



News in Brief

Welcome to the June edition of the News in Brief. As ever, we have trawled through all the latest news to pick out the bits which we think are the most useful and relevant for your work.

Did you know that we have a selection of factsheets available to download on our website? They have been revised and updated for 2022 and cover a range of topics, including Redundancy, Universal Credit and the Severe Disability Premium, and Universal Credit and the transitional element. [Resources | Welfare Benefits Unit \(welfare-benefits-unit.org.uk\)](https://welfare-benefits-unit.org.uk)

Our updated Advisers Guide now available. Order your 2022/2023 copy here: [Order Online | Welfare Benefits Unit \(welfare-benefits-unit.org.uk\)](https://welfare-benefits-unit.org.uk)

In this issue:

[Managed migration resumed](#)

[Cost of living payments](#)

[‘Benefits to bricks’, SMI rules and UC capital exemptions](#)

[Bereavement Support Payment for unmarried parents](#)

[Fit notes – new regulations](#)

[Retrospective Child Tax Credits for newly recognised refugees](#)

Managed migration resumed

After being suspended during the pandemic, managed migration to Universal Credit resumed from 9 May. Initially starting in Bolton and Medway, the process will be scaled up with the aim of completing the process by 2024.

Information about voluntary migration has also been stepped up, including information about Universal Credit in tax credit renewal forms. It is vital that claimants seek independent advice before claiming Universal Credit to ensure that they understand not just how much money they are likely to be entitled to, but the different rules around capital, income, education and conditionality, as well as a warning about any old overpayments that might resurface.

For more information, see the press release here: [Managed move of claimants to Universal Credit set to restart - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Cost of living payments

In response to the cost of living crisis, the Chancellor Rishi Sunak has announced that the government will make one off cost of living payments.

- **£650** will be paid to those in receipt of DWP and HMRC means-tested benefits. The payment is tax-free, will not impact ongoing benefit entitlement and doesn't count towards the Benefit Cap. Payment will be made in two instalments, with the first payment due in July 2022.
- **£300** will be paid to all pensioner households. This is in addition to any other cost of living payment, is tax-free and will not impact ongoing benefit entitlement. Payments will be made in November/December 2022.
- **£150** will be paid to people who are receipt of a disability benefit. This is in addition to any other cost of living payment, is tax free, will not impact ongoing benefit entitlement and doesn't count towards the Benefit Cap. Payments will be made in September 2022.

These payments are in addition to the existing energy bills support scheme payment, which has been increased from £200 to £400 and the £150 for households in Council Tax bands A to D.

For more details, including full details of qualifying benefits, visit [Cost of living support factsheet: 26 May 2022 – GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/factsheets/cost-of-living-support)

'Benefits to bricks', SMI rules and Universal Credit capital exemptions

On the 9th June, Prime Minister Boris Johnson made a statement on housing, introducing several measures which the government will be working towards.

- Changing the rules so that working claimants in receipt of housing benefits can use their benefit payments towards a first-time mortgage – turning 'benefits into bricks'
- Disregarding Lifetime and Help to Buy ISAs from the Universal Credit capital rules – to encourage claimants to save house deposits
- Reducing the waiting period for Support for Mortgage Interest loans from 9 months to 3 months.

The press release can be found here: [Right to buy extension to make home ownership possible for millions more people - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/press-releases/2022/06/09/right-to-buy-extension-to-make-home-ownership-possible-for-millions-more-people)

Bereavement Support Payment for unmarried parents

DWP Minister Guy Opperman has confirmed that the DWP still cannot confirm when the remedial order which changes the rules for BSP will come into force. As ever, we will update you when we can.

Fit notes – new regulations

New regulations, in force from 1 July 2022, extend the ability to issue fit notes to registered nurses, occupational therapists, pharmacists and physiotherapists. As the explanatory memorandum explains: 'Currently only doctors can certify fit notes. This is not reflective of modern ways of multi-disciplinary working in healthcare where alternative healthcare professionals (HCPs) such as nurses often lead a patient's diagnosis and healthcare management. Extending certification to a wider group of HCPs will better enable relevant HCPs to undertake health and work conversations to issue and certify fit notes without having to refer patients to their doctors.'

The regulations and explanatory memorandum can be found here:
www.legislation.gov.uk/ukxi/2022/630/made

Retrospective Child Tax Credits for newly recognised refugees

The following is important information from CPAG about a recent High Court case concerning refugees and claims for Child Tax Credit. Please contact them directly if you have any relevant cases or questions.

Following the Court of Appeal success in R (on the application of) DK v HMRC and SSWP (Interested Party) [2021] EWHC 1845 (Admin); [2022] EWCA Civ 120, which followed the judgment of the Inner House in Scotland in the Petition of Ali Adnan and Mrs Saima Adnan for judicial review [2021] CSOH 63; [2022] CSIH 2, newly recognised refugees can claim Child Tax Credit and have it backdated to the date they first claimed asylum where a) they claimed asylum before 01.02.2019 and b) they make a claim for tax credits (or attempt to) within one month of notification of their refugee status. (Note, any amount of Asylum Support received will be offset from the amount of tax credits awarded and tax credits will only be backdated to the first claim for asylum where the grounds on which asylum was eventually recognised existed at that time).

Newly recognised refugees should as soon as possible and well within 1 month following receipt of notification of their grant of asylum or s.67 leave, claim tax credits via a telephone call to HMRC stating "please treat this phone call as a claim". At the time of writing HMRC are still working on updating their processes to implement the judgments, but in the meantime, HMRC have confirmed the following process is in place:

- call handlers should check whether the claimant has been granted refugee status and, if they have, ask the date when they received notification that they have been recorded as a refugee
- where the call is being made within a month of them having being notified of their status, HMRC should record the details of the claimant and inform them that HMRC will contact them in due course to process the claim.

Please contact CPAG on testcases@cpag.org.uk if this process is not followed. Please also let CPAG know if tax credits are refused because Universal Credit was rolled out earlier than 01.02.19 in your client's area.

HMRC are also looking at newly recognised refugees who tried to claim tax credits but were told they could not do so by HMRC (including cases currently at First-tier Tribunal) where asylum was claimed before 01.02.19. CPAG are offering to send individual claimants' details to HMRC for these claims to be considered. Please contact jrproject@cpag.org.uk.



 Advice  Publications  Training