

# 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



Next Advice Forum meeting - Wed 21st October 2020. 10:00-12:00 via Microsoft Teams

## The Scottish Government has confirmed that it intends to extend the six month notice of eviction requirement - that was introduced by the [Coronavirus \(Scotland\) Act 2020](#) - to March 2021.



The Scottish Government  
Riaghaltas na h-Alba

First Minister assures Scottish Parliament of commitment 'to do everything that we can' to protect tenants and prevent people from becoming homeless as a result of the pandemic

NB - [Schedule 1](#) to the *Coronavirus (Scotland) Act 2020* provides for -

- the temporary extension, to six months, of the notice to leave period, or notice of proceedings for possession period, for tenants in the private and social rented sector, except in relation to certain grounds including antisocial behaviour and criminal behaviour and where the landlord requires the property to live in, where it will be three months; and
- temporarily making all grounds for repossession in the private rented sector discretionary so that the Property Chamber Tribunal can consider the full facts of the case when deciding whether to grant an eviction.

[Ms Sturgeon's response](#) is available from parliament.scot

## Scottish Parliamentary Committee launches inquiry on care and support at home and issues brought to the fore by COVID-19 pandemic



The Scottish Parliament  
Pàrlamaid na h-Alba

Views sought by **7 September 2020** from people receiving care at home, unpaid carers, personal assistants providing care, and staff involved in home-care provision

The Health and Sport Committee in Scotland has launched a new inquiry on care and support at home and issues brought to the fore by the coronavirus (COVID-19) outbreak.

Following its scrutiny of evidence received so far in its [inquiry into the future of social care](#) (launched in December 2019), the Committee has launched a further inquiry this week to examine the effects of the pandemic on the social care sector and wider issues impacting social care delivery that have come to light because of the outbreak.

The Committee says that it intends to use the findings from its inquiry to feed into the Scottish Government's ongoing [Adult Social Care Reform Programme](#).

For more information, see, [How has Covid-19 impacted on care and support at home in Scotland?](#) from parliament.scot

Claimants can now stop DWP telling GPs to "no longer" issue 'sick notes' and protect their Patient-Doctor relationship. After DWP updates Data Protection consent rights for 'Capability for Work' assessments.

The DWP has just published a new version of its [ESA50](#) (8/20) '[capability for work questionnaire](#)', that now includes "updated information on how the Department for Work and Pensions collects and uses information". The new [ESA50](#) requires claimant [consent](#) before their GP is notified "of the outcome of the Work Capability Assessment", by the DWP.

Read article [HERE](#)

Many children and young people returning to school next week will be in more difficult financial circumstances than before Covid-19. Poverty awareness and [#CostoftheSchoolDay](#) action is more critical than ever. Our new back to school resources can help.



[Cost of the school day resources for the new school term and beyond](#)

## New benefit for young people starting work



The Scottish Government  
Riaghaltas na h-Alba

A new benefit to support 16 to 24 year olds into work if they have been unemployed for six months will open for applications on **Monday 17 August**.

Job Start Payment is a one off £250 payment to help with the costs of starting a new job.

The upper age limit rises to 25 for care leavers and the payment rises to £400 if the person has a child. More details [HERE](#)

The latest COSLA COVID-19 bulletin for Elected Members has been published and can be viewed [HERE](#)



A short video update from Fraser of Allander Institute on the latest labour market data for Scotland and the UK released on the 11th August 2020. [Watch](#)



## COVID-19 Infographics

As a group of doctors, medical students and volunteers, we've created infographics to help summarise key points about COVID-19 in a variety of languages to get the right information, in an easy to understand format, to these communities. Click [HERE](#)

**More than 80,000 carers have received the one-off 'coronavirus carer's allowance supplement' along with their standard payment in June 2020, according to new Scottish Government statistics.**

Scottish Government expects total number to rise to 84,000 once finalised data has been received

In 'Carer's Allowance at February 2020 and Carer's Allowance Supplement to April 2020: statistics', the Scottish Government provides details of the number and value of carer's allowance supplement payments - awarded to people in Scotland who receive carer's allowance on the 'carer's allowance supplement eligibility date' in April and/or October each year - including that -

- 80,185 payments were made in June 2020, to carers who were eligible based on the April 2020 eligibility date;
- each payment was £460.20 - including the standard supplement of £230.10 and a one-off coronavirus supplement of £230.10; and
- total expenditure for the period was £36.9 million.

