

## January 2022 Newsletter

- **Aberdeenshire Council: public holidays and access to services over the festive fortnight**
- **There are changes to Jobcentre Plus opening times over Christmas and New Year.**



### **Money Advice & Welfare Rights Officer** **Various Locations In Aberdeenshire** **Fixed Term—Full Time & Part Time**

We are looking for 4 Money Advice & Welfare Rights Officers who will be responsible for delivering information & advice services across Aberdeenshire.

Successful candidates will support those living in Aberdeenshire to maximise the take up of welfare benefits and provide monetary advice and guidance on their personal finance issues.

One post holder will be required to work 36.25 hours per week and have the ability to travel across Aberdeenshire. The other 3 posts will be linked to GP practices in Central Buchan & Crimond (21.75 hours per week), Inch & Bydand (29 hours per week) and Laurencekirk & Auchenblae (2.5 days).

All posts are fixed term, the GP hosted positions will move once those locations are open to be within the GP practices. The other post will cover rural areas and is funded through ESF. Flexibility is required, good communication skills and an ability to develop positive relationships is key to these posts. Training will be given.

These are fixed term positions not exceeding 31/05/2023.

This post has a minimum requirement of one reference which must be your current or most recent employer.

**Informal enquiries to Denise Forsyth - 01467 539405**

**[www.myjobscotland.gov.uk/councils/aberdeenshire-council/jobs/money-advice-welfare-rights-officer-251173](http://www.myjobscotland.gov.uk/councils/aberdeenshire-council/jobs/money-advice-welfare-rights-officer-251173)**

## Benefit calculator

Our benefits calculator will help you find out what benefits you can claim.

If you are affected by Coronavirus please go through the calculator and we will tell you about your entitlements. Also see our guide To **[benefits for people affected by Coronavirus.](#)**

The calculator is free to use, and the details you provide are anonymous.

Before you start, make sure you have information about your savings, income, pensions and existing benefits (for you and your partner).

If you run out of time, you can save your calculation and come back to it later, and pick up right where you left off.

⇒ *Should take 10 minutes to complete*

⇒ *Please complete all fields with an asterisk(\*)*

**[START >>>](#)**



## All PIP claimants to be offered apply online option

The number of claimants able to be offered the option of completing their PIP claim online is currently around 500 per day.

They are sent an email containing the link to its online version of the PIP2 claim form (HTML PIP2).

In an email to its stakeholder organisations, the DWP has announced, that from 30 November 2021, its outsource telephony contractors SERCO will begin 'upskilling' all New Claims Agents to offer the e-mail service.

Upskilling is set to be completed within a week and by 6 December the email service will be offered to all customers who make a claim in their own right.

However, appointees will still not be eligible to access the HTML PIP2 service.

The DWP estimates that around 1,000 claimants per day will take up the claim online offer.

A sample copy of the HTML PIP2 is not yet available.

A sample copy of the paper version of the PIP2 is available [here](#).

The initial **PIP1** claim form that asks basic information will still be completed over the telephone by ringing the PIP Helpline on 0800 121 4433.

More information about PIP can be found in our [PIP Guide](#).



## Change to Fit Note Procedure

Employees eligible to receive statutory sick pay are not normally required to provide their employer with medical evidence to support sickness absence for the first seven days of absence. For longer periods of absence, they must obtain medical evidence (a fit note) from their GP.

In order to free up GP capacity to focus on delivering the coronavirus booster programme and emergency care, employees will not be required to provide their employer with medical evidence of sickness absence for the first 28 days of absence. GPs will still be required to supply fit notes for periods of absence exceeding 28 days.

This change takes effect from 17 December, but applies to absences beginning on or after 10 December 2021, up to and including absences which begin on or before 26 January 2022. The self-certification period will revert to seven days for absences beginning on or after 27 January 2022. During this period, employees will not need to provide GP sick notes for SSP purposes until their absence from work has exceeded 28 days. Normally sick notes are required after 7 days' absence from work.

DWP has also suspended the requirement to submit medical evidence after 7 days of self-certification for UC and ESA.

Legislation here: The Statutory Sick Pay (Medical Evidence) Regulations 2021

<https://www.legislation.gov.uk/uksi/2021/1453/made>

## A11/2021: Housing Benefit uprating for the financial year ending March 2023

The DWP has issued new guidance in relation to welfare benefit uprating for 2022/2023.

[Housing Benefit Circular A11/2021](#) is available from gov.uk

## Universal Credit changes – animated explainer

Last week, the changes to the Universal Credit taper rate and Work Allowances came into effect.

Work allowances, the amount a claimant can earn before their Universal Credit is reduced, will increase by £500 per year meaning many families will be able to earn over £500 per month before their benefits are tapered off. Simultaneously, the taper rate, the amount that a person's Universal Credit is reduced by when their earnings are more than their work allowance, will drop from 63% to 55%.

Taken together, the changes mean almost two million families will be better off by £1,000 a year, on average.

To communicate these changes, we have created an animated explainer on what these are, and what the changes mean. The 45 second video can be downloaded and used across all channels – we recommend using the HD 720p to ensure it will upload properly.

To [watch the video](#) you will need to enter the password: **monR8w\_22**



## Action taken to help stop pension scams

New regulations to help prevent pension savers being subject to scams, came into force on 30 November.

