

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.



Event

- Thursday 25th March at 6:30pm - "Social Housing in Aberdeen: what next?".
[Eventbrite link](#)

Mon 22nd March 2021 - Issue.38 (Fortnightly)



Aberdeen City Council administers funding to support low income families

11 March 2021

Two hardship funds are being administered by the local authority - a £100 Covid Spring Hardship Grant for school age children and a £100 Covid Spring Hardship Grant for Pre-school Children and Food Vouchers.

The grants are per child rather than household and are available to families regardless of whether or not their children are in funded Early Learning and Childcare (ELC) settings or already in receipt of free school meals.

For more details and to apply, eligible families should visit:

www.aberdeencity.gov.uk/services/coronavirus-covid-19/funding-available-pre-school-age-children and www.aberdeencity.gov.uk/services/coronavirus-covid-19/covid-spring-hardship-grant-children



Update on Free School Meals arrangements in Aberdeenshire

15 March 2021

Here are the latest arrangements for Free School Meals in Aberdeenshire following the First Minister's announcement on Tuesday, March 2.

Primary and secondary pupils (15 March 2021 to 4 April 2021)

- Payment for primary school pupils will cease with effect from 15 March 2021
- Secondary pupils entitled to statutory free school meals will continue to receive payment for a three-week period from 15 March 2021 to 4 April 2021. The payment of £52.50 per pupil, is comprised by 3 weeks free school meals entitlement at £12.50 per week and £5 per week breakfast money.
- Payment will be made on or around 15 March 2021.
- There will be provision of meals for any pupils in attendance and these meals will be provided for in the normal way.

Primary and secondary pupils (Easter break: 5 April 2021 – 18 April 2021)

- All pupils entitled to statutory free school meals will receive a payment of £135.00 for the period 5 April 2021 to 18 April 2021. The payment is comprised by 2 weeks free school meals entitled at £12.50 per week, £5 per week breakfast money and the inclusion of the Spring Hardship payment of £100 announced by the Scottish Government.
- Payment will be made on or around 31 March 2021.

Pre-school age child in funded early learning and childcare settings

- Funding has been made available to support families with pre-school age children in funded early learning and childcare settings who meet the eligibility for free school meals.
- Families who are eligible will receive a payment of £135.00 per child. This payment includes the £100 Spring Hardship payment announced by the Scottish Government and an extra amount to cover meals over the Easter Break. This is comprised of 2 weeks free school meals entitlement at £12.50 per week and £5.00 per week breakfast money.
- Payment will be made on or around 31 March 2021.

Arrangements from 5 April 2021

- As all pupils will have returned to school after the Easter break, statutory free school meal payments will only be made to those pupils entitled to statutory free school meals if the absence is as a result of non-attendance due to Covid-19 isolation or closure.

[Eligibility criteria](#)



COVID Spring hardship grant for P1 to S6

What is the grant and who is eligible?

Families with children of school age, receiving free school meals on the basis of low income and children of pre-school age, receiving an Early Learning and Childcare settings placement on the basis of low income are eligible for a £100 per child COVID Spring hardship grant from the Scottish Government. Eligible families will receive the Scottish Government grant through Aberdeen City Council – we are administering the grant on behalf of the Scottish Government.

The payment is per child not per household.

- ⇒ P1-3 pupils receiving free school meals due to universal provision, not due to low income, are not eligible.
- ⇒ P1 to P3 pupils where the family meet the benefit criteria for the Free Schools Meals will receive the grant and should apply for Free School Meals if they have not already. We are using the information on who is currently in receipt of free school meals to verify entitlement, so families should apply for Free School Meals where they have not.

Who is eligible for free school meals due to low income?

Families with children in receipt of free school meals due to reasons of low income are eligible for the £100 per child COVID Spring hardship grants. Eligibility for Free School Meals based on low income, is where the household is in receipt of:

- Income Support / Income-based Job Seekers' Allowance
- Any income related element of Employment and Support Allowance
- Child Tax Credit, but not Working Tax Credit, with an income of less than £16,105
- Both Child Tax Credit and Working Tax Credit with an income of up to £7,330
- Support under Part VI of the Immigration and Asylum Act 1999
- Universal Credit with a monthly earned income from your employer of not more than £610
- Universal Credit, with a single parent/carer working less than 16 hours per week with an annual earned income from employment of less than £16,105
- Universal Credit, with both parents/carers working less than 24 hours per week with an annual earned income from employment of less than £16,105

Who will not get the payment?

You will not get the payment if your child:

- gets universal free school meals in primary 1 to 3 and you do not meet the eligibility criteria
- does not go to a council school
- is home educated

Apply here - www.aberdeencity.gov.uk/services/coronavirus-covid-19/covid-spring-hardship-grant-children

Funding available to support families who have pre-school age children on a low income

The aim of this fund is to assist families with children of pre-school age, either in a funded early learning and childcare placement or not and meet the eligibility of a low income for free school meals. There are two parts to this funding - **£100 COVID Spring hardship grant for children** and **Food Vouchers**.

£100 COVID Spring Hardship Grant for children

Following the issuing of £100 COVID Winter Hardship Payment, Scottish Ministers announced a further payment on the basis for eligible children around Easter. This has also been extended to cover children of pre-school age in an Early Learning and Childcare Setting. The Council has chosen to extend this further and offer this to pre-school age children not in an Early Learning and Childcare Setting also.

Food Vouchers

Discretionary funding has been agreed to provide food vouchers similar to the low-income free school meals provision. Families will receive £12.50 per week per child for period of 12 weeks.

Eligibility Criteria

Children will be eligible for the £100 Spring COVID payment and food vouchers if they are –

- Age 2 up to Primary 1

And would be eligible for Free School Meals based on low income, if the household is in receipt of:

- Income Support / Income-based Job Seekers' Allowance
- Any income related element of Employment and Support Allowance
- Child Tax Credit, but not Working Tax Credit, with an income of less than £16,105
- Both Child Tax Credit and Working Tax Credit with an income of up to £7,330
- Support under Part VI of the Immigration and Asylum Act 1999
- Universal Credit with a monthly earned income from your employer of not more than £610
- Universal Credit, with a single parent/carer working less than 16 hours per week with an annual earned income from employment of less than £16,105
- Universal Credit, with both parents/carers working less than 24 hours per week with an annual earned income from employment of less than £16,105

How to apply?

You must provide evidence of being on a qualifying benefit and of your child.