In addition, the Scottish Government highlights that the total number of payments to people based on the April 2020 eligibility date is likely to be higher than currently reported -

'... for previous eligibility dates, the number of carers receiving payments has increased by around 5 per cent through backdating of payments to carers that are found to have been eligible for past dates in subsequent scans. This suggests that the number of carers receiving payment for April 2020 could increase by around 5 per cent, or 4,000 carers, as the statistics are updated in future.'

Elsewhere, the statistics show that at the end of February 2020, there were 78,870 carers in Scotland in receipt of carer's allowance, and a further 43,803 carers with underlying entitlement - the majority of whom (81 per cent) were 65 or over, so were likely to have been eligible for a State Pension with a value equal to or exceeding their weekly rate of carer's allowance.

[Carer's Allowance at February 2020 and Carer's Allowance Supplement to April eligibility date 2020: statistics](#) is available from gov.scot

**New DWP guidance has been issued in relation to changes made to the exception to the universal credit basic condition 'not to be receiving education' for those in receipt of a disability benefit.**

In *ADM Memo 16/20*, the DWP gives guidance on the *Universal Credit (Exceptions to the Requirement not to be receiving Education) (Amendment) Regulations 2020 (SI.No.827/2020)* which came into force on 5 August 2020.

The regulations provide that, while there is a general requirement that a person is not receiving education in order to be entitled to universal credit, a disabled person - defined as being entitled to attendance allowance, disability living allowance, or personal independence payment - is excepted from the requirement if -

- the person has been assessed as having, or is treated as having, limited capability for work or limited capability for work and work-related activity; **and**
- that determination was made on or before the date of claim to universal credit, where the person is receiving education on the date the claim is made, or the date on which the person starts receiving education, where the person starts receiving education after the date of claim to universal credit.

NB - the guidance clarifies that the regulations do not apply in relation to a claim, or an award made without a claim, for universal credit before 5 August 2020.

[ADM Memo 16/20](#) is available from gov.uk

**RESOLUTION FOUNDATION**

Published article in the Financial Times.

Resisting pressure to spend more on disadvantaged groups is seen as part of the job by battle-hardened officials in the UK Treasury. But stripping away benefit increases that have only just been introduced is rather different and doing so in the midst of an economic collapse would, to put it mildly, be something extraordinary.

[Covid-19 Benefit Increases Should Stay Say Resolution Foundation](#)

[What if my claim is checked by HMRC?](#)

HMRC routinely check tax credit awards to make sure they are correct. We take you through the process.



**MS v Secretary of State for Work and Pensions (ESA): [2020] UKUT 235 (AAC)**

Published 10 August 2020. Read the full decision in [CE/2356/2019](#).

[Judicial Summary](#)

A non-European Economic Area national formerly married to an European Economic Area national, who has the right of permanent residence, may rely on that right and is not required to meet the conditions applicable to a "family member who has retained the right of residence" in regulation 10 of the Immigration (European Economic Area) Regulations 2016, such as holding worker status.

## Homelessness Prevention Fund to Open for applications

**New £1.5 million fund** is open to housing associations and co-operatives – either on an individual basis or as part of a consortium.



The £1.5 million Homelessness Prevention Fund will be available, over three years, from 2020/21 to 2022/23. The fund aims to support projects that:

- contribute to reducing child poverty .
- contribute to preventing homelessness
- support delivery of recommendations made to Scottish ministers by the Homelessness and Rough Sleeping Action Group (HARSAG).