There have been cases of fraudsters trying to trick those of pension age into moving their pension pots into fake accounts. The new red and amber flag system allows transfers to be stopped or paused when there are tell-tale signs of fraud, like “too good to be true” incentives such as free pension reviews, early access to pension cash, or other time-limited offers.

To mark the new regulations two [videos](#) have been produced, one featuring the [Minister for Pensions](#), which help explain to people what the changes mean for pension savers and how the regulations will work.

As this is an important message, we would be grateful if you could help us get the news out there, such as sharing the posts on your social media channels.

More details of the new regulations can be found on [GOV.UK](#).

## Tax liability of coronavirus support schemes

HMRC are reminding people that grants and payments from schemes to support businesses and self-employed individuals during coronavirus (COVID-19) are taxable. They should be declared as taxable income on company tax returns in line with the relevant accounting standards.

To find out more visit [Reporting coronavirus \(COVID-19\) grants and support payments](#) on GOV.UK.

## Working with representatives: guidance for DWP staff

Customers have the right to ask a representative to help them conduct their business with the Department for Work and Pensions (DWP) and it is important that DWP balances this with our duty to protect the personal information we hold. This is particularly important for customers with any disabilities or conditions that make it difficult for them to express themselves adequately.

Representatives can also be helpful to DWP in helping us to obtain the information that we need. It is important that we have good working relationships with representatives, whether they are from the advice organisations or are simply family members or friends, so that we can give our customers the best possible service.

Sometimes judgements will need to be made, based upon whether it is reasonable in the circumstances to disclose information. Provided that you can demonstrate that you have followed this guidance, you will not be held personally liable for alleged unlawful disclosures. Always seek advice if you are unsure.

Follow the [Universal Credit \(UC\) consent and disclosure information](#) for Universal Credit cases.

[www.gov.uk/government/publications/working-with-representatives-guidance-for-dwp-staff#history](http://www.gov.uk/government/publications/working-with-representatives-guidance-for-dwp-staff#history)

## DWP issues guidance on temporary easement of requirements to provide medical evidence for sickness absences for SSP, universal credit and ESA purposes

New Welfare Direct bulletin also includes advice that claimants will not be required to provide retrospective medical evidence for any period the easement covers

The DWP has issued guidance on temporary easements of requirements to supply medical evidence for sickness absences for statutory sick pay (SSP), universal credit and employment and support allowance (ESA) purposes.

Further to the government's request to all departments to help release capacity in General Practice in order to support the **Omicron Emergency Boost** vaccination effort, the DWP has put in place two temporary changes -

- ♦ **extending the self-certification period for SSP** from seven to 28 days, by delivering regulations which came into force on 17 December 2021; and
- ♦ applying an easement so that **fit notes are not required for universal credit and ESA purposes**.

In *LA Welfare Direct lite 12/2021*, the Department sets out the effect of these changes in a series of questions and answers on each of the benefits affected.

For universal credit and ESA, the DWP's advice includes that -

- ♦ claimants already receiving benefit will not have to provide evidence between 17 December 2021 and 26 January 2022;
- ♦ claimants will not be required to provide retrospective medical evidence for any period the easement covers;
- ♦ the easement does not affect any work-related requirements under an individual's claimant commitment; and
- ♦ claimants will be notified when their existing evidence expires, or the easement period ends, whichever is latest, and will be required to provide evidence from 27 January 2022.

In relation to SSP, the guidance includes that -

- ♦ employees are able to self-certify for the first 28 days for any sickness absence which began on or after 10 December 2021 and up to 26 January 2022;
- ♦ employers cannot ask for medical evidence, such as a fit note, until after 28 days of absence;
- ♦ the self-certification period will revert to 7 days for any sickness absences which begin on or after 27 January 2022; and
- ♦ employees are still required to notify employers that they are sick or incapable for work within existing deadlines.

NB - while people claiming under special rules for the terminally ill are not required to provide fit notes, and so are not impacted directly by the temporary easements, the DWP advises that if it is not possible to supply a DS1500 in support of a claim, it will continue to consider alternative evidence and work flexibly and quickly with the claimant and or, their health care professional(s) to make a speedy determination.

**LA Welfare Direct lite 12/2021** is available from gov.uk

**[www.rightsnet.org.uk/welfare-rights/news/item/dwp-issues-guidance-on-temporary-easement-of-requirements-to-provide-medical-evidence-for-sickness-absences-ssp-universal-credit-and-esa](https://www.rightsnet.org.uk/welfare-rights/news/item/dwp-issues-guidance-on-temporary-easement-of-requirements-to-provide-medical-evidence-for-sickness-absences-ssp-universal-credit-and-esa)**





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## Adult Disability Payment launch dates announced

### New Applications to open in March

The Scottish Government's next benefit, Adult Disability Payment (ADP), will open for new applications in pilot areas from 21 March 2022.