Apply here - www.aberdeencity.gov.uk/services/coronavirus-covid-19/funding-available-pre-school-age-children

The application will close after the 26 March 2021.



Social Security Scotland
Tèarainteachd Shòisealta Alba



Scottish Government confirms commitment to fund new Pandemic Support Payment for households receiving council tax reduction

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Finance Minister also confirms that the Budget Bill currently making progress through Holyrood will include a new £100 payment for families of children in receipt of free school meals

The Scottish Government has confirmed its commitment to fund a new Pandemic Support Payment for households receiving council tax reduction.

Ahead of today's Stage 3 debate on the [Scottish Budget Bill](#), the Scottish Finance Minister Kate Forbes said that the government has reached agreement with the Scottish Green Party so that the Bill can clear the final stages of its passage through Parliament.

In addition to confirming measures already announced in the [Scottish Budget as introduced in January 2021](#), the Minister said yesterday in a [letter to the Scottish Greens](#) that -

'Following our discussion we have agreed that the £100 million I announced in February will be used to provide a Pandemic Support Payment to support people, in particular families, on low incomes. The Pandemic Support Payment will be made to two distinct groups.

Firstly to make payments of £130 to the approximately 500,000 households in receipt of Council Tax Reduction. Secondly, we will make two payments of £100 each to the families of children in receipt of free school meals. We anticipate that this will benefit up to 170,000 families. Families who are in receipt of both Council Tax Reduction and Free School Meals will be eligible to receive both payments, worth a total of £330.'

NB - Ms Forbes also confirmed that the government is proposing to make just under £50 million available to support the phased roll-out of free school meals in Scotland in 2021/2022.

For more information, see [Budget deal secured](#) from gov.scot

Scottish Government extends application window for interest-free loans scheme for tenants who are struggling with rent arrears during Covid-19 crisis

Tenant Hardship Loan Fund will continue to receive applications beyond original 31 March 2021 closing date

The Scottish Government has extended the application window for interest-free loans from the [Tenant Hardship Loan Fund](#) for tenants who are struggling with rent arrears during the Covid-19 crisis.

Launched in December 2020, the Fund - that provides loans for social and private tenants up to a maximum of nine months' rent costs covering rent arrears (where those arrears have arisen since 1 January 2020) and future rent - had been due to close to applications on 31 March 2021.

However, announcing that applications to the Fund will continue to be accepted beyond the original deadline, Housing Minister Kevin Stewart said today -

'Throughout this pandemic our focus has been on enabling people to stay safe in their homes while the lockdown restrictions needed to suppress the virus are in place.

These loan schemes [the Tenant Hardship Fund and a [fund supporting private rented sector landlords](#)] have provided vital support as part of our broader effort to help those facing financial hardship as a result of Covid-19. For the majority of tenants facing financial difficulties and arrears the best means of support continues to be regular non-repayable support, for example through universal credit and discretionary housing payments. However, for those who may fall through the gap and are unable to claim such support, these funds offer a helping hand to manage any rent issues that have arisen in the last few months as a result of Covid-19.'

For more information, see [Rental sector loan schemes extended](#) from gov.scot



Scottish Social Security Committee expresses 'considerable concern' about significant number of people unable to access social security support during Covid pandemic

Report on how social security can aid Scotland's recovery from Covid-19 calls on UK and Scottish Governments to explore feasibility of a Citizens Basic Income as one way to widen support

In [The Social Security Response to Covid-19](#), published today, the Committee considers how Scottish social security, and its part within the broader context of all UK social security, should contribute to the social and economic recovery from Covid-19.

For more information, see [MSPs call on UK Government to make the £20 Universal Credit uplift permanent to aid recovery from the pandemic](#) from parliament.scot

Young Carer Grant pays out more than £860k since launch

Figures released today, which coincide with **Young Carers Action Day**, reveal that **The Scottish Government** has paid out more than £860,000 to eligible young carers since [The Young Carer Grant](#) opened in October 2019.

Over 2,900 applications have been authorised to support young people aged 16, 17 and 18 who spend an average of 16 hours a week caring for someone who receives a disability benefit.

The **Young Carer Grant** is an annual payment of £305.10 made to young carers to spend on anything they like, for example, a subscription to a video or music streaming service, new clothes or something else that helps them take a break from their caring responsibilities. Young carers who have previously received the Grant and still meet the eligibility criteria can re-apply 12 months from the date of their previous successful application.

www.socialsecurity.gov.scot/news-events/news/young-carer-grant-pays-out-more-than-860k-since-launch

Welfare Advice and Health Partnerships

Over £3 million for money advice services in GP surgeries.

GP practices in some of the most deprived communities will receive £3.17 million to fund dedicated welfare rights advisors to address growing mental health concerns caused by money and housing insecurity.

Launching in September 2021, 150 GP Practices will be able to refer patients directly to an in-house welfare rights officer for advice on increasing income, social security eligibility, debt resolution, housing, and employability issues as well as helping with representation at tribunals.

www.gov.scot/news/welfare-advice-and-health-partnerships/

Homelessness and Universal Credit

Published: 17 Mar 2021

A new report reveals how the introduction of Universal Credit has contributed to homelessness in Scotland. The report highlights how people can lose their homes due to problems with the five-week wait to receive the first payment, and sanctions which lead to payments being withdrawn if claimants don't meet certain conditions.

Scottish Government analysis in the report, titled Homelessness and Universal Credit, shows:

- Universal Credit has resulted in some tenants being forced into rent arrears and evictions, and has contributed to relationship and mental health problems
- the Universal Credit caseload has nearly doubled since the beginning of 2020, meaning more people than ever are at risk of being negatively affected

www.gov.scot/publications/homelessness-universal-credit/

Child Disability Payment pilot date announced

The new Child Disability Payment will be open in pilot areas for applications from 26 July 2021.

Regulations passed mean that families of children with a disability or long-term health condition living in Dundee City, Perth and Kinross and the Western Isles council who need financial support should apply to the new Scottish system from this date.

This is the first application-based disability benefit to be introduced by the Scottish Government. The pilot will be followed by a full national roll-out in the autumn.

Managed by Social Security Scotland, Child Disability Payment will replace Disability Living Allowance for Children, which is currently delivered by the Department for Work and Pensions.

This latest support is being introduced for families applying for disability assistance for the first time. The three area pilot provides a further chance to get people's feedback to ensure it meets the needs of disabled children and their families before expanding the service nationally

www.gov.scot/news/child-disability-payment-pilot-date-announced/



Universal Credit: Deductions

Question for Department for Work and Pensions

Question tabled on 22 February 2021

To ask the Secretary of State for Work and Pensions, what the (a) total and (b) average size was of deductions from universal credit claimants; and how many claimants had deductions taken, in the most recent month for which data is available.

