Changes to Welfare Benefits - Supporting People and Families Coronavirus Act 2020 – UK Spring Budget 2020

Disability Law Service

Help sheet

Due to the international outbreak of the Coronavirus (COVID19) pandemic in the UK, emergency protective changes have been made by the UK government to the welfare benefits system.

The following is a help sheet designed to outline these relevant changes regarding (COVID19), and to help inform the general public of what help may now be available to those affected in this current crisis.

The main changes cited in the help sheet can be found via the Coronavirus Act 2020,¹ the Social Security (Coronavirus) (Further Measures) Regulations 2020,² the UK Spring Budget 2020,³ and The Employment and Support Allowance and Universal Credit (Coronavirus Disease) Regulations 2020.⁴

Universal Credit (UC)5

A large number of changes have been made by the UK government in regard to Universal Credit (UC) in order to protect current claimants and to make this benefit more accessible to all new applicants.

Claimants who are having to stay at home due to (COVID19) will have their mandatory work searches or work availability requirements under their claimant commitments removed to account for their incapacity.⁶ This new change will apply for the next 3 months, starting from 19th March 2020.⁷

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/871799/Budget_2020_Web_Accessible_Complete.pdf

¹ Coronavirus Act 2020, http://www.legislation.gov.uk/ukpga/2020/7/contents/enacted/data.htm

² Social Security (Coronavirus) (Further Measures) Regulations 2020, http://www.legislation.gov.uk/uksi/2020/371/contents/made

³ UK Spring Budget 2020,

⁴ The Employment and Support Allowance and Universal Credit (Coronavirus Disease) Regulations 2020, http://www.legislation.gov.uk/uksi/2020/289/contents/made

⁵ https://www.gov.uk/universal-credit

⁶ See (n 2), s 6(1)(a).

⁷ https://www.understandinguniversalcredit.gov.uk/employment-and-benefits-support/already-claiming-benefits/

You should not attend the Jobcentre unless you are directed to do so for an exceptional purpose - for example to collect your Payment Exception Service vouchers.⁸

Beginning on 24th March 2020 and continuing for the next 3 months, there will be no new reviews or reassessments for all benefits requiring assessments, this includes (UC).⁹

If you have already received a UC50 form for reassessment before this date, you will need to complete it and return it as soon as possible. Please contact (UC) to request extra time if you are struggling to complete your forms.

For new claimants of (UC), claims will start the day an application was submitted online; this is not reliant upon your identity being verified online. **The DWP will never text or email you asking for your personal information or bank details.** If you have not yet been contacted by the DWP about your application, please be patient, the DWP are aware of your application and will be contacting you in due course.

Self-employed/freelancers or those on a zero hours contracts who are incapacitated due to (COVID19), can now access (UC).¹⁰

The Minimum Income Floor (MIF) has now been removed as a stipulation of eligibility for (UC) allowing self-employed/Freelancers who are ineligible for the governments Jobs Retention Scheme (JRS),¹¹ or the Self-Employed Income Support Scheme (SEISS),¹² to allow them access (UC).¹³ This means your Universal Credit award will be based on your actual income, even if this is below minimum wage x the number of hours you are expected to work.

All new claimants for (UC) can request an advance of up to 100% of their estimated standard allowance. Advances can be requested as soon as a new claim has been accepted, usually granted within 5 days of request (can be granted sooner in certain circumstances).¹⁴

New changes have been made to help ensure claimants can repay these advances back in a more sustainable and manageable way by reducing the maximum rate at which the DWP

⁸ https://www.gov.uk/guidance/coronavirus-covid-19-what-to-do-if-youre-already-getting-benefits#other-benefits

https://www.gov.uk/government/news/coronavirus-update-benefit-reviews-and-reassessments-suspended https://www.gov.uk/government/publications/support-for-those-affected-by-covid-19/support-for-those-affected-by-covid-19

¹¹ https://www.gov.uk/guidance/claim-for-wage-costs-through-the-coronavirus-job-retention-scheme

¹² https://www.gov.uk/guidance/claim-a-grant-through-the-coronavirus-covid-19-self-employment-income-support-scheme

¹³ See (n 3), p 39, 1.96. Also see (n 2), s 2(1).