Minister for Social Security Ben Macpherson said:

"Adult Disability Payment will be the twelfth Scottish benefit to be delivered by the Scottish Government, since we gained limited powers over social security and created Social Security Scotland in 2018"

"Importantly, we have abolished assessments in the form currently undertaken by the DWP. Instead, and only where required, we will hold person-centred consultations between the person and a Social Security Scotland health or social care practitioner, starting from a position of trust. Our consultations will not involve functional examinations"

"People in Scotland with existing DWP awards do not need to be concerned about reapplying or going through an application process again. They will be transferred automatically to Social Security Scotland and we will write in advance, so people know what to expect"

This new payment, to be administered by Social Security Scotland, will replace Personal Independence Payment (PIP) and Disability Living Allowance (DLA), which are currently delivered by the UK Government's Department for Work and Pensions (DWP).

Adults of working age with a disability or health condition, who are not already in receipt of PIP or DLA, and living in Dundee City, Perth and Kinross and the Western Isles local authority areas, will be the first to be able to apply from this date.

Further council areas will be introduced in phases until Adult Disability Payment rolls out nationwide from August 2022.

Individuals with ongoing awards of PIP or DLA do not need to apply for Adult Disability Payment. Their awards will be transferred automatically to the new Scottish system from August 2022, with no break in entitlement or payment.

Legislation to introduce the new benefit was laid before the Scottish Parliament today.

### Background

- ◆ Phase One of the Adult Disability Payment pilot takes place in Perthshire and Kinross, City of Dundee and Western Isles on 21 March 2022.
- ◆ Phase Two of the Adult Disability Payment pilot takes place in Perthshire and Kinross, City of Dundee, Western Isles, Angus, North Lanarkshire and South Lanarkshire from 20 June 2022.
- ◆ **Phase Three of the Adult Disability Payment pilot takes place in Perthshire and Kinross, City of Dundee, Western Isles, Angus, North Lanarkshire, South Lanarkshire, Fife, City of Aberdeen, Aberdeenshire, Moray, North Ayrshire, East Ayrshire and South Ayrshire from 25 July 2022.**
- ◆ Adult Disability Payment will rollout nationwide from 29 August 2022.
- ◆ Adult Disability Payment will be the 12th benefit to be introduced since September 2018, which includes 7 new benefits.
- ◆ People who currently get disability benefits from Department for Work and Pensions will have their awards transferred to the new Scottish system in stages after the new benefits are introduced from summer 2022.
- ◆ Over 300,000 people in Scotland are expected to be in receipt of Personal Independence Payment and approximately 40,000 Disability Living Allowance when applications for Adult Disability Payment open nationwide. These awards will transfer to Social Security Scotland through a carefully managed process.
- ◆ A new definition of terminal illness has been introduced, removing the time requirement that a person must reasonably be expected to die within six months and instead using the clinical judgement of doctors and registered nurses involved in the individual's care.
- ◆ People can find out more through [mygov.scot](https://mygov.scot).



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## Preventing homelessness

### Views sought on proposed legal duties for public bodies.

Health and social care services, children's services, police and other public bodies will have a legal duty to 'ask and act' to prevent homelessness under Scottish Government proposals.

The measures would be part of new laws aimed at preventing homelessness, based on recommendations from an expert group convened by the charity Crisis at the request of the Scottish Government. They would represent the biggest change to Scotland's homelessness legislation in almost a decade.

Public bodies would have a legal duty to identify anyone at risk of homelessness and either take action themselves or refer on to more appropriate help.

A consultation on the plans, run jointly with COSLA, will give people with experience of homelessness, alongside those from the housing sector, public bodies and others, the chance to share their views and help shape Scotland's approach to preventing homelessness.



Social Justice Secretary Shona Robison said:

"We know that the best way to end homelessness is to prevent it from happening in the first place. These new proposals build on the strong housing rights that already exist in Scotland for people who become homeless. Early action should be a shared public responsibility, giving people facing homelessness more choice and control over where they live.

"Homelessness is often a traumatic and unsettling experience that can have a profound impact on the lives of those involved, including children.

"By intervening at an earlier stage, and encouraging services to work together to respond to people's needs,

we can ensure fewer people and families are faced with having to re-build lives affected by homelessness. This will further add to our existing ambitious programme of work and investment to ensure everyone has a safe, warm place to call home."

## Background

### Prevention of Homelessness Duties consultation

**Closes 31 March 2022**

The Scottish Government is investing £53.5 million to support councils and partners to prioritise settled accommodation for all, through the implementation of rapid rehousing transition plans and the upscaling of Housing First for people facing the most significant challenges.

In September 2017, the First Minister set out a new commitment to eradicate rough sleeping, transform the use of temporary accommodation in Scotland and end homelessness. Ministers subsequently established the Homelessness and Rough Sleeping Action Group to make recommendations on how these changes could be achieved.

Following a recommendation from the Homelessness and Rough Sleeping Action Group to create new duties to prevent homelessness, the Prevention Review Group was established. The **Preventing Homelessness in Scotland** final report was published in early 2021 and provides the framework for this consultation document.



## A new deal for tenants

Views sought on plans to deliver fairer rented sector.

Plans to deliver a new deal for tenants, with stronger rights, greater protections against eviction and access to greener, higher-quality, more affordable housing, have been launched.

