

COVID-19 UPDATE FROM CITIZENS ADVICE BRENT – 2 JULY 2020

Benefits update

What you need to know

Sanctions and Conditionality

Following on from the comments made in parliament, changes have been made to Government web pages regarding sanctions and claimant commitments.

Several benefits pages on GOV UK used to state:

'You will not get a sanction if you cannot keep to your Claimant Commitment because of coronavirus (COVID-19)'

Those references were removed on 1st July and eligibility in the [New Style JSA guidance](#) was amended to:

'You'll also need to take reasonable steps to look for work. You must still follow the [guidance on working safely during coronavirus](#).'

This suggests that conditionality requirements, temporarily eased by Regulations [6](#) and [7](#) of [The Social Security \(Coronavirus\) \(Further Measures\) Regulations 2020](#), are now back in place.

A message remains on the Understanding UC [FAQs](#) to say a person will not be sanctioned for failure to attend a jobcentre.

HMRC Tax Credit Renewals and Scams

HMRC have [issued a reminder](#) that, for those whose tax credit award isn't automatically renewed, responses are needed by the 31st July.

The reminder also cautions against scams and includes good practice for recognising whether contact is genuine.

Parliamentary Responses

Here's a summary of written responses to questions, answered on 29th June:

- Justin Tomlinson [responded](#) to a written question and confirmed face-to-face assessments remain suspended.

- Baroness Stedman-Scott [confirmed](#) reviews and reassessments remain suspended.
- Will Quince [responded](#) to a question on fraudulent UC claims:

'If an individual approaches DWP alleging they have had their identity hijacked, we will investigate the matter.

Where a person has had their identity hijacked and their details have been used to make a fraudulent claim for Universal Credit, the Department may consider the reinstatement of legacy benefits where it is clear they played no part in the making of the claim.'

Sandie Lock in the benefits team has written an article on UC scams which you can read [here](#).

Justin Tomlinson MP is the Minister of State: Minister for Disabled People, Health and Work.

Baroness Deborah Stedman-Scott is the Parliamentary Under Secretary of State: Minister for Work and Pensions.

Will Quince is Parliamentary Under Secretary of State: Minister for Welfare Delivery

Employment update

What you need to know

CJRS version 2 or Flexible Furlough - Top Tips

As a reminder, only workers that have been furloughed for a minimum of 3 weeks between March and June can be furloughed from 1 July (exceptions for family leavers and reservists).

As the Flexible Furlough scheme begins, clients may soon be presenting with questions about issues of pay or calculation methods. [HMRC guidance](#) is provided for workers on [variable](#) and [fixed](#) rates of pay. In essence, an employer must work out how many hours a worker does normally during a pay reference period, deduct from that figure how many hours were actually worked and the balance will represent the furlough claim (at 80% of wages).

Advisers and clients may wish to remind employers of the HMRC facility to amend previous incorrect (underclaimed) furlough grant claims as shown [here](#).

- Employers may continue to maintain "full" furlough for those workers that are currently shielding, caring for others, including childcare and a variety of other operational reasons
- Employers must keep for 5 years a written record of a change to an existing furlough agreement to show flexible furlough
- Employers must [maintain records](#) for 6 years of hours worked and hours on furlough
- Employers must ensure that during "furlough time" that the worker must not perform any work for the employer
- Employers must ensure that workers on flexible furlough should not be placed on furlough for a period simply because they are on [holiday](#)

May the Fourth be with you!

The Government have helpfully issued a [guide](#) as to what we can and cannot do after 4 July (excluding Wales and currently Leicester) including the businesses that can open and that must remain closed.

Given the very real concerns about continuing infection risks as highlighted by local lockdown measures in Leicester, clients may be expressing concerns about returning to work if they are employed in those sectors due to go live on 4 July.

For advice on furloughed clients working for employers re-opening from 4 July that have continuing childcare or carer responsibilities, or that are Shielding or living with someone Shielding, please contact our expert team of advisers on 020 8438 1229 (Mon-Fri 10am to 3pm).

Housing update

What you need to know

Rough sleepers not in priority need

in this briefing we will continue looking at tactical advice for those being accommodated by the 'Everyone In' initiative. This initiative and the associated advice applies to England only.

In England, the Government has [committed](#) funding to Local Authorities (LAs) with a view that this should be used to provide ongoing support to those accommodated under the 'Everyone In' initiative - for example through assisting them in securing private tenancies or maintaining temporary accommodation until longer term housing solutions can be delivered. This means that LAs should support clients into accommodation before asking them to leave emergency accommodation.

If Brent Council has not shared their plan of how they intend to support rough sleepers you should ask them to share their plan as soon as possible - you may also find details on the plan on their website, minutes from cabinet meetings or in the local press.

If your client is currently accommodated under the 'Everyone In' initiative it's important to be realistic in assessing if they will be considered priority need. If it's unlikely that your client will be accepted as having a priority need and they are offered accommodation either via the LA or a 3rd party organisation they should be advised to accept the accommodation - this will avoid them having nowhere to go once the 'Everyone in' initiative has come to an end.

Advisers can support clients by:

- Asking the local authority if they're offering rent in advance and deposits and how these will be administered? Ask how your client can apply and what the process is so that your client avoids unnecessary delays if they find somewhere.
- Ensure any prospective properties are affordable for your client - check with the local authority to see if they're offering any additional incentives to landlords to accept rough

sleepers. Check the [LHA](#) rates for your client's circumstances to make sure they'll be able to afford the rent.

- Manage the client's expectations - if they're unlikely to be considered priority need, the LA isn't going to have an ongoing duty to provide accommodation under the normal homeless rules - there is a real risk of your client returning to rough sleeping. Your client may need to consider a room in a shared house or a hostel (where they are able to self-isolate if need be.) They may also consider seeking help from family or friends once their emergency accommodation comes to an end.

If your client is unlikely to be considered priority need it may not be in the client's best interests to pursue a homeless application if one has not yet been taken. Advisers may find their time is better spent liaising with the LA around their exit plans for rough sleepers in emergency accommodation. Nevertheless, if you believe your client does have a priority need you can support clients to make a homeless application and review negative decisions. You can refer your client for specialist housing advice.