The invitation for proposals invites Scottish housing associations and co-operatives – either on an individual basis or as part of a consortium – to submit short proposals which will help to prevent homelessness for either existing tenants, new tenants who have previously been homeless, or people who would otherwise be homeless.

Successful proposals should demonstrate how they will deliver support to households most at risk of poverty, which may comprise:

- lone parents
- families with three or more children
- child or parent with disability
- women facing homelessness and/or recovering from domestic abuse
- young parents, where the mother is aged under 25
- young child (under the age of one) in household.

Proposals should respond to the 2020 HARSAG recommendations on how to accelerate the pace of work to prevent homelessness up to six months prior to homelessness. This may include:

- making use of data analytics to identify people at risk of homelessness
- establishing inter-disciplinary teams as test and learn projects.

The application pack is now available, with a deadline for submission of completed applications of **4 September 2020**. Please email completed applications to Jeremy Hewer, SFHA Policy Lead, [jhewer@sfha.co.uk](mailto:jhewer@sfha.co.uk).

Please read the invitation to apply below or download by clicking the icon in the menu. The application form can be downloaded [here](#).

## Scottish Human Rights Commission calls for Scottish Government to do more to realise people's human right to social security during COVID-19 pandemic



While welcoming what the government has done so far, Commission suggests further action, including to speed up delivery of Scottish Child Payment and to repeat the June 2020 increase to carer's allowance supplement

In a new report, '[COVID-19: Implications for the Human Right to Social Security in Scotland - July 2020](#)', added to its website this week, the Commission provides information about the right to social security, as set out in international law, and insight into the current effect of coronavirus (COVID-19) on people's enjoyment of socio-economic protections, specifically their right to social security.

The Commission highlights that households across Scotland are still struggling to stay afloat, particularly those including women, children, persons with disabilities and low-income families, despite the introduction of measures at a UK level to preserve or boost incomes - such as the job retention scheme and increases to universal credit and working tax credit - and the introduction in Scotland of extra funding for the Scottish Welfare Fund, Hardship Fund and Food Fund; and the additional payment to people in receipt of carer's allowance supplement paid in June 2020.

In addition, the Commission notes that the Scottish Government has committed to taking a human rights-based approach to the design and implementation of social security in Scotland, and that this approach is especially critical within the context of COVID-19 -

'It will support the continued implementation of the government's obligations to respect, protect and fulfil the right to social security through improving the Availability, Accessibility, Acceptability and Quality of devolved social security.'

The Commission welcomes the Scottish Government's various efforts to realise people's right to social security at this time, however, more could be done and responding to [our] recommendations would further reflect the government's commitment in taking a human rights based approach.'

Among the Commission's recommendations for further action are that -

- the government should expedite provision of the Scottish Child Payment either by looking at provision through the power to 'top-up' an entitlement, as provided for by the *Social Security (Scotland) Act 2018*, or using other methods such as by increasing the lump sum paid through the best start grant and Scottish Welfare Fund;
- the government should consider building on the one-off increase to carer's allowance supplement provided in June 2020, with an additional top-up in December 2020 - in addition, this should be considered as a step towards permanently increasing the value of the payment in the longer-term;
- Social Security Scotland should monitor the ways in which COVID19 is delaying re-determinations; and
- the government should monitor the levels of contact social security advice services are receiving to ensure that adequate resourcing is provided to meet the demand for advice.

NB- the Commission's has also published a housing report this week - [Implications for the Human Right to Adequate Housing in Scotland during COVID-19](#) - that includes the recommendation to continue protections against evictions while household incomes remain under stress as Scotland recovers from the COVID-19 pandemic.

