

**Covid-19 Update from Citizens Advice Brent 26th January 2021**

The information in this update is correct as of 3pm on 22 January 2021 and applies to England and Wales unless stated otherwise.

**Benefits update**

**What you need to know**

Not specifically coronavirus-related, but there have been some useful updates on Department for Work & Pensions (DWP) processes.

**Online PIP claims**
On 11 January 2021, [Justin Tomlinson - Disability, Health and Work Minister stated that the Government intends to launch a digital channel (“PIP apply”)](https://questions-statements.parliament.uk/written-questions/detail/2021-01-06/134173) to allow PIP claims to be submitted online (removing the need for the initial phone call), along with an online version of the PIP2 claim form, following the small trial of this earlier last year. This is expected in Spring 2021. **Accurate as of 3pm on 19 January 2021**

**Implementing the Johnson decision**
Following the[‘Johnson’ case (which held that it was unlawful under Universal Credit to take account of two payments of monthly earnings where they fell in the same assessment period](https://bit.ly/3qvbTyy)), in November 2020 [the Government introduced new regulations to allow the DWP to treat a payment of earnings as received in a different assessment period](https://bit.ly/3bUTffv). However, this required a manual process and relied on either claimants or DWP staff identifying possible cases in order to apply the regulation. [The Minister for Welfare Delivery, Will Quince has now stated that an automated process to identify such claims is expected in early 2021](https://committees.parliament.uk/publications/4196/documents/43190/default/), allowing DWP to “proactively correct awards before they are paid, without the need for the claimant to raise the issue.” **Accurate as of 3pm on 19 January 2021**

**Sex discrimination challenge to Self Employment Income Support Scheme (SEISS)**
The charity ‘Pregnant Then Screwed’ is [taking legal action against the provisions of the government's SEISS scheme](https://pregnantthenscrewed.com/were-threatening-legal-action-against-the-chancellor-for-indirect-sex-discrimination/), arguing that it discriminates against women by not disregarding periods of maternity leave when calculating average earnings for entitlement under the scheme. The case was due to be heard on 21 January 2021. **Accurate as of 3pm on 21 January 2021**

**Delayed work capability assessments for Employment and Support Allowance (ESA)**
Face to face assessments for all sickness and disability benefits have been [suspended since March 2020](https://questions-statements.parliament.uk/written-questions/detail/2020-10-14/103528?utm_source=Expert+advice&utm_campaign=333cd1d2ce-EMAIL_CAMPAIGN_2020_10_23_07_05&utm_medium=email&utm_term=0_19bd99be06-333cd1d2ce-284246597&mc_cid=333cd1d2ce&mc_eid=ffe54b1e2d), although the Department for Work and Pensions (DWP) are continuing to do telephone assessments and paper-based assessments “where possible”.

New-style ESA awards are normally time-limited to a maximum period of 365 days (Section 1A Welfare Reform Act 2007). However, the 356 day limit doesn’t include any days when the client is a member of the support group (i.e. has been assessed as having limited capability for work-related activity (LCWRA). Delays in arranging assessments means that the 365 day time limit is often reached before any assessment of the client’s LCWRA has been carried out. Claimants in this situation can [challenge any decision to end their ESA at 365 days](https://administrativeappeals.decisions.tribunals.gov.uk/Aspx/view.aspx?id=4145) , and argue that as there’s been no determination of whether they’re in the support group or not, there’s no authority to end their ESA under the time limiting rules. But claimants need to be aware that if an assessment is subsequently carried out and they’re *not* placed in the support group, then there may be a recoverable overpayment of any ESA which was paid beyond the 365 days. **Accurate as of 3pm on 21 January 2021**

**New regulations for the closure of the Severe Disability Premium (SDP) gateway**
The SDP gateway is closing on the 27th January 2021.

This means that legacy benefit claimants will no longer be barred from claiming Universal Credit (UC) due to being entitled to an SDP.

[The Universal Credit (Transitional Provisions) (Claimants previously entitled to a severe disability premium) Amendment Regulations 2021](https://bit.ly/3hVj0x3) come into force when the gateway closes, giving new rules about who is entitled to the payments (now transitional SDP elements).

The new regulations effectively substitute Schedule 2 of [The Universal Credit (Transitional Provisions) Regulations 2014](https://bit.ly/3pXRH8k).

Some key points:

* The new schedule amends entitlement to the SDP transitional element to exclude those whose award was ‘made as a consequence of the claimant becoming a member of a couple where the other member was already entitled to an award of universal credit’.

We can foresee two examples of where this could be an issue:

Example 1:

Claimant A is on UC and has since claimed Personal Independence Payment (PIP).
Claimant B is on Income Related (IR)ESA with an SDP, moves in with Claimant A and claims UC.

Under the new schedule - Claimant B is not eligible for the transitional element, as their entitlement arose out of forming a couple with someone in receipt of UC.

Example 2:

Claimant A is on UC and PIP, receiving the transitional element.
Claimant B is on IRESA with an SDP and moves in with Claimant A, claiming UC.