The proposals, which are open to public consultation from today, aim to deliver a fairer rented sector that meets the needs of tenants and welcomes responsible landlords. They include:

- ♦ increasing penalties for illegal evictions and stronger enforcement
- ♦ restricting evictions during winter
- ♦ giving tenants greater flexibility to personalise their homes and keep pets
- ♦ developing a national system of rent controls for the private rented sector
- ♦ introducing a new Housing Standard to apply to all homes
- ♦ establishing a private rented sector regulator to uphold these standards and ensure the system is fair for both landlords and tenants
- ♦ setting minimum standards for energy efficiency, making homes cheaper to heat while contributing to Scotland's climate change targets

The measures form part of the Housing to 2040 strategy, published in March this year, and take forward several commitments made in the co-operation agreement with the Scottish Green Party. The results of the consultation will feed into the final version of the strategy to be published next year, with elements of the proposals put to the Scottish Parliament in a Housing Bill in 2023.

### Background

**The consultation closes on 15 April 2022.**

The rent control proposals published today set out reforms to the existing rent adjudication process, and the Scottish Government will now gather evidence to inform a future consultation specifically on rent controls.

**[www.gov.scot/news/a-new-deal-for-tenants/](http://www.gov.scot/news/a-new-deal-for-tenants/)**

### Multiple applications in respect of the same child

#### **The Best Start Grants and Scottish Child Payment (Miscellaneous Amendments) Regulations 2021**

Determining entitlement to Scottish child payment and best start grants when competing claims in respect of the same child are made

## New winter heating benefit

A consultation has been launched on a new heating benefit that will give around 400,000 low income households the reassurance of a guaranteed £50 payment every winter.

The Low Income Winter Heating Assistance will be introduced from winter 2022 to replace the current UK Government Cold Weather Payment scheme.

The current UK Government benefit triggers a £25 payment only when temperatures are recorded or forecast at below zero degrees Celsius for seven days in a row. The replacement Low Income Winter Heating Assistance benefit from the Scottish Government will provide financial stability, no matter the weather.

### **Consultation on Low Income Winter Heating Assistance**

There are currently 27 weather stations used to capture temperatures in Scotland and a cold spell. Last year there were 854,000 payments made to CWP recipients in Scotland totalling more than £21 million. The year before there were only 7,000 payments totalling less than £250,000. As payments are weather-dependent, overall expenditure fluctuates considerably from year to year (see table below, figures in millions).

**[www.gov.scot/news/new-winter-heating-benefit/](http://www.gov.scot/news/new-winter-heating-benefit/)**





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## Scottish Budget 2022-23

The most immediate and direct way to tackle poverty is by putting more money into the pockets of those in need, increasing family incomes and ensuring they have a decent standard of living. This budget will:

- Invest £197 million in the Scottish Child Payment – doubling it to £20 per week from April 2022, and expanding eligibility to children aged 6-15 from December 2022. Once expanded, around 400,000 children will be eligible, and 40,000 are expected to be lifted out of poverty. The doubled payment, together with the three Best Start Grant payments and Best Start Foods, can give families up to £8,400 by the time their first child turns six.
- Ahead of expansion to under 16s, invest £68.2 million in Scottish Child Payment ‘bridging payments’ – providing a £520 payment for every child in receipt of free school meals due to low income.
- Protect the Scottish Welfare Fund with £41 million, helping people in times of crisis, and provide £80.2 million in Discretionary Housing Payments, helping people sustain tenancies and directing resources towards mitigating the UK Government’s bedroom tax.
- In total, we will invest over £4 billion across social security and welfare payments, providing vital support for low income families, carers and disabled people – including £1.95 billion to start delivery of the Adult Disability Payment in 2022-23, replacing the UK Government’s controversial Personal Independence Payment.
- £24 million in a range of measures to support young people and their families with the cost of the school day – including free music tuition, the removal of curriculum charges, and increasing the school clothing grant.
- £110 million to provide free bus travel for young people from January 2022 – putting more money in their pockets, and encouraging more use of public transport as a means to tackle the global climate emergency.
- Over £72 million for the continued expansion of free school lunches – providing lunches for all children in P1-5 and special schools, and supporting the infrastructure required to roll-out lunches to all primary children. Alongside this, we will provide over £21 million to continue the provision of free lunches during school holidays, focused on those who will benefit the most, and continue to work on a phased approach for the provision of a universal milk scheme, maintaining the current subsidy arrangements for local authorities.
- £10 million to take forward our Ending Homelessness Together action plan, with a key focus on shifting to a national Housing First approach.
- £831 million for affordable housing – progressing our commitment to deliver 110,000 affordable, energy efficient homes across the next decade, leveraging further private sector investment and supporting employment in the construction sector.

[www.gov.scot/publications/scottish-budget-2022-23/](http://www.gov.scot/publications/scottish-budget-2022-23/)



Scottish Budget:  
2022-23





<http://citizensrightsproject.org>



CitzRights



EURightsProject



citrights

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Regulated by the OISC Ref No. N201900077  
St Margaret's House | 151 London Rd | Edinburgh | EH7 6AE

## Supreme Court overturns expansion of benefits rights for EU citizens

The Supreme Court has overturned last year's ruling that EU citizens with pre-settled status should be able to claim Universal Credit without having to jump through hoops. The case is *Fratila and another v Secretary of State for Work and Pensions* [2021] UKSC 53.