Answered on 1 March 2021

Deductions are currently capped at 30% of the claimant's standard allowance down from 40% previously. This is due to reduce further to 25% of the claimant's standard allowance in October this year

For Universal Credit claims with a payment due during November 2020, 2,128,000 (44% of all claims) had a deduction. The total amount deducted was £166,330,000 (around 5% of the total amount of UC paid during November 2020), with an average of £78 deducted per claim.

Notes:

1. Deductions include advance repayments, third party deductions and other deductions but exclude
2. sanctions and fraud penalties which are reductions of benefit rather than deductions.
2. Number of claims rounded to the nearest 1,000, total deducted rounded to the nearest £10,000.
3. Amount of Universal Credit paid reflects the amount of money paid to claimants and their landlords as part of their award, including the amount which they would have been entitled to had it not been deducted. It does not include other payments such as advances and hardship payments.
4. Figures are affected by the impact of the temporary suspension of some deduction types due to Covid-19. During April 2020, government deductions were temporarily suspended and only began to be reinstated from July. As of November, these had not been fully returned.
5. Figures are provisional and are subject to retrospective change as later data becomes available.
6. Claim numbers may not match official statistics caseloads due to small methodological differences.

<https://questions-statements.parliament.uk/written-questions/detail/2021-02-22/156460>

The DWP has confirmed that the Covid Winter Grant Scheme - that was due to end at the end of March 2021 - will be extended to 16 April 2021.

Responding yesterday to a written question in parliament on whether the Department intends to continue the support provided by the scheme, Minister for Welfare Delivery Will Quince said -

'The Covid Winter Grant Scheme was introduced to provide Local Authorities in England with funding to support vulnerable households with the costs of food, heating and water bills, in response to the pandemic. The funding was intended to provide additional support throughout the challenging winter period to those most in need. This will now be extended until the 16 April 2021 to support families as restrictions are gradually lifted.'

In addition, the DWP has today [issued a press release](#) confirming that an additional £59.1 million in funding is being made available for the scheme - which brings the total value of funding for the scheme to £229.1 million - and setting out the allocation of the additional funding by local authority.

[Mr Quince's written answer](#) is available from parliament.uk

www.gov.uk/government/news/more-than-50m-to-keep-families-warm-and-well-fed-this-easter

Guidance on entitlement to housing benefit in final universal credit assessment period in which claimant reaches state pension age

HB Circular A4/2021

The Universal Credit (Persons who have attained state pension credit qualifying age) (Amendment) Regs 2020
Updated 15 March 2021

This circular provides information about the Universal Credit (Persons who have attained state pension credit qualifying age) (Amendment) Regulations 2020

Background

- Entitlement to Universal Credit (UC) ends when a single person or the younger member of a mixed age couple reaches state pension age. At this point, claimants can make a claim for Pension Credit and/or Housing Benefit (HB).
- UC legislation provided for a part-month payment to cover the period from the start of the monthly assessment period until the day State Pension age was reached if an advance claim for Pension Credit had been made.

DWP reissues uprating guidance following Budget 2021 announcement that universal credit uplift will continue until September 2021

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Revised housing benefit circular sets out new standard allowances to be introduced from April 2021

The DWP has reissued a recent guidance circular following the government's announcement that the universal credit uplift will continue until September 2021.

In **Budget 2021**, the government confirmed (at paragraph 2.19) that the temporary £20 per week increase to the universal credit standard allowance - introduced in 2020 in response to the Covid-19 pandemic - is to be extended for a further six months in Great Britain on top of the planned April uprating (with the Northern Ireland Executive being funded to match the increase), and that the measure will apply to all new and existing universal credit claimants.

As a result, the DWP has issued a revised version of A1/2021: Housing Benefit uprating: 2021-22 that, at **Appendix C - Annex 5**, sets out that the new standard monthly allowance -

- for a single person under 25 will increase from £342.72 to £344.00;
- for a single person aged 25 or over will increase from £409.89 to £411.51;
- for a couple both aged under 25 will increase from £488.59 to £490.60; and
- for a couple one or both aged over 25 will increase from £594.04 to £596.58.

A1/2021: Housing Benefit uprating: 2021-22 (revised) is available from gov.uk

Extension of period that carer's allowance claimants in Scotland can be treated as engaged in caring during temporary breaks due to Covid-19

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In force from 12 May 2021, the *Carer's Allowance (Coronavirus) (Breaks in Care) (Scotland) Amendment Regulations 2021* (SSI.140/2021) extend the period that changes to carer's allowance rules on breaks in care in light of coronavirus remain in place - which have the effect that breaks in care taken as a result of a carer's or cared-for person's infection with, or self-isolation due to, coronavirus do not count towards the carer's total permitted breaks - from 12 May 2021 to 31 August 2021.

The regulations also extend the period during which the normal requirement to have provided care over a certain number of weeks in order to continue to qualify for carer's allowance during a break in care (under regulation 4(2) of the *Social Security (Invalid Care Allowance) Regulations 1976*) is disapplied, from 13 May 2021 to 1 September 2021.

NB - the **policy note** to the regulations confirms that Covid-19-related easements to the general requirement for care to be provided in the physical presence of the cared-for person will also be extended -

'... administrative guidance on carer's allowance was also amended to allow for care which does not take place in the physical presence of the cared-for person to count towards the caring hours requirement for carer's allowance. This was to ensure that, on a temporary basis, other forms of care such as remote provision of emotional support may entitle a person to continue receiving carer's allowance, where care in the physical presence of the cared-for person is prevented by coronavirus. This is not a matter for regulations but these guidance changes will also remain in place in line with the extension of [the breaks in care rule changes].'

SSI.140/2021 is available from legislation.gov.uk

Guidance

A5/2021: Pre-settled status – effect of the Court of Appeal decision in the Fratila case

Updated 18 March 2021

Provides advice to decision-makers pending the Secretary of State's appeal against the judgment being heard by the Supreme Court

The new guidance also provides advice to decision-makers in relation to staying lookalike cases, dealing with appeals, and handling cases where it is difficult to decide whether the case is a genuine lookalike.