Not only will Claimant B not be able to get the transitional element under the new schedule, but Claimant A will lose their own element due to Regulation 56(4) of [The Universal Credit (Transitional Provisions) Regulations 2014](https://bit.ly/3oqYwyS).

In these cases it may be beneficial for claimants to move in together before the 27th January, so to be covered by the current schedule which is more generous in this respect.

There are also some instances where claims can be relinquished in advance of a move, but this is a complex area.

* Entitlement to the SDP element is extended to both members of the couple whose award featured a SDP, as from point 7.4 of the [Explanatory Memorandum to the new SDP regulations](https://www.legislation.gov.uk/uksi/2021/4/pdfs/uksiem_20210004_en.pdf):

‘The amendments in the 2021 regulations ensure that where a couple separate, both ex-partners are treated equally when being considered for a transitional SDP element when making a new single UC claim. This is positive for claimants as it extends potential access to the transitional SDP element to both members of a legacy benefit claim if they make a new claim to UC following a separation’

* Paragraph 6 allows for the SDP amount to be paid at a flat rate for the first assessment period, then subject to element erosion thereafter
* Paragraph 7 prevents double entitlement of transitional payments, by excluding a claimant from receiving a transitional SDP element, if they are awarded a transitional element as a consequence of managed migration.

**Family update** 

**What you need to know now**

**Attending court during the coronavirus pandemic**
HM Courts and Tribunals Service (HMCTS) has published the [weekly operational summary on courts and tribunals during coronavirus outbreak](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=a0cfc445c0&e=2f120d6cc8).

Remote attendance is the default position for all hearings.  However, where physical attendance is necessary, then those required to attend should seek to have a rapid (lateral flow device) Covid test prior to attendance to help stop the spread of the virus. You can check with your local authority if tests are available in your area.

The courts continue to recommend the public make [online applications for Divorce](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=91c9989023&e=2f120d6cc8) and [Child Arrangements Orders](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=16c5e204f4&e=2f120d6cc8) wherever possible.

**Separated families and contact with children in care during coronavirus**
[The House of Commons Library has updated its briefing paper](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=5c1d23b60b&e=2f120d6cc8) covering issues such as:

* Can children move between the homes of separated parents?
* How should parents comply with court orders for contact?
* How are child maintenance payments impacted?
* Can I visit my child in a care/residential home?
* What alternatives are available to child contact centres?

**National free school meals voucher scheme**
[The national free schools meals voucher scheme is now live and will run up to 12 February 2021](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=8293b81218&e=2f120d6cc8). The scheme allows the school to purchase a £15 voucher code per child each week which can then be redeemed by parents in participating supermarkets. Every school has the option to use this scheme, but they also have the choice to put in place other arrangements. Parents should contact their children’s school to find out how they will receive free school meal support. [Parents can check if their child is eligible for free school meals on Gov.uk.](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=c4d9182012&e=2f120d6cc8)

**GCSE and A Level Grades replacement scheme in 2021**
[The Department of Education and Ofqual have launched a consultation seeking views on how to award grades in a way that reflects students’ performance accurately and recognising the disruption they have faced to their education](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=ec1039cf4a&e=2f120d6cc8). It is likely that grades will be based on teacher assessments with guidance and training from exam boards.

**Consumer update **

**What you need to know now**

**Scams**
People’s heightened concerns over health and wellbeing have resulted in scams involving health products more prevalent. For example, online adverts have been identified which link to websites offering free CBD rubbing oil, with just postage to pay. CBD is a legal product derived from the cannabis plant. Having entered their card details into the websites, consumers who decided that the product was not suitable for them were still finding that withdrawals were being made from their accounts and more product was being delivered without their consent.

**Travel**
In anticipation of the re-start of their holiday programme on 1st May, [Saga has announced  on its website that it will be requesting all cruise and holiday customers travelling in 2021 have proof that they have been fully vaccinated against COVID-19](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=f4f5b2f976&e=2f120d6cc8) at least 14 days prior to departure.

A Saga spokesperson said: “The health and safety of our customers has always been our number one priority at Saga, so we have taken the decision to require everyone travelling with us to be fully vaccinated against Covid-19.”

This is a significant development in relation to Coronavirus related terms in consumer contracts, and in particular travel and holiday bookings; it will most likely to be watched closely by the rest of the industry.

**Changes to travel restrictions**
Further information regarding recent government announcements about travel can be found in the immigration section of the update.

**Debt update**

**What you need to know now**

**Financial Conduct Authority (FCA) news**
Proposal to extend ban on mortgage repossessions
Current FCA guidance on mortgage repossessions means lenders shouldn’t enforce repossessions before 31 January 2021. [The FCA have proposed extending this ban to 1 April 2021](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=80e152b664&e=2f120d6cc8). The guidance on repossession of goods under HP agreements also runs out on 31 January but the FCA isn’t proposing to extend this. We’ll bring you further details once the guidance is published.