Pre-settled status allows EU citizens living in the UK before Brexit took effect to stay here legally. It lasts for five years, after which people can upgrade to full settled status. The conditions for getting pre-settled status were not particularly onerous: residence, even for a short period, was the main thing.

But when it comes to claiming benefits, the government brought in **regulations** saying that pre-settled status was not enough to satisfy the residence condition for the likes of Universal Credit. People with pre-settled status can still claim Universal Credit, but have to prove that they have a stronger "right to reside" than pre-settled status alone — **such as** being a "worker" under EU law.

Ms Fratila and Mr Tanase, both Romanian citizens living in the UK, challenged these regulations and eventually won a pretty **bombshell ruling** in their favour in the Court of Appeal. The UK government took the case to the Supreme Court. In the meantime, in July 2021, the Court of Justice of the European Union **handed down** a decision in a similar case that cut the rug from under their challenge. Essentially, *Fratila* relied on Article 18 of the Treaty on the Functioning of the European Union, and the Court of Justice held that Article 18 did not apply to people with pre-settled status.

"As a result", the Supreme Court held today, "the first issue in this appeal has been answered by the CJEU definitively in favour of the appellant [the DWP] and the second issue does not arise".

And that's all she wrote, pretty much. The judgment is only a few pages long. There was a last-ditch attempt to raise different legal arguments, instead of Article 18, but the Supreme Court held it would "clearly be inappropriate" to allow that.

Keen *Fratila*-watcher Charlotte O'Brien had anticipated this outcome in a **memo** written in September, and has some thoughts on other avenues of legal challenge where EU citizens in this position are facing barriers to claiming benefits. For the time being, though, the regulations stating that they have to establish a right to reside, even if they already have pre-settled status, are back.

**Source**



The  
SUPREME  
COURT

### Case details

**Fratila and another (AP)  
(Respondents) v Secretary of State  
for Work and Pensions (Appellant)**



### ACCESS TO MEANS-TESTED BENEFITS FOR EU CITIZENS WITH PRE-SETTLED STATUS

**Fratila and another (Respondents) v  
Secretary of State for Work and  
Pensions (Appellant) [2021] UKSC 53**

**Current status:** Supreme Court  
judgment given on 01 December 2021,  
allowing the Secretary of State's appeal  
against the earlier decision of the Court  
of Appeal given on 18 December 2020.

**[https://cpag.org.uk/welfare-rights/  
legal-test-cases/current-test-cases/  
eu-pre-settled-status](https://cpag.org.uk/welfare-rights/legal-test-cases/current-test-cases/eu-pre-settled-status)**



## Free online benefits workshops

Thanks to funding from the Yorkshire Building Society, Age Scotland is providing new online workshops about benefits and social security for people over State Pension age.



### Benefits for people over State Pension Age

Our 2-hour basic workshop looks at:

- ♦ Setting the scene about older people and benefits
- ♦ Non means tested benefits
- ♦ Means tested benefits
- ♦ What's changing?

### Attendance Allowance: completing the form

Our 1-hour Attendance Allowance application form workshop aims to help anyone who intends to complete an Attendance Allowance form, for themselves or for someone else. It will give you information, strategies and tips to make the process more simple and less daunting.

You can take part in our workshops by video using the free Zoom app. All that's needed is a laptop / computer / tablet / smartphone and an internet connection.

### How to sign up

If you would like a bespoke workshop for a group of 6 or more people we may be able to arrange a workshop specifically for you. Please contact [rightstraining@agescotland.org.uk](mailto:rightstraining@agescotland.org.uk)

To join one of our workshops, click on your chosen date below to sign up on Eventbrite. Please note that joining instructions will be sent 24 hours before the session.

### Benefits for people over State Pension age

- ♦ [Wednesday 26 January 10am - 12pm](#)
- ♦ [Wednesday 9 February 10am - 12pm](#)
- ♦ [Wednesday 23 February 10am - 12pm](#)

### Attendance Allowance: completing the form

- ♦ [Wednesday 19 January 10am - 11am](#)
- ♦ [Tuesday 8 February 10am - 11am](#)

[www.ageuk.org.uk/scotland/information-advice/benefits/free-online-benefits-workshop/](http://www.ageuk.org.uk/scotland/information-advice/benefits/free-online-benefits-workshop/)



## Low-income families in Scotland to receive £20 per week from April



Weeks after Boris Johnson cut universal credit, Nicola Sturgeon announced her government would double the Scottish Child Payment to £20.

[www.bigissue.com/news/social-justice/low-income-families-in-scotland-to-receive-20-per-week-from-april/](http://www.bigissue.com/news/social-justice/low-income-families-in-scotland-to-receive-20-per-week-from-april/)





## Two Wages in One Assessment Period...

It is the time of the year again when workers will often be paid wages early due to the holiday period. As reported in [\*\*Benefits Bulletin 20 \[2018\] Universal Credit: Making Sure Workers do Not Lose Out\*\*](#) (20th December 2018) this can create problems for those who get Universal Credit.

This is essentially because Universal Credit is paid on a month-to-month assessment period of need and income. Therefore, if someone is paid monthly but receives a payment of wages early then it could end up with them being treated for Universal Credit purposes as though they have twice the level of earnings that they normally would in one month and nothing in the following month.