[Housing Benefit Circular A5/2021](#)

ET v Secretary of State for Work and Pensions (UC): [2021] UKUT 47 (AAC)

Upper Tribunal Administrative Appeals Chamber decision of Judge Wright on 26 February 2021

Identification of those who can in fact accompany the claimant initially on journey to and from work in an unfamiliar location - whether consideration of substantial risk under paragraph 4 of Schedule 8 to the United Credit Regulations can include travel to and from the Jobcentre and job interviews as well as to and from work – Charlton (RIB)2/09, MW v SSWP [2015] UKUT 665 (AAC) and NS v SSWP (ESA) [2014] UKUT 115 (AAC); [2014] AACR 33 considered – MW not followed.

Read the full decision in [CUC/747/2020](#).



DWP Touchbase reader survey

If you have not done so already, we would be grateful if you could complete this [short survey](#) to help us measure and continue to improve the way we communicate with you.

The survey should take no longer than a few minutes to complete

Jobcentre Plus arrangements over the Easter period

On Friday 2 April and Monday 5 April Jobcentre Plus offices and phone lines will be closed.

To make sure people receive their payments on a day when Jobcentre Plus offices are open, arrangements have been made to make some payments early:

Expected payment date	Benefits will be paid early on
Friday 2 April	Thursday 1 April
Monday 5 April	Thursday 1 April

If the expected [payment date](#) is not shown, customers will get their money on their usual payment date.

DWP confirms that funding for delivery of UC Help to Claim service has been extended by further 12 months

[Launched in April 2019](#), the Help to Claim service is designed to provide free, confidential and impartial support to help people make a universal credit claim - including gathering the required evidence, filling in the application or preparing for their first jobcentre appointment - with support available until the first full correct payment of universal credit is in place.

[Mr Quince's response](#)



<http://citizensrightsproject.org>



CitzRights



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Company limited by guarantee in Scotland, company number SC561815
Regulated by the OISC Ref No. N201900077
St Margaret's House | 151 London Rd | Edinburgh | EH7 6AE

Can a busker establish a right to reside as a self-employed 'qualified person'

N v Her Majesty's Revenue and Customs (CHB): [2021] UKUT 28 (AAC)

A conventional street musician or 'busker', who solicits donations from passers-by, cannot be treated as a self-employed person for the purposes of Council Directive 2004/38/EC, and cannot, therefore, establish a right to reside as a self-employed 'qualified person' under the Immigration (EEA) Regulations 2006. A conventional street musician cannot satisfy the test for self-employment in Jany (ECJ Case C-268/99) due to the absence of any agreement as to remuneration.

Read the full decision in [CF/1789/2016](#).

High Court rules that local authorities have powers to lawfully house people with no recourse to public funds during Covid-19 pandemic

[2021] EWHC 578 (Admin)

In a new judgment, the High Court has ruled that local authorities have powers under the Local Government Act 1972 and the National Health Service Act 2006 to lawfully house people with no recourse to public funds (NRPF) during the Covid-19 pandemic.

In Ncube, R (on the application of) v Brighton and Hove City Council [2021] EWHC 578 (Admin) (11 March 2021), the claimant (Mr Ncube) was a street homeless former asylum seeker and was therefore subject to an NRPF restriction. He applied to Brighton and Hove Council (the defendant) as homeless in September 2020, seeking accommodation during the Covid-19 pandemic.

Source: [High Court rules councils can lawfully accommodate street homeless people with 'No Recourse to Public Funds' – will the government now provide proper guidance?](#)

Citizens Rights Project

Are you one of the estimated 237,000 EU/EEA/Swiss nationals living in Scotland that need to apply for the EU Settlement Scheme?

If you (or your family members) need a hand with your application or some advice, our team of trained, multilingual and registered OISC Level 1 (limited to EUSS) advisers can help you.

We provide online and face-to-face support in multiple EU languages. We can help you if:

- You do not have access to a device where you can download the EU Exit: ID Document Check app
- You need assistance with choosing and scanning your evidence documents,
- You need help navigating the application process,
- or you simply want to ask some questions

Get in touch with us

- Via text message or WhatsApp on 07803102173 or 07518926137 [in English or other EU language]
- Phoning 07803102173 [English and Polish] or 07518926137 [English and Spanish]
- Via email to euss@feniks.org.uk or info@citizensrightsproject.org [in English or other EU language]

We are available Monday – Friday, 9.00 am – 5.00 pm

Let us know if you prefer an online or a face-to-face appointment (this option might be currently limited in your area due to lockdown restrictions).

Let us know if you need any language support

We have advisers and volunteers located in different parts of Scotland. You can check if there is one near you in this map.

We provide this service in partnership with Feniks. We also collaborate with other organisations that provide EUSS support in Scotland and other parts of the UK such as Citizens Advice Scotland the Royal Association for Deaf People or Settled.

If we cannot deal with your case or query, we will make sure this is referred to an organisation that can help you.

citizensrightsproject.org/

Visit our [padlet](#)

These materials about the EU Settlement Scheme are created by the Citizens Rights Project team and are free to be shared.



There is no time to waste

The deadline to apply for pre-settled or settled status is **30 June 2021**.

The UK Government has confirmed that if you have not made an application before the 30 June 2021 deadline, then you will become unlawfully resident in the UK after that date. This means you will not have access to jobs, rent, healthcare, social services, and other rights, and you may be subject to removal from the UK.

EU citizens living in the UK before 1 January 2021

EU citizens will have to register with the government's **EU settlement scheme** before 30 June 2021.

Anyone who can prove they have lived in the UK **continuously** for **five years or more** should be eligible for settled status. Those with settled status can stay in the UK as long as they like and spend five years in a row outside the UK without losing their status.

Anyone who can prove they have lived in the UK for **less than five years**, including those who have moved during the transition period, should be eligible for pre-settled status. Those with pre-settled status can remain in the UK while they gain the five years of residency needed to apply for 'settled status'.

Irish citizens in the UK do not need to apply for settled status (but can apply if they wish) as Ireland and the UK will remain part of the Common Travel Area (CTA).

EU citizens and family members who already hold valid “Indefinite Leave to Remain” or “Indefinite Leave to Enter” do not need to apply but can apply if they want to. It can be complicated to know if a person's ILR or ILE remains valid and therefore, holders of these immigration statuses are encouraged to apply.

Is Settled status the same as indefinite leave to remain?

Settled status is the grant of indefinite leave to EU nationals who can evidence continuous UK residence for at least 5 years.

Children

Please be aware that children born in the UK are not always born British citizens and so it is important you check the position for any children you have. It may be that your children born in the UK are British from birth and can apply for a British passport, but please do not assume this is the case and it maybe you need to speak to a qualified adviser about your children's situation.