¹⁴ See (n 4), Get an advance on your first payment.

can deduct your monthly award from 30% to 25%. Advances must usually be repaid within 12 months, but this will change to 24 months in October 2021. 15

If you have already made a claim for (UC) but do not have a date for an assessment appointment, you do not need to do anything. You will be contacted shortly by telephone or letter to let you know what will happen next. 16

The standard allowance rate for (UC) will be increased by £20 a week meaning claimants will be up to £1040 better off. This new change will apply for one year from 6th April 2020.¹⁷

The government has now also allowed for an increase in Local Housing Allowance (LHA) rates for (UC) housing element to pay for at least 30% of market rents in each area from April 2020.¹⁸

The government has introduced an additional exemption from the Shared Accommodation Rate (SAR) for (UC) claimants to protect those at risk of homelessness. This will enable rough sleepers aged 16-24, care leavers up to the age of 25, and victims of domestic abuse and human trafficking to live on their own, supporting their recovery from homelessness.¹⁹

For those who are undergoing 'managed migration' from legacy benefit to Universal Credit, a transitional protection for former Severe Disability Premium (SDP) claimants has been introduced to increase the rate of transitional payments for claimants in receipt of Severe Disability Premium when they move to Universal Credit.²⁰

Please be aware that you will continue to need to inform the DWP of any relevant changes in circumstances or, changes in health conditions.

Statutory Sick Pay (SSP)²¹

For many workers who are incapacitated due to having symptoms or having to isolate because of family members potentially being infected by (COVID19), Statutory Sick Pay (SSP) will be their first port of call.

¹⁵ See (n 3), p 70, 2.9.

¹⁶ See (n 7).

¹⁷ See (n 2), s 3(1)(2).

¹⁸ See (n 2), s 4(2)(a).

¹⁹ See (n 3), p 54, 1.190 & p 71, 2.20.

²⁰ See (n 3), p 70, 2.12.

²¹ https://www.gov.uk/statutory-sick-pay

For employees (PAYE), If you have become incapacitated or you are having to self-isolate due to COVID19, you can now access (SSP) from the first day of your incapacity, rather than from the fourth day of your incapacity.²² **This new change will be affective retrospectively from 13**th **March 2020.**²³

From of the 16th **April 2020**, as a result of the (COVID19) outbreak, those who will be deemed incapable of work by reasons of Coronavirus will include a person who:

- is defined in public health guidance as extremely vulnerable and at very high risk of severe illness from coronavirus because of an underlying health condition; and
- has been advised, by notification sent to, or in respect of, that person in accordance with that guidance, to follow rigorously shielding measures for the period specified in the notification.²⁴

(SSP) will be paid at the rate of £95.85 per week (recent change) and can be paid for up to 28 weeks.²⁵

You will need to report your conditions to your employer immediately.

Eligibility for (SSP) applies:

- Be classed as an employee (a person under an employment contract);
- Earn an average of £120 (recent change) per week.²⁶

Self-employed/Freelancers

If you are not eligible for SSP – for example if you are self-employed or earning below the Lower Earnings Limit of £118 per week – and you have COVID-19 or are advised to self-isolate, you can now more easily make a claim for Universal Credit (UC) or new style Employment and Support Allowance.²⁷

Again, these measures will apply retrospectively from 13th March 2020.²⁸

²² See (n 1), s 40(1) & (n 3), p 38, 1.94.

²³ See (n 9).

²⁴ Statutory Sick Pay (General) (Coronavirus Amendment) (No. 3) Regulations 2020 (SI.No.427/2020) amend the Schedule to the Statutory Sick Pay (General) Regulations 1982.

²⁵ See (n 20), what you'll get.