You would think that things would even themselves out. However, the system does not work like that and it could end up costing workers dear for reasons explained in Benefits Bulletin 20 [2018].

Anyway, in June 2020 the Court of Appeal held ([\*\*\(R \(Johnson and Others\) v Secretary of State for Work and Pensions \[2020\]\)\*\*](#)) that the rule which meant that double payments of this type should be attributed to one 'assessment period' was unlawful.



In consequence the DWP changed the rules as from 16th November 2020 ([\*\*Statutory Instrument 2020 No. 1138\*\*](#)) as a remedy and to reflect the judgement of the Court of Appeal. The rule in question ([\*\*Regulation 61 of the Universal Credit Regulations 2013\*\*](#)) has now been amended to include the following:

"Where a person is engaged in an employment where they are paid on a regular monthly basis and more than one payment in relation to that employment is reported in the same assessment period, the Secretary of State may, for the purposes of maintaining a regular pattern, determine that one of those payments is to be treated as employed earnings in respect of a different assessment period."

This consequently gives the DWP the power to attribute a double payment of wages to the respective assessment periods in which the payments were intended. Guidance on the issue has been provided to DWP staff on the rule change and overall issue in [\*\*DMG Memo 27/20\*\*](#).

In an attempt to address the problem HMRC have provided guidance to employers in its [\*\*Employer Bulletin Issue 80\*\*](#) (October 2019). See page 4: Guidance for employers on reporting PAYE information in real time when payments are made early at Christmas.

Anyone caught out by things should either message the DWP using their Journal or speak with their Work Coach in an attempt to get things resolved.

[\*\*Courtesy of Welfare Rights Service, City of Wolverhampton Council\*\*](#)



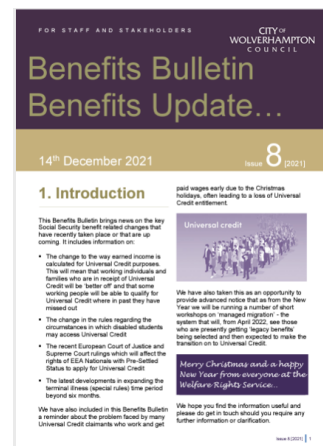




## Wolverhampton Welfare Rights Service latest Benefits Bulletin

The City of Wolverhampton Council's Welfare Rights Service latest **Benefits Bulletin** covers a variety of newsworthy and topical subject matters including the changes to the way earned income is calculated for Universal Credit purposes, the changes in the rules surrounding Universal Credit and disabled students and the latest developments pertaining to the benefit rights of EEA nationals.

The Welfare Rights Service would also like to share access to its **Benefits, Universal Credit and Welfare Reform** information which contains access to its **Benefit Information Guides** and **Benefit Fact Sheets**.



## DWP admits assessment system is 'fragmented' and 'inefficient'

The Department for Work and Pensions (DWP) has admitted that its system for assessing disabled people for their eligibility for benefits is "fragmented" and "inefficient".

The comments about the system were contained in documents shared earlier this year with companies seeking to win new assessment contracts from the department, and now released to Disability News Service (DNS) under the Freedom of Information Act.

Under the heading "why we need to change it", one of the documents says there is a "lack of trust in the system" that is "exacerbated by a perceived lack of transparency in how decisions are reached and how evidence is collected and used".

The DWP briefing document sent to would-be contractors describes the "fragmented, inefficient processes and ways of working, reliant on paper and clerical activity", and points out that its assessment system currently relies on "multiple IT systems owned and operated by a number of suppliers".

The assessment process – both for employment and support allowance (ESA) and personal independence payment (PIP) – has been linked to countless deaths of claimants and other serious harm over the last decade.

Full article available **[HERE](#)**

## NAWRA's response to Adult Disability Payment consultation

NAWRA has **submitted a response** to the Scottish Government's consultation on **Adult Disability Payment regulations**.



## Care and Repair funding for those on low incomes

Older or disabled homeowners on low incomes who own and stay in a property with Council Tax band A – C may be eligible for financial assistance through Care and Repair Scotland.

This fund is intended to enable older (aged 60+) and disabled people to stay in their own homes and includes help to ensure your home is fire safe.

Those in receipt of the guaranteed element of pension credit or Employment Support Allowance should get in touch with us by emailing **[careandrepair@aberdeenshire.gov.uk](mailto:careandrepair@aberdeenshire.gov.uk)**

Further information on Care and Repair Scotland is at:

**[www.careandrepairsotland.co.uk/](http://www.careandrepairsotland.co.uk/)**

For advice on making sure your home is fire safe in time for new fire alarms standards which will be legally required in every home in Scotland by February 2022, visit: **[www.mygov.scot/home-fire-safety](http://www.mygov.scot/home-fire-safety)**



## Video and telephone welfare benefit appeal hearings and Disabled people: new research

Over the summer of 2021, [Islington Peoples Rights](#) (IPR) carried out research with welfare benefits advisers all over the country who had experience of representing Disabled people at tribunals held by phone or video, and a small number of Disabled people who had challenged their benefits decisions at tribunals.

The results showed that holding tribunals in this way can work for some Disabled people, but brings plenty of pitfalls and does not work for all.

IPR's most important recommendation from its research is that everyone challenging a benefits

decision at tribunal must be offered a genuine and informed choice of format, including a face-to-face hearing.