Children who are not British or Irish nationality must make an individual application to the EU settlement scheme just like adults do.

Family Members

For EU citizens granted settled status or pre-settled status "close" family members who are not living in the UK by 31 December 2020 are able to join them in the UK anytime in the future. Close family members are: spouse, civil partner, durable (unmarried) partners, where the relationship existed before 31 December 2020, parents and grandparents who are dependent, children who are under 21 or who are over 21 and are dependent and future children born or adopted. For parents and children they can be related to either the EU sponsor or their spouse or civil partner (if the marriage or civil partnership took place before 01 January 2021).

There is no need for these family members to apply to the EU settlement scheme by 30 June 2021 as they can apply to come to the UK at any time in the future as long as the family relationship still exists. It does not matter if the joining family member is an EU citizen or has another nationality as they can still join their EU family member in the UK. The EU citizen who is sponsoring the **joining family member** must be granted pre-settled or settled status by 01 July 2021. The family member who intends to join their EU sponsor in the UK in most cases must apply from outside the UK before they travel to join.

EU citizens moving to the UK from 1 January 2021

EU citizens moving to the UK from 1 January 2021 will need to comply with **new UK immigration requirements**.

The UK Government has implemented a new immigration system from 1 January 2021. This system is for those EU citizens who do not fall under the EU Settlement Scheme as they were not living in the UK before the end of the transition period or do not fall under the family reunion provisions of the Withdrawal Agreement.

Do I need to register for settled status if I already have a permanent residence?

To continue living in the UK after 30 June 2021, EU citizens and their family members, including those who have already obtained permanent residence, must register for settled status under the EU settlement scheme citizen before 30 June 2021.

As previously indicated, if you already have permanent residence and apply for settled status, you will not have to prove you have 5 years' continuous residence.

Please note, permanent residency documents will become invalid after the application deadline for settled status under the scheme. **Please also note that although EU citizens with indefinite leave to remain do not have to apply for settled status under the EU settlement scheme, they are strongly advised to do so to evidence their ongoing right to live and work in the UK.**

Fratila - Race to judgment! Supreme Court AND the Court of Justice of the EU expedite parallel cases

In December, the Court of Appeal delivered a stunning blow to the UK government's plans to prevent pre-settled status for EU nationals from conferring equal treatment with UK nationals when claiming benefits. But the case took another extraordinary turn, when it transpired that a Northern Ireland Social Security tribunal (a first tier tribunal), had referred the question of the rights of people with pre-settled status, in another case, to the Court of Justice of the EU. The Secretary of State's appeal in *Fratila* to the UK Supreme Court, and the Court of Justice case, are in a remarkable set of circumstances, BOTH being expedited and both are listed to be heard in May.

What's going on?

Previously on the EU Rights & Brexit Hub... Check the precis of the issues in *Fratila* in our blog [here](#). A super-quick recap: the new, post-Brexit regime for EU/EEA nationals who were resident in the UK before the transition period ended on the 31st December 2020 (and their family members), is the EU Settled Status scheme. Broadly, those who have been resident for five years (or fewer in some circumstances) and meet the suitability criteria should be entitled to settled status, while those with less than five years' residence will typically be entitled to pre-settled status. The government introduced rules to prevent people with pre-settled status from relying on that status to claim equal access with UK nationals to welfare benefits; instead they had to show another right-to-reside – typically being in work.

These rules were successfully challenged before the Court of Appeal, as while EU law permits Member States to require that EU migrants have a right to reside before granting them equal access to benefits, once that right to reside has been awarded, they are entitled to equal treatment. Pre-settled status is such a right to reside.

Where did this EU Court of Justice case appear from?

It's pretty unusual to get a first tier tribunal refer a case to the Court of Justice of the EU. And the reference was somewhat sprung on those following the progress of *Fratila*, since it was registered on the 30th December 2020, AFTER the Court of Appeal's judgment was handed down, and just THE DAY BEFORE the transition period ended – and the preliminary reference window closed to UK courts and tribunals.

The case is Case C-709/20 *The Department for Communities in Northern Ireland*, and concerns an EU national with pre-settled status who applied for, and was refused, Universal Credit. The tribunal requested an expedited preliminary ruling. The tribunal referred two questions, which the Child Poverty Action Group have published in their guidance [here](#). They are in essence: are the new rules discriminatory, contrary to Article 18 TFEU?, and if so, are they indirectly discriminatory, in which case are they justified?

When are the cases being heard?

It's a two court race... Somewhat surprisingly, both courts have agreed to expedite their cases (this is pretty rare in CJEU cases, with the result that both cases are listed in May). At the moment, the CJEU hearing is due to go ahead first, on the 4th May 2021 with the Supreme Court hearing a couple of weeks later on the **18th and 19th May 2021** (just giving any lawyers involved in both cases enough time to self-isolate between hearings, should they both be held in person in Luxembourg then London – if travel restrictions are still in place then!).

Given the evident relevance, and probable decisiveness of the CJEU case, it remains to be seen whether the Supreme Court will press ahead with a hearing while the CJEU judgment is still pending. They may decide to adjourn, and wait for the CJEU judgment, or go ahead, on the understanding that they will not be able to reach their own judgment until the CJEU one has been handed down, at which point they would require further (written/oral) submissions from the parties.

Doesn't Brexit make the CJEU case a bit pointless?

Can the Supreme Court pick-and-mix the CJEU cases it wishes to follow? In short – no. It is possible that, if the CJEU ruling goes against them, the UK government might seek to argue that the Supreme Court can and should depart from that ruling, using its powers in the **EU Withdrawal Act 2018**. While there is considerable debate still to be had on the matter of exactly which principles should govern decisions to stand by or diverge from CJEU cases covered by that power, that is an argument for another time.

This case appears to fall outside of the provisions making some CJEU caselaw 'optional', as a result of a three step legislative commitment:

- Step one: The UK-EU Withdrawal Agreement (**Article 86**) gives the CJEU jurisdiction on cases pending before the end of the transition period, subject to the usual provisions of Union law – which would include supremacy. Judgments the CJEU hands down on cases referred before the end of transition **'shall have binding force in their entirety on and in the United Kingdom'** (Article 89).
- Step two: This is given effect in the EU Withdrawal Agreement Act 2020, which...
- Step three, **inserted provisions** into the EU Withdrawal Act 2018, (yes, we have to play a bit of statutory zig-zag here), requiring all rights, remedies and procedures provided for in the Withdrawal Agreement to be 'recognised and available in domestic law', and 'enforced, allowed and followed accordingly'. All of which means that a judgment in this case should, *as a matter of UK law*, bind the Supreme Court.