²⁶ See (n 20), eligibility.

²⁷ See (n 9), What if I am self-employed or not eligible for SSP?

²⁸ Ibid.

General information

If you need to supply your employer with evidence of symptoms or if you are having to isolate because someone you live with has symptoms, you can obtain an Isolation Note from NHS 111.²⁹

'New Style' Employment and Support Allowance (NSESA)30

For those who are incapacitated due to (COVID19) and are not eligible for (SSP), 'New Style' Employment and Support Allowance (NSESA) may be available to a claimant from the first day of incapacity, instead of from the eighth day of incapacity.³¹

As (NSESA) is a contribution-based income-related benefit, an applicant's savings and capitals (or a partner's savings, capitals or incomes) will not be taken into account for eligibility, although, an applicant will need to have paid enough National Insurance contributions over the last 2 full tax years.³²

New applicants can now apply for (NSESA) online.³³As a result of the (COVID19) crisis, (NSESA) can be claimed where:

- a person, or their child, thinks they have coronavirus or is recovering from it;
- a person, or their child, is self-isolating because they came into contact with someone who might have coronavirus;
- a person has been told to stay at home for at least 12 weeks by the NHS because you're at high risk of severe illness.

For those who are already getting Universal Credit (UC) and will now need to stop working due to illness/disablement or (COVID19), please get in touch with your work coach or case manager about applying for (NSESA). You can do this by signing in to your (UC) online account. You will not need to have another Work Capability Assessment (LWCA).

²⁹ https://111.nhs.uk/covid-19

³⁰ https://www.gov.uk/guidance/new-style-employment-and-support-allowance

³¹ See (n 3), p 38, 1.95.

³² See (n 30), eligibility.

³³ https://www.gov.uk/guidance/new-style-employment-and-support-allowance-detailed-guide

New applicants for (NSESA) will not be required to supply a fit note. A claimant can obtain an Isolation Note via NHS 111.³⁴ You will need to supply:

- your National Insurance number;
- your bank or building society account number and sort code (you can use a friend or family member's account if you do not have one);
- your doctor's name, address and telephone number;
- details of your income if you're working;
- the date your Statutory Sick Pay ends if you're claiming it.

If you're an appointee applying on behalf of someone else, you must apply by telephone.³⁵

You cannot get (NSESA) if you're getting Statutory Sick Pay (SSP) from an employer, but you can apply for (NSESA) up to 3 months before your SSP ends.³⁶

If you have made a claim for (NSESA), but do not have a date for an assessment appointment, you do not need to do anything. You will be contacted shortly by telephone or letter to let you know what will happen next.³⁷ You will need to bear in mind that NSESA will be deducted £1 for £1 from your Universal Credit.

If you already have an assessment appointment arranged, you do not need to attend. Your assessment provider will contact you to discuss your appointment and explain the next steps to you.³⁸

If claimants for (NSESA) tell the DWP in good time that they are needing to stay at home or that they have been diagnosed with (COVID19), they will not be sanctioned. The DWP will review their conditionality requirements in their claimant commitment, to ensure they are reasonable.³⁹

As with (UC) above, **beginning on 24**th **March 2020 and continuing for the next 3 months**, there will be no new reviews or reassessments for Employment and Support Allowance (ESA) or New Style (ESA).⁴⁰

³⁴ See (n 29).

³⁵ See (n 33).

³⁶ See (n 33)

³⁷ See (n 7)

³⁸ See (n 8).

 $^{^{39} \, \}underline{\text{https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2020-03-03/24307}$

⁴⁰ Ibid.

If you have already received an ESA50 form for reassessment before this date, you will need to complete it and return it as soon as possible. Please contact DWP (ESA) department to request extra time if you are struggling to complete your forms to request extra time.

Please be aware that you will continue to need to inform the DWP of any relevant changes in circumstances or, changes in health conditions.

