



News in Brief

Spring? Summer? The rainy season? Who knows! What we do know is that we've got the latest roundup of news for you.

In this issue:

[EU Settlement Scheme - deadline for applications approaching](#)

[Work Capability Assessments resume – for some](#)

[Court fine deduction rate – change of approach](#)

[Universal Credit and disabled students](#)

EU Settlement Scheme – deadline for applications approaching

With the deadline for applications fast approaching (30 June), the DWP have performed a data matching exercise to identify EU, EEA, Swiss Citizens (and all relevant family members) who currently receive benefits but who have not applied to the EU Settlement Scheme. The numbers are hugely discouraging – the number of UC claimants alone who have yet to apply is thought to be between 100,000 – 200,000.

Applying to the EU Settlement Scheme is not simply a tick box exercise – this deadline is a genuine cliff edge for claimants, with current entitlements to many benefits ending from this date if an application has not been made. Please think of anyone that you can – whether through work or home life – and remind people to apply if they haven't already.

Work Capability Assessments resume – for some

On 8 June, Justin Tomlinson (DWP Minister for Disabled People) announced that face-to-face Work Capability Assessments have resumed for ESA and UC claimants who are unable to be assessed by paper, phone, or video.

A small step towards normality – we will keep you up to date when the eligibility widens.

The full statement can be read here [Written questions and answers - Written questions, answers and statements - UK Parliament](#)

Court fine deduction rate – change of approach

The DWP has updated its Benefit Overpayment Recovery Staff Guide, and the online Benefits and Tax Credits rates to reflect a change to the rate at which court fines are

recovered. This is a change in policy rather than a change in regulations – the existing rules allow the DWP to deduct a minimum of 5% of the UC standard allowance, and a maximum of £108.35. It appears that the 5% will now become default – positive news!

[Benefit and pension rates 2021 to 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

[Benefit overpayment recovery guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Universal Credit and disabled students

Disabled students are once again in the spotlight as permission has been granted for judicial review of the regulations which prevent disabled students from claiming Universal Credit. This isn't the first time the issue has been considered – you may remember that the last challenge resulted in the rules being called unlawful (specially, that the DWP had acted unlawfully by failing to assess whether disabled students had limited capability for work-related activity prior to deciding their Universal Credit award). Although it was successful, and could have been a turning point, the DWP responded by immediately reversing the effects of the decision, and introducing new regulations which left no wiggle room.

Leigh Day solicitors are taking another shot, challenging the updated regulations on the grounds that they are discriminatory, irrational and in breach of public sector equality duty.

[Disabled student given permission to legally challenge new regulations preventing him claiming universal credit | Leigh Day](#)



 Advice  Publications  Training