & Pensions

Ministers are changing the law to formally end a Universal Credit loop-hole that left new pensioners in the lurch without cash - for as long as two months. Previously, some claimants saw their UC payment end weeks before they hit state pension age. But they then also had to wait up to five weeks for their pension to be paid.

After the situation was raised by cross-party MPs, campaigners say claimants started being given a one-off payment to bridge the gap. That transition payment is now being put on a legal footing. From November 25, all Universal Credit claims will be automatically extended for the full monthly assessment period in which people hit pension age.

The move is expected to benefit 200,000 people who reach pension age in the next five years.

The government's **'flexible furlough' scheme** has begun, allowing employers to bring back workers furloughed under the Coronavirus Job Retention Scheme (CJRS) on a part-time basis, while still being able to claim a CJRS grant for hours not worked

In updated guidance, HM Revenue and Customs confirms that -

- employers can bring furloughed employees back to work for any amount of time and any work pattern, while still being able to claim the grant for the hours not worked;
- the CJRS grant will be payable in respect of the hours the flexibly furloughed employee does not work, compared to the hours they would normally have worked in that period;
- if an employer is flexibly furloughing an employee, it will need to agree this with them (or reach collective agreement with a trade union) and keep a new written agreement that confirms the new furlough arrangement;
- flexible furlough agreements can last any amount of time, and employees can enter into a flexible furlough agreement more than once; and
- if an employee is flexibly furloughed, then any hours taken as holiday during the claim period should be counted as furloughed hours rather than working hours.

DR DAVID WEBSTER. Honorary Senior Research Fellow (Urban Studies)

Briefing on the latest quarterly DWP benefit sanctions statistics. Key points are:

- The Secretary of State has chosen not to extend the suspension of almost all benefit sanctions which lasted for some 3 months from March until today. However this is not simply a return to the position before the lockdown. It means a huge increase in the number of people exposed to sanctions, from just under 2.0m in January to a likely 3.0m to 3.5m now.
- The increase is almost entirely due to unemployment, with an increase of 1.373m unemployed claimants on UC or JSA between March and May. Of this increase, about 130,000 or 10% will have been claimants of 'New Style' JSA.
- Altogether, claimants on UC increased by 2.3m, from 3.0m in March to 5.3m in May. Over half (1.25m) of this increase was due to unemployment and 0.828m to working claimants. Increases in the other groups were only a little above trend, so that the large recruitment of claimants to UC will have done little to change the projected timetable for migration from 'legacy' benefits.
- Almost nine out of ten of all sanctions are now UC sanctions for missed interviews. The statistics indicate that these sanctions are relatively long. Close to 45% of all completed interview sanctions appear to be lasting more than 4 weeks, around 19% more than three months, and around 7% more than 6 months. These are very severe penalties and there must be concern about their extension to a further 1.0m to 1.5m people, particularly in the face of the evidence that many people's financial resilience has been severely undermined by loss of income, running down of savings, and accumulation of debt during the lockdown. They will be less able to cope with the impact of any sanctions.
- DWP argues that it cannot avoid the large numbers of UC sanctions for missed interviews because the alternative of closing the case is not available where claimants are entitled to other elements of UC, such as for housing or child care. This problem has been created by the design of UC, which could obviously be changed.

www.gov.uk/government/collections/jobseekers-allowance-sanctions