So will the CJEU judgment make *Fratila* a foregone conclusion?

Well, no, but... as the questions facing both courts are so similar, it is highly likely that the CJEU judgment will in effect determine the outcome of *Fratila*. If the CJEU adopts the same position as the Court of Appeal, upholding the *Trojani* case, and finding that people exercising domestic rights to reside which are not conditional upon, e.g. working, cannot be subject to post-hoc, extra right to reside conditions in order to claim equal treatment, then the Secretary of State's appeal would have to fail.

If, on the other hand, the CJEU makes an about-turn, and overrules *Trojani* (which it can do – it is not bound by its own precedent), then the claimant's case would likely fail. A third possibility, would be that the CJEU overturned *Trojani* (and other case law) but proposed a different approach, to find that the rules are discriminatory, but indirectly discriminatory, in which case there would be a duty for the Secretary of State to demonstrate that they were justified, which would in turn be a matter for the national court to determine.

To be continued...



Articles

Breathing Space

A guide for advisers

citizens
advice

The Breathing Space Debt Respite Scheme was

introduced by Sections 6 and 7 of the Financial Guidance and Claims Act 2018. **Regulations to implement the scheme** were published on 20 November 2020 and come into force on 4 May 2021.

Objectives of the legislation:

- To enable more people in problem debt to get professional debt advice, to do so sooner, and to enable them to access a debt solution that is best for them.
- A moratorium under the scheme will pause creditor enforcement action and freeze charges and interest. This will give clients time to get the full benefit of debt advice by reducing the stress caused by spiralling debt and the threat of enforcement action.

There are two types of breathing space.

The **Standard Breathing Space** will give clients in problem debt legal protection from most debt recovery action and charges for 60 days as long as they stay in touch with a debt adviser and comply with other conditions of the scheme.

If your client is receiving treatment for a mental health crisis they can get a **Mental Health Crisis Breathing Space**. This will give the same legal protections as a standard breathing space, for as long as the client is getting mental health crisis treatment and for another 30 days after it ends.

Read the full article at AdviserOnline - medium.com/adviser/breathing-space-6982b1630a96

Scottish Affairs Committee

Oral evidence: **Welfare policy in Scotland**

Ordered by the House of Commons to be published on 11 March 2021.

Watch the meeting



Post-Covid Britain needs a new social guarantee

A universal basic income and decent public services could transform the country after the pandemic

As Britain's economy and society gradually reopen, we face big questions about what should come next. The chancellor has promised tax rises and spending cuts. Without a radical response, increases in poverty, unemployment and inequality will be inevitable outcomes of the Covid crisis.

www.theguardian.com/commentisfree/2021/mar/11/post-covid-britain-new-social-guarantee-universal-basic-income-pandemic

Aberdeen City Council rent freeze agreed for two years

In recognising the many challenges and difficulties people have experienced over the last year, the Housing Revenue budget aims to provide that little bit of respite to tenants by freezing all rents and fees and charges from May 3, for not just this coming financial year but for the following financial year as well.

news.aberdeencity.gov.uk/council-rent-freeze-agreed-for-two-years/

Fixed universal credit cuts are unlawful, high court in UK rules

Victory for four former rough sleepers in Manchester left destitute after DWP deductions to pay court fines

A group of former rough sleepers who were left destitute after the Department for Work and Pensions automatically deducted a third of their universal credit allowance to pay off court fines have won a high court victory.

The department's blanket deductions policy had left the four highly vulnerable individuals with £52 a week to live on and unable to meet the cost of food and heating or transport to job interviews and medical appointments.

www.theguardian.com/politics/2021/mar/18/fixed-universal-credit-cuts-are-unlawful-high-court-in-uk-rules

Decision in full [\[2021\] EWHC 608 \(Admin\)](#)



ABC Press Release Following Minister Will Quince & Neil Couling of the DWP With the Economic Affairs Committee and the House of Commons Work and Pensions Committee



Read article [HERE](#)

Combating data poverty

Join our campaign to combat data poverty across Scotland

Coronavirus highlighted digital exclusion across demographics, postcodes and sectors throughout Scotland. With our lives and work moving online at an increased pace, the digitally excluded are being cut off from essential services, resources and support.

Organisations across sectors have joined the battle against digital exclusion to continue offering their services, products or support. We brought them together in an event that identified lack of connectivity as the biggest obstacle to digital inclusion.

We have derived 3 main actions from discussions at our event, forming our Connectivity Now manifesto. Together let's end data poverty and achieve accessible and affordable connectivity in homes across Scotland. Read our manifesto, pledge your support and join our campaign for #ConnectivityNow.

peopleknowhow.org/connectivity-now/

From lockdown to relaxation of covid rules: tips on looking after your mental health



For many of us, the gradual easing of lockdown brings longed-for opportunities (even if at a social distance) – to see friends, play sports, resume contact with family in 'real space' or get back to work that we value.

But for many of us, even the happy, much anticipated changes and re-adjustment can be difficult for our mental health.

And for many others the prospect of coming out of lockdown when debate is still live about the science supporting it can be a real worry. This may especially apply to those more vulnerable to the virus and those of us with mental health concerns.

www.mentalhealth.org.uk/coronavirus/looking-after-your-mental-health-we-come-out-lockdown

Assessment of earnings

Work and Pensions Select Committee report on the Universal Credit wait for a first payment.

"It's very clever, it's very attractive, you just can't make it work"

benefitsinthefuture.com/dwp-responses-to-my-suggestions-for-changing-the-assessment-of-earnings/

Poverty being attacked by all parties as universal credit uplift gains traction

A Scottish Parliament committee has called on the UK government to make permanent the temporary £20 Universal Credit (UC) uplift and has expressed 'considerable concern' about the significant number of people unable to access social security support during the pandemic.

The findings are part of the Social Security Committee's report into how social security can aid Scotland's recovery from Covid-19. With the pandemic having a disproportionately negative impact on the poorest in society, the Committee highlights the urgent need to review what has been learned so far to ensure existing services are reformed and new services designed to provide people with the support they need to come through this major economic shock.