For more information, see [COVID-19: Implications for the Human Right to Social Security in Scotland](#) from [scottishhumanrights.com](http://scottishhumanrights.com)

**OUR GREAT WESTERN RD SHOP  
IS REOPENING  
SOON !!**

From the week commencing 31st August  
we'll be open

**Tuesdays , Wednesdays & Thursdays**  
09.30 - 12.30 & 1.30 - 5.00

Company Number SC165004 Charity Number SC002223

[Government ditches legal aid changes after conceding they were rammed through unlawfully](#)

The government is to abandon a highly controversial change to legal aid for online immigration appeals after accepting that it was pushed through unlawfully. The [Civil Legal Aid \(Remuneration\) \(Amendment\) \(Coronavirus\) Regulations 2020](#) will now be scrapped and legal aid paid at hourly rates pending a full consultation.

In a case backed by multiple campaigners and lawyers' groups, Duncan Lewis Solicitors argued that there had been inadequate consultation and that the Justice Secretary had failed to satisfy his duty of inquiry. The firm now reports that the government wrote to concede those points on 4 August, committing to repeal the regulations. Simon Robinson of Duncan Lewis said, "this is an important victory for all appellants at the First-tier Tribunal and their ability to access justice".

**Up to 16,000 self-employed people who received Government grants to support their income during the coronavirus crisis have been paid too much after their payments were miscalculated. If you've been overpaid, the good news is you WON'T have to pay anything back - but you may now receive less than expected if you apply for the second income support grant.**



The Self-Employment Income Support Scheme (SEISS) is a Government grant for self-employed individuals whose incomes have been adversely affected by the coronavirus pandemic. It's open to those whose average trading profit is less than £50,000/year, filed a 2018/19 tax return and meet [other eligibility criteria](#). Some 2.7 million payments have now been made to those who applied to the first grant, which is now closed, while applications for the second and final grant open next Monday (**17 August**).

How much the grants are worth is based on your profits over three tax years - but HMRC now says that in some cases it didn't take all the information from self-employed claimants' tax returns into account, meaning their grants weren't calculated correctly. In one case a claimant who was actually due just £67 was told she was overpaid by £1,161 - meaning she would have got £1,228 in the first grant.

HM Revenue & Customs, which runs the scheme, says around 0.6% of the grants paid out through SEISS include an overpayment. As around 2.7 million grants have been issued so far, that suggests just over 16,000 claimants have been overpaid - though HMRC hasn't confirmed a precise figure. Those who've been overpaid are now receiving letters from HMRC about the error.

**What should I do if I've been overpaid?**

Crucially, HMRC says that anyone who's been overpaid WON'T be expected to pay anything back, as it doesn't want to cause "unnecessary hardship" to those its trying to support. So there's no action you need to take at this point.

But if you have received a letter telling you your first grant was larger than it should have been, it's important to understand when you apply for the second grant that the calculation will be adjusted to ensure you receive the correct amount - so you may end up receiving less than you were expecting. HMRC says that no deductions for overpayment will be made from the second grant though - you'll simply receive what you should.

It's also worth noting that both SEISS grants are taxable, so you will need to pay tax on the overpaid amount when you file your self-assessment tax return for 2020/21 (though this would always have been the case).

[Thousands of children from migrant families at risk of hunger unless free school meals are extended, charities warn](#)

A group of 60 organisations have written to the Secretary of State for Education, Gavin Williamson MP, calling on him to prevent children from going hungry by permanently extending free school meals to pupils from low-income migrant families with no recourse to public funds (NRPF).

Read the letter [HERE](#)

**Asylum seekers: the permission to work policy**



The Government is reviewing its policy on restricting asylum seekers' rights to work. The current position is that people seeking asylum can only apply for permission to work if they have been waiting for an initial decision on their asylum claim for over 12 months. Those who are given permission can only do skilled jobs on the Shortage Occupation List. Download the full report - [Asylum seekers: the permission to work policy](#)

**Income inequality in the UK**

This briefing paper looks at trends in income inequality in the UK over the last 50 years. Download the full report - [Income inequality in the UK](#)

## DWP benefit appeal rules defeated in the High Court

Benefit appeal rules which left thousands of disabled people stuck in the system without cash have been ruled unlawful. The High Court said people found 'fit for work' had their human rights breached after they were forced to go through an extra step before they appeal.