'New Style', Jobseekers Allowance (NEJSA)41

For employees (PAYE), who have been affected by (COVID19) and find themselves ineligible for any other income-related benefit, 'New Style' Jobseekers Allowance (NSJSA) may be available to claim.

New claimants will need to have worked as an employee (PAYE) for at 2 of the last 3 years and paid enough Class 1 National Insurance contributions. ⁴² Unfortunately, if you are self-employed and only paid Class 2 National Insurance contributions, (NSJSA) will not be available for application (unless you worked as a shared fisherman or a volunteer development worker). ⁴³

(NSJSA) is paid for a maximum of 6 months. You can apply online.

For existing (NSJSA) claimants (as with (UC) and (ESA) above), beginning on 24th March 2020 and continuing for the next 3 months, there will be no new reviews or reassessments for 'New Style' Jobseekers Allowance.⁴⁴

A person who has an award for Jobseekers Allowance ('New Style' included) who has a 'period of sickness' due to being:

- (a) Infected or contaminated with (COVID19);
- (b) In isolation; or

⁴¹ https://www.gov.uk/guidance/new-style-jobseekers-allowance

⁴² Ibid, eligibility.

⁴³ Ibid.

⁴⁴ See (n 8).

(c) is caring for a child or qualifying young person who is a member of the person's household and who falls within sub-paragraph (a) or (b),⁴⁵

and who satisfies the requirements for entitlement to a jobseeker's allowance other than those specified in section 1(2)(f) of the Jobseekers Act 1995(1) (not having limited capability for work) is to be treated as capable of work or as not having limited capability for work.⁴⁶

For claimants on legacy (old) Jobseekers Allowance (JSA),⁴⁷ from the beginning of March 2020 and then for a period of the next 3 months, as a consequence of the (COVID19) outbreak, and for the fact of Jobcentre Plus closures, claimants will be treated as being:

- (a) available for employment; and
- (b) actively seeking employment.⁴⁸

You should still inform your work coach if you have coronavirus or are self-isolating.

Working Tax Credits (WTC)⁴⁹

The basic element of Working Tax Credit (WTC) has been increased by £20 a week or £1,045 a year from 6 April 2020 until 5 April 2021.⁵⁰

The current rate of the additional earnings disregard of £17.10 is increased to £37.10. The increase takes into account the temporary increase in the basic element of WTC and takes effect on 6th April 2020. The increase will cease to apply at the end of 4th April 2021.

HM Revenue and Customs (HMRC) has confirmed that increases to the basic element of WTC will be applied to claims in batches over a 35-day period from 9 April 2020 which will result in the increase from 6 April 2020 being paid as arrears.

Arrears payments of Tax Credits including WTC are treated as capital and can be disregarded for 52 weeks.

⁴⁵ See (n 2), s 8(1)(a)(b)(c).

⁴⁶ Ibid, ss (2)

⁴⁷ https://www.gov.uk/jobseekers-allowance

⁴⁸ See (n 2), 7(1)(a)(b).

⁴⁹ https://www.gov.uk/working-tax-credit

⁵⁰ https://www.gov.uk/government/news/increase-to-working-tax-credits-what-this-means

This means that in cases where HB claims do not see the increased rate of the additional earnings disregard and increased rate to the basic element of WTC applied to individual claims within the same benefit week, overpayments are not created.

Claimants who have been furloughed or whose hours have been reduced temporarily will continue to be entitled to WTC as they will be treated as still working their normal hours for 8 weeks when entitlement will be reviewed. This means they will also continue to be entitled to the additional earnings disregard for the same period. If you have lost your job, your WTC will continue for 4 weeks.⁵¹

You can continue to be entitled to WTC if you're absent for work and you are:

Getting statutory sick pay (SSP) as an employee, or Self-employed and would otherwise have qualified for SSP, or Getting employment and support allowance (ESA), or Getting credits on your national insurance record for limited capability for work

These periods must start immediately after working and can continue for a maximum of 28 weeks.

