



## ***News in Brief***

Hello all. A few more updates to get our heads around.

### **Two wages in one monthly assessment period – update**

Following the Court of Appeal's decision in June 2020 that the inflexibility of the Universal Credit monthly assessment period for those that receive two months' worth of wages within one MAP is irrational, we finally have an update on what the government plan to do to rectify the problem.

Responding to a written question on the matter, Will Quince, Minister for Welfare Delivery, confirmed that the DWP *'intend to bring forward legislation to address the issues raised by the Court of Appeal, so that in future for cases affected by this issue monthly earnings can be reallocated to another assessment period, which means that only one set of earnings should be taken into account rather than two.'*

The full history of this case can be found here <https://cpag.org.uk/welfare-rights/legal-test-cases/universal-credit-assessment-period-inflexibility> and more details will follow in our Autumn Benefits Bulletin.

Will Quince's statement can be found here <https://questions-statements.parliament.uk/written-questions/detail/2020-09-29/96745>

### **No compensation or way back to legacy benefits for Tax Credit claimants**

The Secretary of State for Work and Pensions Dr Thérèse Coffey has confirmed that tax credit claimants who were advised to claim Universal Credit due to COVID-19 and are worse off as a result will receive no compensation and cannot move back onto legacy benefits. Despite prior promises that the issue was being 'actively' looked at, Dr Coffey has now stated that "we did look at it carefully, and it was a decision that was made that we would not reverse".

For more information, the full transcript of the evidence session is available here <https://committees.parliament.uk/oralevidence/963/default/> and more details will follow in our Autumn Benefits Bulletin.

## **‘Active consideration’ of £20 uplift and minimum income floor easement**

Within the same evidence session, Dr Coffey announced two further areas under ‘active consideration’:

- the future of the temporary £20 per week uplift in Universal Credit and Working Tax Credit; and
- whether the suspension of the minimum income floor will expire on 12 November 2020 as previously planned.

We will keep up updated with any developments as they are announced.

## **ESA changes – evidence and waiting days**

Early on in the pandemic, the 7 waiting days for ESA were removed where the claimant was affected by COVID-19. These regulations have now been extended for a further six months and will remain in place until 12 May 2021. The regulations also allow the DWP the discretion to treat an ESA claimant affected by COVID-19 as having limited capability for work.

The DWP has also updated the guidance regarding the evidence required from claimants who are self-isolating and shielding due to COVID-19.

Where a claimant (or their child) is self-isolating and cannot work, an isolation note must be obtained from NHS 111 after 7 days absent from work. Where a claimant (or their child) lives in an area under local lockdown restrictions, including the direction to shield, they should receive a letter from their doctor or health authority to confirm that they have been advised to shield. Evidence is needed once the claim has been made – claimants will be contacted to advise them on when and where to send it.

The updated guidance can be accessed here [New Style Employment and Support Allowance](#)

## **Test and Trace Support Payment – Local Authority discretion**

The Department of Health and Social Care has announced that local authorities will have discretion to award the £500 payment to those who do not receive a qualifying benefit. Other conditions must apply (eg. official notification to self-isolate) and claimants must still be on a low income and at risk of suffering financial hardship as a result of not being able to work.

Full guidance for local authorities can be found here  
<https://www.local.gov.uk/sites/default/files/documents/Briefing%20and%20Q%26A%20for%20Local%20Authorities%20on%20changes%20to%20Self-Isolation.pdf>



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