The Committee has called on the Scottish and UK governments to work together to consider the feasibility of a Citizens Basic Income (CBI) as part of the response to any future crisis. They say this is potentially a fairer way to share available support and could avoid some groups of people receiving no support at all.

tfn.scot/news/poverty-being-attacked-by-all-parties-as-universal-credit-uplift-gains-traction



Articles

Five-year-old takes Home Office to high court over benefits ban

Black British child argues no recourse to public funds policy racially discriminates against families like his

A five-year-old black British child has taken the **Home Office** to the high court arguing that officials are racially discriminating against families such as his own by denying access to the welfare safety net.

Lawyers representing the boy argued in court on Wednesday that the Home Office's no recourse to public funds (NRPF) policy, which denies some groups of migrants access to benefits, is unlawful because children with migrant parents cannot access protection from homelessness, hunger and destitution.

www.theguardian.com/politics/2021/mar/17/five-year-old-takes-home-office-to-high-court-over-benefits-ban

Also:

www.thejusticegap.com/home-offices-no-recourse-to-public-funds-policy-challenged-on-grounds-of-racial-discrimination/

Student loan repayments to drop for many Scots by £500/yr from April

Many Scots with student loans will see repayments drop sharply next month, as the income threshold at which student loans begin to be repaid will rise from £19,390 to £25,000.

The change may mean you pay less in the long run too, as many with student loans won't finish paying them off before they're automatically wiped after 30 years, though others could accrue more interest - we've full analysis below.

www.moneysavingexpert.com/news/2021/03/almost-all-scottish-students-will-pay-less-back-on-their-student/

Aberdeenshire Council to withdraw TaxiCard service

As part of its budget savings, Aberdeenshire Council has approved the withdrawal of the TaxiCard concessionary travel scheme.

Providing discounted taxi travel for Aberdeenshire residents with a disability or limited mobility, the last day of operation will be Friday, April 23.

Under the scheme, passengers taking a taxi trip costing up to £10 paid half the normal fare, receiving a discount of £5 on trips costing over £10. Discounts have also been available for rail travel.

Further information is available at www.aberdeenshire.gov.uk/roads-and-travel/public-transport/concessionary-travel/taxicard

Poverty Alliance launch 2021 Holyrood election manifesto

Stemming the rising tide of poverty across Scotland must be the defining issue of the Holyrood election, the Poverty Alliance have said today, with calls for all political parties to commit to a range of ambitious and bold action to boost incomes and reduce costs.



The calls were made as the Poverty Alliance launched **A Scotland for All of Us**, a package of measures that all of Scotland's political parties are being urged to back in order to loosen the grip of poverty on the lives of people across Scotland. The measures include:

- Committing to a Minimum Income Guarantee, which would ensure that nobody in Scotland had an income below an agreed minimum level;
- At least doubling the new Scottish Child Payment, and increasing financial support for unpaid carers and disabled people;
- Extending free bus travel to more young people and to people on low incomes;
- Ending digital exclusion, by providing low cost or free broadband to low income households;
- Attaching conditions to all public sector grants, funding and contracts that require payment of the real Living Wage and Fair Work;
- Adjusting our income tax levels and thresholds to fund greater investment in tackling poverty and exploring the use of wealth taxes;
- Giving communities a greater say over how money is spent in their local area.

www.povertyalliance.org/poverty-alliance-launch-2021-holyrood-election-manifesto/

New DWP benefit payment rates from next month

The Department for Work and Pensions (DWP) recently confirmed that **State Pension** will rise by 2.5% and benefits by 0.5% from April this year.

The new changes will come into effect at the start of the new financial year on April 6, 2021

Below is a summary of the new, **weekly benefit payment rates** for 2021 to 2022 and the increased amount, listed in alphabetical order to make it easier to find the one you're looking for.

For the full list of DWP benefit increases, visit the GOV.UK website [here](#).

Attendance Allowance

Higher rate: £89.60 (from £89.15)

Lower rate: £60.00 (from £59.70)

Carer's Allowance £67.60 (from £67.25)

Disability Living Allowance Care Component

Highest: £89.60 (from £89.15)

Middle: £60.00 (from £59.70)

Lowest: £23.70 (from £23.60)

Mobility component

Higher: £62.55 (from £62.25)

Lower: £23.70 (from £23.60)

Employment and Support Allowance

Under 25: £59.20 (from £58.90)

25 or over: £74.70 (from £74.35)

Housing Benefit

Under 25: £59.20 (from £58.90)

25 or over: £74.70 (from £74.35)

Entitled to main phase ESA: £74.70 (from £74.35)

Incapacity Benefit (long-term)

£114.70 (from £114.15)

Income Support

Under 25: £59.20 (from £58.90)

25 or over: £74.70 (from £74.35)

Jobseeker's Allowance (contributions based)

Under 25: £59.20 (from £58.90)

25 or over: £74.70 (from £74.35)

Jobseeker's Allowance (income-based)

Under 25: £59.20 (from £58.90)

25 or over: £74.70 (from £74.35)

Maternity/Paternity/Shared Parental Pay

Standard rate: £151.97 (from £151.20)

Pension Credit

Single: £177.10 (from £173.75)

Couple: £270.30 (from £265.20)

Personal Independence Payment

Daily Living Component

Enhanced: £89.60 (from £89.15)

Standard: £60.00 (from £59.70)

Mobility Component

Enhanced: £62.55 (from £62.25)

Standard: £23.70 (from £23.60)

State Pension

Full New State Pension:

£179.60 (from £175.20)

Basic Old State Pension (Category A or B):

£137.60 (from £134.25)

Widow's Pension

Standard rate: £122.55 (from £121.95)

Statutory Parental Bereavement Pay

Standard rate: ££151.97 (from £151.20)

Statutory Sick Pay

Standard rate: £96.35 (from £95.85)

Universal Credit (Monthly rates shown)

Standard allowance

Single

Single under 25: £257.33 (from £256.05)

Single 25 or over: £324.84 (from £323.22)

Couple

Joint claimants both under 25:

£403.90 (from £401.92)

Joint claimants, one or both 25 or over:

£509.91 (from £507.37)

Child Elements

First child (born prior to 6 April 2017):

£282.50 (from £281.25)

First child (born on or after 6 April 2017) or second child and subsequent child (where an exception or transitional provision applies):

£237.08 (from £235.83)

Disabled Child Additions

Lower rate addition: £128.89 (from £128.25)

Higher rate addition: £402.41 (from £400.29)

Limited Capability for Work

LCW (Abolished April 2017):

£128.89 (from £128.25)

LCWRA (Support Group):

£343.63 (from £341.92)

Carer

£163.73 (from £162.92)

Last chance to win £100

We're keen to hear your views and - by completing the simple survey - you can help us meet our customers' needs in 2021 and beyond.