(See CPAG for details of the above information:

https://askcpag.org.uk/content/201050/tax-credits-and-coronavirus

Personal Independence Payment (PIP)52

For Personal Independence Payment (PIP), there have been few but very important changes.

You can continue to claim PIP as normal.

If you have made a claim for Personal Independence Payment (PIP), but do not have a date for an assessment appointment, you do not need to do anything. You will be contacted shortly by telephone or letter to let you know what will happen next.⁵³

As with (UC) and (ESA), which require assessments, **beginning on 24**th **March 2020 and continuing for the next 3 months**, there will be no new reviews or reassessments for (PIP).⁵⁴

⁵¹ https://www.gov.uk/government/publications/housing-benefit-adjudication-circulars-2020/a72020-the-social-security-coronavirusfurther-measures-regulations-2020 , also see (n 2), Regulation 5, Explanatory Note.

⁵² https://www.gov.uk/pip

⁵³ See (n 7).

⁵⁴ See (n 8).

If you have already received a (PIP) renewal or reassessment form before this date, you will need to complete it and return it as soon as possible. Please contact the DWP (PIP) department to request extra time if you are struggling to complete your forms.

If you already have an assessment appointment arranged, you do not need to attend. Your assessment provider will contact you to discuss your appointment and explain the next steps to you.⁵⁵

All (PIP) awards have been extended for a further 18 months, ⁵⁶ so if your award is due to run out, or you are currently in the last 12 months of your award, all awards have been extended by a further 6 months.

Please be aware that you will continue to need to inform the DWP of any relevant changes in circumstances or, changes in health conditions.

Please note that the same new changes to reviews and reassessments apply for, Disability Living Allowance (DLA), Attendance Allowance (AA) and the Industrial Injuries Disablement Benefit (IIDB) as above.⁵⁷

Carers Allowance (CA)58

If you are in receipt of Carers Allowance (CA) and you or the person you care for are infected or contaminated with (COVID19), or either of you are having to isolate because of the disease, you shall be treated as only having temporarily ceased to satisfy your requirements for (CA) to regularly and substantially engage with the person you care for, on every day in each week (35 hours).⁵⁹

You will continue to be eligible for your Carers Allowance during this time.

You can claim Carers Allowance if you provide care remotely during the coronavirus outbreak. This includes giving emotional support over the phone or online. You will still need to be providing care for at least 35 hours a week.

⁵⁵ See (n 9).

⁵⁶ See (n 3), p 70, 2.8.

⁵⁷ See (n 7).

⁵⁸ https://www.gov.uk/carers-allowance

⁵⁹ See (n 2), s 9(1).

Housing Benefit (HB)60 and Council Tax Relief (CTR)61

Housing Benefit

Local Housing Allowance (LHA) rates have been increased to allow claimants for Housing Benefit (HB) to access at least 30% of market rents in each area from April 2020.⁶²

The government has introduced an additional exemption from the Shared Accommodation Rate (SAR) for (HB) claimants to protect those at risk of homelessness. This will enable rough sleepers aged 16-24, care leavers up to the age of 25, and victims of domestic abuse and human trafficking to live on their own, supporting their recovery from homelessness.⁶³

Council Tax Relief

The government has provide Local Authorities in England with £500 million of new grant funding to support economically vulnerable people and households in their local area. The government expects most of this funding to be used to provide more council tax relief, either through existing Local Council Tax Support schemes, or through complementary reliefs.⁶⁴

Local Authorities in England have been given extra funding to help recipients of working age local council tax support with reducing their council tax bill.

Guidance states that the Government's strong expectation is that councils will provide all recipients of working age local council tax support during the financial year 2020-21 with a further reduction in their annual council tax bill of £150.

Further Information

Free School Meal Vouchers

Children eligible for free school meals can now benefit from a 'national voucher scheme' allowing them to continue to access meals whilst they need to stay at home due to (COVID19).