Among problems identified with remote hearings include:

- ◆ Problems clients hearing and being heard;
- ◆ Problems understanding how to join video sessions were also common and difficulty or lack of confidence were common reasons why clients chose to join video calls through their telephones;
- ◆ Stress: 60% of clients who attended remote tribunals said they became stressed or upset. 34% said they had felt isolated or alone during their remote hearing.
- ◆ Lack of communication between advisers and clients: 35% of clients said they could not communicate with their adviser during their remote tribunal.
- ◆ Many advisers also expressed concerns that remote tribunals, although preferred by some Disabled clients, might put them at a disadvantage, as the severity of their condition was less apparent than at a face-to-face hearing.

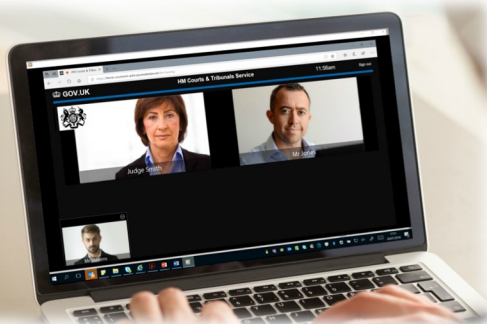
Among the key findings IPR make are that:

- ◆ Telephone and video tribunals can work for some Disabled people if they are supported and represented by a specialist advice service;
- ◆ But many experience problems – remote tribunals are not always the best option;
- ◆ It is essential that all Disabled clients are offered a choice of format including the option of a face-to-face hearing in a reasonable timeframe;
- ◆ Remote tribunals could be improved through changes to systems and guidance, as well as judges allowing time for breaks during the hearings;
- ◆ Telephone hearings appear to work less well than video hearings. Barriers to video hearings should be tackled, but the telephone option should still be retained for those who need or prefer it;
- ◆ More research is needed into whether the format of the tribunal has an impact on the likely outcome i.e. whether clients are less likely to win their cases at remote hearings.

The IPR full report [Remote Justice? Virtual benefits tribunals and Disabled clients](#) is available from [ipradvice.org.uk](http://ipradvice.org.uk).

A short [briefing document](#) that summarises the key points from the report also available from [ipradvice.org.uk](http://ipradvice.org.uk).

[www.disabilityrightsuk.org/news/2021/december/video-and-telephone-welfare-benefit-appeal-hearings-and-disabled-people-new](http://www.disabilityrightsuk.org/news/2021/december/video-and-telephone-welfare-benefit-appeal-hearings-and-disabled-people-new)







## Remote Justice? Virtual benefits tribunals and disabled clients

Over the summer of 2021, IPR carried out research with welfare benefits advisers all over the country who had experience of representing disabled people at tribunals held by phone or video, and a small number of disabled people who had challenged their benefits decisions at tribunals. The results showed that holding tribunals in this way can work for some disabled people, but brings plenty of pitfalls and does not work for all. Our most important recommendation from this work is that everyone challenging a benefits decision at tribunal must be offered a genuine and informed choice of format, including a face-to-face hearing.

The Report entitled "Remote Justice? Virtual benefits tribunals and disabled clients" was launched at the IPR AGM on 9<sup>th</sup> November 2021, and is available for download here: [Remote Justice? Virtual benefits tribunals and disabled clients \(PDF\)](#).

There is also a short briefing document that summarises the key points from the report, [available here \(PDF\)](#).



## CPAG has recently published three reports that may be of interest:



- ♦ A briefing on regulations coming into force today that will further restrict access to universal credit for disabled young people in education: <https://cpag.org.uk/policy-and-campaigns/briefing/disabled-young-learners-locked-out-universal-credit>
- ♦ A report from our *Secure Futures for Children and Families* project which explores the strengths and weaknesses of the different ways the social security system provides financial support. The report brings together learnings from multiple roundtable events, four citizens' juries and written contributions: <https://cpag.org.uk/policy-and-campaigns/report/transforming-social-security-how-do-we-provide-secure-futures-children> Building on this report, in the coming months we will begin to map out a blueprint for a better social security system and the building blocks needed to get us from here to there.
- ♦ Our latest Cost of a Child report, showing what it costs families to provide a minimum socially acceptable standard of living for their children. The cost of raising a child to the age of 18 now stands at £160,692 for a couple and £193,801 for a lone parent. <https://cpag.org.uk/policy-and-campaigns/report/cost-child-2021>

## Her Majesty's Revenue and Customs v AB (TC): [2021] UKUT 209 (AAC)

Published 10 December 2021

Upper Tribunal Administrative Appeals Chamber decision by Judge Mitchell on 15 July 2021

Read the full decision in [CTC/2193/2019](#).

### Judicial Summary

Withdrawal of a Universal Credit claim before the Department for Work and Pensions had issued a 'stop notice' for the purposes of regulation 8 of the Universal Credit (Transitional Provisions) Regulations 2014 meant that the claimant's entitlement to tax credit was not terminated under regulation 8(2).