Of course, there's also the chance to win **£100** so why not take a couple of minutes to help us out!

[Complete the survey \(then please share!\)](#)

Video visits trial

It's been a year since we left the office to work from home and, since, we've been unable to offer home visits from energy advisors - one of our key services.

To provide face-to-face advice safely, we will soon be trialling video home visits, giving local energy advisors the chance to see a householder (and their property) and give personalised advice to help them save money and energy.

Longer term, the alternative option of video home visits will allow our customers greater choice and flexibility, and less time on the road visiting properties will help us lower our carbon emissions.

Keep up-to-date with the launch of video home visits by following us on our social media - **[Facebook](#)** / **[Twitter](#)** / **[Instagram](#)** / **[LinkedIn](#)**

Out and about this spring

Spring will... spring this Saturday, which marks the start of the new season. With better weather approaching, why not give some thought to active travel.

Cycling and walking can be a great way to get from A to B, for both you and the environment. It can help you manage stress and could even put a little extra money in your pocket!

You'll find handy info on active travel **[here](#)**, and can speak to local Home Energy Scotland advisors on 0808 808 2282 to find out more about reducing your carbon footprint on your travels.

What's important to you?

Readers living in Aberdeen are invited to visit Community Planning Aberdeen's online simulator to enable citizens to express what is important and of value to them and for their community.

Offer your views by accessing the simulator **[here](#)**.

Event

Thursday 25th March at 6:30pm - "Social Housing in Aberdeen: what next?"

The discussion will centre around the history of social housing in Aberdeen, and what the future of social housing in our communities needs to look like. We want to hear from Aberdonians living in the Private Rented Sector, Social Housing, Temporary Accommodations, and otherwise about their experiences and how they believe social housing should look in the 2020s and going forward.

The Eventbrite link is here: **<https://www.eventbrite.co.uk/e/social-housing-in-aberdeen-where-next-tickets-146760371221>**

The Facebook Event is here: **<https://www.facebook.com/events/1616928661839984>**

You are more than welcome to attend this event, and I'd ask that you share the above links with anyone else in your contacts that you think might be interested!

For this event, we will be using the video platform Zoom.



Social housing in Aberdeen: where next?

A community discussion on the history and the future of social housing in Aberdeen.

High Court rules DWP's universal credit deductions policy unlawful

17 March 2021

It can be extremely tough to get off the streets and into settled accommodation. But for those who make it, the system is stacked against them.

In December 2019, **we revealed that people who had just got off the streets and into a settled home were facing massive 'deductions' in their Universal Credit**. People who had recently moved into settled accommodation after years of living on the streets had been hit with high level deductions to their universal credit personal allowance for court fine payments, including fines for begging under the **Vagrancy Act 1824**. It came to light that this was not a one-off case of incorrect decision-making where claimants had requested deductions be lowered, as the law allows, and refused, but that the DWP has a blanket policy of always cutting benefit by the **maximum amount** possible, regardless of personal circumstances. This has left people struggling to cover essential living costs, including food and bills.

The High Court has today ruled that this inflexible policy and practice is unlawful.

The case: *R (Blundell & Ors) v Secretary of State for Work and Pensions*

In February 2020, we launched a legal challenge on behalf of four people, all of whom have a long history of rough sleeping, and were affected by these 'maximum deductions'. We challenged the deductions policy and decisions to apply the 'maximum deduction rate' to universal credit (UC) in all cases where there is a court fine payment, regardless of the claimant's personal circumstances.

Deducting the maximum amount of 30% from the claimants' UC standard allowance left our clients with as little as £51 per week to live on. This resulted in our clients being unable to cover the cost of bills and food, as well as travel to medical appointments, the Jobcentre, or interviews for work. These deductions also had a massive impact on people's mental health. For our clients, coming to grips with managing a tenancy after years on the streets and the deductions felt like yet another hurdle they had to deal with at a critical time.

Our Argument

Shelter argued that the DWP's deductions policy and approach to deductions unlawfully removes an important discretion prescribed by law. Regulation 4 of **The Fines (Deductions from Income Support) Regulations 1992** provides the DWP discretion to deduct a minimum of 5% from peoples' UC to pay back court fines (and a maximum of £108.35). **But the DWP's blanket policy removes this discretion by setting a fixed maximum deduction of 30% and doesn't allow claimants to request a lower deduction even in exceptional circumstances where they're facing hardship.**

The DWP's main defence of its policy is that UC claimants can return to the magistrates' court to request a direct repayment plan; however, this is completely impracticable. The deductions regime is an effective means of repayment of debts and is there to ensure that social obligations are met. It works for the court, and it works for the claimant provided that the deduction rate is at a level that is fair, and will not push them into financial hardship and further into debt because they cannot pay their bills.

The case was heard at the High Court before Mr Justice Kerr via a remote hearing on 12 and 13 January 2021. Shelter's claim was heard together with a second claim brought by Hackney Community Law Centre acting on behalf of a disabled UC claimant.

The Judgment

The court found that DWP's deductions policy was unlawful because it 'fetters discretion': i.e. it prevents decision makers from taking a UC claimant's personal circumstances into account when setting the deduction rate.

The court ruled that by setting a fixed rate for deductions from UC for fines, and the DWP's inflexible approach in making decisions on these cases, removes the discretion provided for in the relevant legislation. This is unlawful.

Responding to the DWP's defence of an 'alternative route' through the magistrates' court, Mr Justice Kerr states: *'The deductions regime is paternalistic: the debtor cannot be left to pay off court fines voluntarily; they must be made to do so, for their sake and society's. The Secretary of State's passivity leaves unperformed the duty upon her to make that happen in appropriate cases.'*

The High Court ruled that the DWP's policy and practice in its present form was not lawful. The judge ordered that the relevant section in the deductions policy relating to fines be amended to reflect the judgment.

What the judgment means for claimants

This judgment means that the DWP must change the deductions policy and guidance to include discretion for DWP decision makers. This means UC claimants can ask the DWP to lower the amount deducted for court fine payments if they are struggling to get by. Pending changes to the policy, welfare benefit advisors and claimants can apply the judgment when making requests for the deduction to be lowered. This will hopefully help those people already struggling on already very limited means.

If advisors would like a detailed summary of the case, please email **sophie.earnshaw@shelter.org.uk**