Claimants can only start fighting a benefit decision at a tribunal once they've had a 'Mandatory Reconsideration' (MR). MRs give the government a chance to reverse wrong decisions but they're dubbed a "barrier to justice". Until last year, fewer than a fifth overturned the original fit-for-work decision. And many people seeking Employment and Support Allowance (ESA) got no payments during their MR - despite getting them during the rest of their appeal.

The High Court has now declared those ESA claimants suffered a breach of human rights. Mr Justice Swift said the unpaid extra step was an "unjustified impediment to the right of access to court."

More than 400,000 ESA claimants have fought MRs since 2013. But the victory may be too late, as most people who would claim ESA are now on Universal Credit instead. The DWP has no plans to remove MRs from Universal Credit - because the ruling referred to ESA. The DWP has also not guaranteed compensation for those who lost out in the past.

The case challenged 'regulation 3ZA', created in 2013, which forces ESA claimants to fight an MR before an appeal. The judge said the law gave the DWP an "advantage" which "comes at a cost to ESA claimants", adding: "There is no explanation for that." And he said there is "no evidence" the DWP's aims would be compromised if it decided to keep paying claimants throughout an MR.

The number of ESA claimants fighting an MR has also plummeted as Universal Credit rolls out, hitting just 1,106 in April.

Read Professor Paul Spicker's article on this - [Mandatory Reconsideration is "a disproportionate interference with the right of access to court"](#).



Department  
for Work &  
Pensions



ST MACHAR DRIVE SHOP  
NEW OPENING HOURS FROM 17TH AUGUST

MONDAY TO FRIDAY  
09.30 - 12.30 & 13.00 - 16.00  
SATURDAY  
09.00 - 13.00

Company Number SC165004



## [A new Salvation Army report outlines how homelessness and rough sleeping will soar if the Government fails to properly fund homelessness support services in this Autumn's Comprehensive Spending Review \(CSR\).](#)

The church and charity is warning that the economic consequences of the pandemic will increase rough sleeping and force families into expensive and unsuitable temporary accommodation, like bed and breakfast, as local authorities struggle to manage rising homelessness levels.

However, the report, '[Future-Proof the Roof](#)' offers solutions to help sustain the amazing progress that's been made in recent months, while helping to prevent growing rates of rough sleeping and homelessness in the future. Not only would this protect thousands of vulnerable people but investing in homelessness now will avoid spiralling costs in the future. Typical avoidable costs include expensive temporary accommodation, which just last year cost local authorities close to £1 billion.



## Covid-19 crisis payments and effect on benefits

The government has introduced a number of measures since the start of the covid-19 crisis, including payments to employees under the Coronavirus Job Retention Scheme (CJRS) — commonly referred to as 'furlough' payments; and to the self-employed under the Self Employed Income Support Scheme (SEISS). In addition, there are a range of loans and grants available to businesses. This article considers how these payments affect entitlement to various benefits.

[Read on....](#)



## [Hilary Cottam: 'The desire to connect will remake the welfare state'](#)

The pandemic has ripped apart our habitual ways of living. It has revealed the deep divisions in our country – and the limitations of top-down, industrial welfare systems.

## The August edition of TFN magazine is now out.

This month's edition features all of the nominations for this year's Scottish Charity Awards – and full details of how you can vote, we take an in-depth look at the steps the voluntary sector is taking on the long road to recovery following the shock of the Covid crisis, we get the latest in the [#NeverMoreNeeded](#) campaign and we celebrate 30 years of Childline Scotland.

[Read it here](#)

