



## ***News in Brief***

We hope you found our latest Benefit Bulletin useful – if you haven't seen it yet, you can find it on our website [Downloads | Welfare Benefits Unit \(welfare-benefits-unit.org.uk\)](https://welfare-benefits-unit.org.uk)

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### **EU Settlement Scheme – Extra Statutory Payments**

Following the end of the Grace Period on 30 June 2021, the government has released more details on how EEA nationals with current benefit claims who have not made an application to the EU Settlement Scheme (EUSS) will be treated.

- A further data matching exercise (where they compare and contrast benefit claims to EUSS applications) will be made in September and letters will be sent out;
- Claimants will have a month to apply from the date of this letter;
- If no application is made, benefit entitlement will be suspended, with claimants given a further month to apply;
- In the meantime, benefit payments will continue as an Extra Statutory payment.

This is the latest twist in a long road – for more background information and further details, see the article 'Brexit, Benefits and the end of the Grace Period: what happens now' in our Benefits Bulletin.

### **Reintroduction of the minimum income floor**

New regulations, which come into force from 31 July 2021, pave the way for the reintroduction of the minimum income floor in Universal Credit. Currently suspended for all claimants due to the pandemic, we can be forgiven if our memory of the rules has become a little rusty. So here is a brief recap:

- The minimum income floor (MIF) is an assumed level of earnings based on the number of hours you are expected to work (eg. the assumed level of earnings

will be used in your Universal Credit calculation even if your actual income is lower);

- It only applies if you are claiming Universal Credit, are gainfully self-employed and are in the all work-related requirements group;
- If you already receive UC when you become self-employed, or if you are self-employed and move to Universal Credit as part of natural migration, you are exempt from the MIF for 12 months (for new self-employed claimants, this is known as a start-up period).

The new regulations allow for some discretion, including treating the MIF as a lower amount (including zero). Claimants will be given a month's notice if the MIF is to apply, and no claimants will see a reduction in their income before September 2021.

For more information, see the open access Rightsnet article or the written statement made by DWP minister Mims Davies.

[Reintroduction of the universal credit minimum income floor over the 12 months to 31 July 2022 - Rightsnet](#)

[Minimum Income Floor, Universal Credit Gainful Self-employment Tests and Start-up Periods - Thursday 8 July 2021 - Hansard - UK Parliament](#)

## **Terminal illness definition change**

Following a recent review and endless campaigning, the DWP has announced that the definition of terminal illness used within benefit entitlement is to change. The current definition is that death must be 'reasonably expected' within 6 months. This will be extended to 12 months. Justin Tomlinson, Minister for Disabled People, stated:

'I am today setting out the Department's intention to replace the current 6-month rule with a 12-month, end of life approach. This will mirror the current definition of end of life used across the NHS and ensure that people receive vital support through the Special Rules six months earlier than they do now.'

A DWP Press Release gives further details on the timescale:

'Ministers plan to implement the 12-month end-of-life approach across five DWP benefits, beginning with Universal Credit and Employment Support Allowance next year and Attendance Allowance, Disability Living Allowance and Personal Independence Payment when parliamentary time allows.'

[Written statements - Written questions, answers and statements - UK Parliament](#)

[Fast-tracked access to benefits for people with terminal illness expanded - GOV.UK \(www.gov.uk\)](#)

## **Draft remedial order laid to extend bereavement support to cohabiting parents**

Following a Supreme Court ruling in 2018, the government announced that they would extend entitlement to bereavement benefits to surviving cohabiting partners with children.

It has been a long wait, but the remedial order which allows for these changes has finally been laid, currently in draft form. Although it still needs to be passed by Parliament, we do have some details which we thought important enough to pass on:

- The changes will be applied retrospectively to 30 August 2018;
- Backdated payments will be made as lump sums;
- The changes will apply to Widowed Parent's Allowance and Bereavement Support Payment;
- To qualify, a surviving partner must have lived with the deceased on the date of their death.

Further information can be found in the DWP's press release.

[Cohabiting couples to benefit from changes to bereavement benefit rules - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/press-releases/2019/08/20/changes-to-bereavement-benefits-for-cohabiting-partners)



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