Letter to debt purchasers
The FCA has [published a letter to Debt Purchasers and Debt Collectors](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=d54067c36f&e=2f120d6cc8) firmly reminding them that they’re required to treat customers fairly. The FCA will be focusing its work to take action where these firms breach its rules and guidance. Firms are expected to change how they operate to minimise customer harm. Please provide evidence through usual policy channels if you have case examples of debt purchaser misconduct.

**Call for ban on bailiff visits**
[The Taking Control​ group](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=ef87970869&e=2f120d6cc8) which campaigns for regulation of the bailiff industry, is urging the Government [to extend the  suspension of bailiff evictions for rent arrears to include a suspension of bailiff visits for debt enforcement](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=c61b214eeb&e=2f120d6cc8).

**Auto discard for inactive DRO applications**
On 21 January the Insolvency Service  added an automatic discard function to the DRO application system. If the approved intermediary (AI) has not opened an application for six months, the system will automatically send an email to inform them that the application will be deleted unless it’s updated within 28 days. If no action is taken, the application will be deleted and any fees paid refunded.

**Bailiff scam warning**
[Read the government’s warning](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=2f7cf4595c&e=2f120d6cc8) on scammers who are phoning members of the public, posing as bailiffs.  This guidance advises that an enforcement agent will never ask for payment by direct bank transfer.

Clients can contact their creditor to confirm that the enforcement action is genuine and also check that the correct enforcement notice has been sent before making any payment over the phone.

**Employment update **

**What you need to know now**

**Concerns over bosses breaking Covid safety rules**
The [BBC website report on breaches of Covid workplace safety rules](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=2c28b9de86&e=2f120d6cc8) states that between 6 and 14 January the Health and Safety Executive (HSE) received 2,945 complaints about safety issues. This further raised concerns about employees forced to go into workplaces that are not Covid-compliant during lockdown.

The [Observer newspaper reports that firms avoid HSE fines for breaking regulations](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=151cdc2951&e=2f120d6cc8) and that no company has been prosecuted for a Covid-related breach.

**Self-Employment Income Support Scheme (SEISS)**
The deadline for claims for the third SEISS grant closes on Friday‌‌ ‌29‌‌ ‌January - guidance on the application and eligibility rules are reproduced on the [SEISS guidance on GOV.UK](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=c0d521c738&e=2f120d6cc8).

**Long Covid**
As the long term health consequences for those struggling to recover from coronavirus become more widely known, this will have consequences in the management of employment relationships in terms of absence management or the limits of the role the worker can perform during recovery. Naturally, this may give rise to arguments around the S6 Equality Act 2010 definition of disability and the potential triggering of employer obligations in terms of reasonable adjustments.

GOV.UK England published guidance on [persistent health problems reported following acute COVID-19 disease](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=b8de0130a4&e=2f120d6cc8) and there is targeted assistance from the NHS through the creation of a [specialist Long Covid treatment hub](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=b04a81d92d&e=2f120d6cc8). There’s also a dedicated [NHS resource for Long Covid sufferers seeking to return to work](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=a1b1e0733f&e=2f120d6cc8) - it’s also worth mentioning [the potential support from the Access to Work team](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=41e594cb5c&e=2f120d6cc8).

**Immigration update** 

**What you need to know now**

**Arrivals to the UK - Travel Corridors suspended and negative Covid tests required**
[All travel corridors to the whole of the UK have been suspended](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=52b2a61bcc&e=2f120d6cc8) from 4am 18 January. All arrivals in the UK from abroad must now self-isolate on arrival for 10 days.

Additionally from 4am 18 January [all arrivals in the UK must also show a negative Covid test](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=719f7d74f2&e=2f120d6cc8) taken within the 3 days before arrival.  For arrivals in Northern Ireland this requirement only comes into force at 4am 21 January. There are some exceptions for children under 11, some medical conditions and for a few occupations.

Even with a negative test travellers to the UK must self-isolate for 10 days on arrival. In England they can opt to pay for a test after 5 days using the [Test to Release Scheme](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=46c7bb936d&e=2f120d6cc8).

These restrictions do not apply to Ireland, the Channel Islands and the Isle of Man - the Common Travel Area - as long as arrivals have only been in the Common Travel Area for the 10 days before their arrival in the UK.

**Exceptional Assurance - Visas expiring 1 January - 28 February and new application process**
There has been a problem with the online application form and [applications for Exceptional Assurance are now made by email](https://citizensadvice.us9.list-manage.com/track/click?u=f2e5709e33ab37630d8a8d4be&id=ee21a67463&e=2f120d6cc8). Anyone that applied previously on a form and is waiting for a decision should also email with all their details again.

Exceptional Assurance is for people in the UK on a visa who are unable to leave the UK due to Covid. It has now been extended to those with a visa that expires between 1 January and 28 February.

Anyone already with a grant of Exceptional Assurance who still can't leave can apply again.

**Housing update **

**Housing updates will be included in the next bulletin.**