[www.gov.uk/administrative-appeals-tribunal-decisions/her-majestys-revenue-and-customs-v-ab-tc-2021-ukut-209-aac](https://www.gov.uk/administrative-appeals-tribunal-decisions/her-majestys-revenue-and-customs-v-ab-tc-2021-ukut-209-aac)







## Age Scotland and SGN team up to offer new energy support for older people



Age Scotland is launching new and free services to help older people get a better understanding of their household energy use, supporting them to use their energy safely, efficiently, and affordably, and helping them stay warm in their homes.

The charity's new online home energy workshops will help raise awareness of the support and options available to older people, with the addition of a new energy advisory service on their national helpline to talk through their circumstances and ensure they are claiming everything they are entitled to.

This new service is being funded by gas network company SGN through a new partnership aimed at helping more older and vulnerable people across Scotland access the help that is available to them.

Age Scotland's energy advice workshops have been designed to offer practical advice to help older people stay safe and warm in their homes, and cover a range of topics including using energy affordably and efficiently, advice on energy tariffs, and accessing benefits and financial support which could help with energy costs.

Fuel poverty already affects one in three older households in Scotland and Age Scotland's Big Survey found that energy bills are the biggest concern for more than 8 in 10 people over 50 who feel financially squeezed.

Now, with many facing a difficult winter due to rising energy and living costs, as well as uncertainty in the energy market, the charity is urging older people across Scotland to sign up for these new workshops and to call their free helpline on 0800 12 44 222 to discuss energy matters that may be troubling them and ensure they are not missing out on any financial support.

As part of the wider partnership, the two organisations are also working together to ensure SGN's frontline engineers and customer experience centres are able to identify older people's needs and make referrals to Age Scotland where further support is needed.

For more information and to sign up for an energy advice workshop, please visit: [www.age.scot/energyworkshops](http://www.age.scot/energyworkshops).

## Age Scotland criticise 'heavy-handed' tactics of utilities debt collectors

The national charity for older people has spoken out against anxiety-inducing debt enforcement tactics used by utility companies.

This comes after several serious allegations were made regarding Scottish Power's 'aggressive' and 'threatening' manner when seeking payment, including footage revealing debt enforcers breaking into a woman's flat in Glasgow due to debts she did not owe.

Age Scotland has highlighted the danger of failing to treat customers with understanding and respect, as well as the importance of having robust systems in place to ensure the correct information is held in order to avoid such serious mistakes.



# Scotland starting to use the HMCTS Video Hearings service

A new way of attending remote hearings is coming to HMCTS Scotland soon and I'm writing to encourage you to get ready.

Increased use of audio and video technology has helped to keep justice moving safely throughout the pandemic. It is likely that you have attended remote hearings using products such as Skype, BTMeetMe, Microsoft Teams and Cloud Video Platform (CVP).

You may be aware that HMCTS has also developed a bespoke Video Hearings (VH) service as part of the Reform Programme.

As our strategic video hearings platform, the VH service offers the judiciary, legal professionals and members of the public an experience that more closely represents the formality of a court or tribunal hearing.

The VH service is already in use in several tribunal chambers plus Birmingham Civil and Family Justice Centre, and HMCTS is working to introduce it in all jurisdictions.

Getting ready to use the VH service

To ensure that you're able to smoothly connect to the VH Service we need to ask you to read the following information and to complete any of the actions requested.

When the time comes for you to use the VH Service this should mean that you'll be able to connect without any concerns.

**Before you can join a hearing, it is very important to check that firewall settings on your network will not block access. This can happen as it is a web-based service.**

Please share this document with your IT support – they should be able to advise.

**<https://www.gov.uk/government/publications/video-hearings-service-join-from-a-corporate-network>**

**You'll also find general information here <https://www.gov.uk/guidance/hmcts-video-hearings-service-guidance-for-joining-a-hearing>**

## Check-in sessions

As soon as your firewall settings have been addressed, email **[VideoHearingsServiceScotland@justice.gov.uk](mailto:VideoHearingsServiceScotland@justice.gov.uk)** with a copy to **[VHImplementationteam@justice.gov.uk](mailto:VHImplementationteam@justice.gov.uk)**, confirming:

- the name and location of your organisation
- the name and email addresses of two contacts.

We'll then offer you a check-in session to test that all is well before your first hearing. We're expecting high demand for these sessions so please don't delay.

## What's VH like to use?

As a GOV.UK-style service, VH has been designed to be intuitive to follow, and users do not need training.

For a quick 3-minute video overview visit **<https://youtu.be/9jilmLgUxvs>**

## About the service

As part of the wider **[HMCTS Reform Programme](#)**, the VH service offers a number of benefits over 'off-the-shelf' solutions you may have used previously.

- It has been designed for court and tribunal hearings, meaning that the experience has the appropriate formality and gravitas
- While in the virtual waiting room, participants are kept informed through onscreen messages if the hearing is delayed or paused
- Private consultations can be held in the margins of the hearing using secure rooms accessed at the touch of a button
- Participants have support from HMCTS staff in the run-up to the hearing and on the day
- A guided self-test helps check equipment and connection before the day of the hearing
- In time, it will integrate with other HMCTS systems to provide a better service to public and professional users

We hope this is helpful. If you have further questions, please contact **[VideoHearingsServiceScotland@justice.gov.uk](mailto:VideoHearingsServiceScotland@justice.gov.uk)**

