

News in Brief

Welcome to another edition of News in Brief where we see that the DWP is starting to move back towards normal service.

Sanctions to restart

Thérèse Coffey confirmed that DWP will not extend the pause on conditionality and that claimant conditionality and sanctions will return this week.

Statutory Sick Pay for shielding to end on 31 July

The government has confirmed that those shielding will be eligible for Statutory Sick Pay on the basis of their shielding status until the 31 July.

From 1 August, clinically extremely vulnerable people are able to go to work as long as the business is COVID safe. If employers cannot provide a safe working environment, they can continue to use the Coronavirus Job Retention Scheme for shielded employees who have already been furloughed.

Further information is available from this open access article:

www.rightsnet.org.uk/welfare-rights/news/item/government-says-that-people-will-not-be-entitled-to-ssp

Disability benefit reviews and reassessments remain suspended

DWP Minister Justin Tomlinson confirmed last week that reviews and reassessments remain suspended while DWP review what activity they can gradually start reintroducing in line with the latest public health advice.

New British Sign Language (BSL) videos

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

Videos about Access to Work, Personal Independence Payment, Carer's Allowance and Child Maintenance will be added soon.

You can view these videos at www.youtube.com/user/dwpsign

Treatment of CJRS and SEISS for benefit purposes

DWP has confirmed how individual benefits are affected by payments from the Coronavirus Job Retention Scheme (CJRS) and the Self-employed Income Support Scheme (SEISS).

Income-related Employment and Support Allowance, income-based Jobseeker's Allowance, Income Support and Pension Credit: CJRS and SEISS payments are treated as earnings in the normal way. Each SEISS payment will be treated as self-employed earnings over three months from the date of payment. Business grants and loans intended to provide support during the coronavirus outbreak will be treated as payments of capital and will be disregarded as business assets.

Carer's Allowance: payments from both CJRS and SEISS are considered to be earnings for CA purposes.

Maternity Allowance: MA is not payable to someone receiving funding under CJRS. Someone in receipt of funding from SEISS can continue to work, and MA can therefore be claimed as it enables individuals to take time away from work to protect the health and safety of the mother and baby.

For more details, see Memo DMG 13/20:

assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/893670/m-13-20.pdf

Secretary of State acted irrationally and unlawfully

The Court of Appeal ruled last week that 'the failure of the Secretary of State to ensure that the Regulations cater for the phenomenon of 'non-banking day salary shift' is unlawful'.

This case, brought against the Secretary of State by four single mums, centres around the government's interpretation of regulation 54 of the Welfare Reform Act 2012 and the impact of being paid monthly earnings early due to non-banking days (such as the weekend and bank holidays). These early payments would result in two sets of earnings being included in one assessment period for Universal Credit and none in the next, with a knock-on impact on the amount of Universal Credit received in each period.

The outcome of this government interpretation is that a claimant with a fixed and predictable salary receives a variable amount of Universal Credit even when there is no change of circumstances. Lady Justice Rose described this as 'perverse'.

The government has confirmed that it will not appeal the decision and will take steps to look at 'remedial actions' for affected claimants.

www.leighday.co.uk/News/Press-releases-2020/June-2020/Four-single-mums-win-Court-of-Appeal-universal-cre

www.leighday.co.uk/News/Press-releases-2020/June-2020/Law-firm-delighted-that-Government-will-not-challe

Introduction of electronic claims for Maternity Allowance, Sure Start Maternity Grants and Funeral Expenses Payments

From 9 July, claimants will be able to submit an electronic application for Maternity Allowance, Sure Start Maternity Grants and Funeral Expenses Payments



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