⁶⁰ https://www.gov.uk/housing-benefit

⁶¹ https://www.gov.uk/apply-council-tax-reduction

⁶² See (n 2), s 4(2).

⁶³ See (n 3), p 54, 1.190 & p 71, 2.20

⁶⁴ Ibid, p 39, 1.97.

Schools can now provide every eligible child with a weekly shopping voucher worth £15 to spend at supermarkets while schools are closed due to the coronavirus.

Schools can continue to provide meals for collection or delivery themselves, but where this is not possible, the scheme will allow schools to provide vouchers to families electronically, or as a gift card for those without internet access.

The vouchers can be spent on food at a range of shops including Sainsbury's, Tesco, Asda, Morrisons, Waitrose and M&S, with the Department working to get more shops to join the scheme as soon as possible.⁶⁵

Foodbanks

The Trussell Trust is working with various partners to monitor the situation and continue to offer support. If the referral agency a food bank has told you to contact is shut, contact the food bank directly for advice on what to do next.

They may have emergency food boxes with partner organisations in the area or may know of other referral partners that are open or running a telephone service. For example, many Citizens Advice staff are working at home or on an appointment only basis.

You can find the details of your local Trussell food bank here <u>www.trusselltrust.org/get-help/find-a-foodbank</u>

ASK CPAG has useful resources on how benefits are affected by coronavirus:

https://askcpag.org.uk

To check which benefits you may be entitled to before you apply, you can use a benefits calculator:

https://www.gov.uk/benefits-calculators

For further information on how to apply for any of the welfare benefits shown above, please see our bibliography below.

This includes links to all the relevant government help sheet pages detailing the relevant changes to the UK welfare benefits system.

⁶⁵ https://www.gov.uk/government/news/voucher-scheme-launches-for-schools-providing-free-school-meals

Bibliography

Table of Legislation

Coronavirus Act 2020:

http://www.legislation.gov.uk/ukpga/2020/7/contents/enacted/data.htm

Social Security (Coronavirus) (Further Measures) Regulations 2020: http://www.legislation.gov.uk/uksi/2020/371/contents/made

Employment and Support Allowance and Universal Credit (Coronavirus Disease) Regulations 2020:

http://www.legislation.gov.uk/uksi/2020/289/contents/made

UK Spring Budget 2020:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment data/file/871799/Budget 2020 Web Accessible Complete.pdf

Table of Welfare Benefits

https://www.gov.uk/universal-credit

https://www.gov.uk/statutory-sick-pay

https://www.gov.uk/guidance/new-style-employment-and-support-allowance

https://www.gov.uk/guidance/new-style-jobseekers-allowance

https://www.gov.uk/pip

https://www.gov.uk/carers-allowance

https://www.gov.uk/housing-benefit

https://www.gov.uk/apply-council-tax-reduction

https://www.gov.uk/working-tax-credit

Other Online Sources

www.understandinguniversalcredit.gov.uk/coronavirus/

https://www.gov.uk/government/news/coronavirus-update-benefit-reviews-and-reassessments-suspended

https://www.gov.uk/guidance/claim-for-wage-costs-through-the-coronavirus-job-retention-scheme

https://111.nhs.uk/covid-19

https://www.gov.uk/government/news/voucher-scheme-launches-for-schools-providing-free-school-meals

https://www.gov.uk/guidance/new-style-employment-and-support-allowance-detailed-guide

https://www.gov.uk/guidance/claim-a-grant-through-the-coronavirus-covid-19-self-employment-income-support-scheme

https://www.gov.uk/government/news/increase-to-working-tax-credits-what-this-means

https://www.gov.uk/guidance/coronavirus-covid-19-what-to-do-if-youre-already-getting-benefits#other-benefits

https://www.gov.uk/government/publications/housing-benefit-adjudication-circulars-2020/a72020-the-social-security-coronavirusfurther-measures-regulations-2020

www.trusselltrust.org/get-help/find-a-foodbank

https://askcpag.org.uk/content/201050/tax-credits-and-coronavirus