

COVID-19 UPDATE FROM CITIZENS ADVICE BRENT – 21 OCTOBER 2021

Benefits update

Retrospective verification of identity for Universal Credit claims

The DWP exercise to retrospectively verify 900,000 Universal Credit claims made during the Covid-19 pandemic began in Spring 2021. Claimants are contacted on their online journal and asked to supply evidence to confirm their identity. Last week it was reported that some people were being asked to verify their identity by taking a photo standing next to their street sign holding a local newspaper dated the same day. Questions were asked about the authenticity of the requests until Senior Responsible Owner for Universal Credit, [Neil Couling confirmed on Twitter that claimants 'can engage with confidence' with DWP](#) requests to verify their identity in this way and that: '... this is a temporary process, tailored for the restrictions we are still under. Eventually we will be able to return to interviews in Jobcentres in cases of doubt about identity. So there's nothing to worry about here for claimants, they can engage with confidence.'

Requiring claimants to pay for childcare upfront is not unlawful

A new [Court of Appeal decision, Salvato, R \(On the Application Of\) v The Secretary of State for Work And Pensions \[2021\] EWCA Civ 1482](#) has decided that the 'proof of payment rule' requiring Universal Credit claimants to pay for childcare upfront is not unlawful.

The High Court had decided that the rule was irrational and that it discriminated indirectly against women, was not objectively justifiable, and therefore was incompatible with Article 14 of the European Convention on Human Rights (ECHR) read with Article 8 and/or Article 1

of Protocol 1. However, the Court of Appeal decided that although the rule does indirectly discriminate against women, it is objectively justifiable and not irrational.

It is not yet known whether there will be a further appeal to the Supreme Court.

Applying Personal Independence Payment (PIP) descriptors to claimants who are 'functional alcoholics'

In [Upper Tribunal decision CPIP/2229/2019 \[2021\] UKUT 226 \(AAC\)](#) the judge reviews earlier case law and gives detailed guidance around applying PIP descriptors for people with the medically recognised mental health condition Alcohol Use Disorder (AUD). The reality of alcohol addiction is highly variable, requiring tribunals to adopt a detailed fact-finding process that includes no assumptions.

The Judge makes suggestions on how to approach the reliability criteria in Regulation 4(2A) and the 50% rule in Regulation 7 of the PIP Regulations 2013 before concluding that: 'The overall question of functionality and indeed eligibility for PIP for any alcohol dependent Appellant, whether functioning or otherwise, will be entirely fact specific, and only the detailed findings of a specific and complex combination of factsabove, will be sufficient to adequately determine such a case.'

Family update

How not to draft a divorce petition

When applying for a divorce a client has to show that their marriage has irretrievably broken down, and must establish one of five facts, one of which can be unreasonable behaviour. Details of the behaviour have to be set out in some detail in the divorce petition. It has been reported that a Family Court Judge has dismissed 28 separate divorce petitions, filed by different couples, which had identical wording as to the details of unreasonable behaviour. These petitions had been submitted by the same online divorce company, an unregulated provider. The court had realised that it would have been impossible for all 28 respondents to have acted in exactly the same way! You can [read about divorce petition cases and link to the reported judgement on the Law Society Gazette's website.](#)

Consumer update

Energy

Pure Planet, Daligas, Colorado Energy and GOTO Energy have ceased trading. [Pure Planet, Daligas and Colorado customers are being switched to Shell Energy](#). At the time of writing Ofgem have not announced which company GOTO Energy customers will be moved to. The Ofgem website has a [table with full information on suppliers of last resort](#) for companies who have ceased trading, which is being updated as necessary.

Scams

People are getting [emails pretending to be from McAfee and Norton Antivirus](#), telling them that they need to renew their subscriptions. The link in the email then takes them to a phishing website which collects personal and financial information.

[Phishing emails impersonating most of the major supermarkets](#) are circulating. They have links to a fake marketing survey which encourages people to hand over their personal data.

Debt update

VAT can't be charged on most High Court enforcement fees

After many years of debate on this issue the Ministry of Justice has released [new guidance on how VAT on High Court enforcement \(HCEO\) fees should be treated](#). For new cases from 13 October 2021:

- Where the creditor is VAT registered, VAT on High Court enforcement fees should not be charged to the debt but should be charged to the creditor.
- The creditor can reclaim this from HMRC in their VAT returns.
- Where the creditor is not VAT registered, an amount equivalent to VAT on High Court enforcement fees can continue to be charged to the debt client.

The High Court enforcement officers association have issued a [press release welcoming the clarification of High Court enforcement fees](#).

Updated CCA information sheets

From 25 October 2021 lenders must start using the [FCA's updated consumer credit information sheets](#) to accompany arrears and default notices sent to borrowers. Under section 86A of the Consumer Credit Act 1974, lenders are required to include a copy of the relevant information sheet when notifying a consumer that they are in arrears or default. The new sheets are designed to provide more targeted and useful help to customers, particularly those with mental health issues.

Employment update

Guidance Updates

HMRC has updated its [guidance on how to pay back CJRS grants](#) if they have been overclaimed.

The Health and Safety Executive (HSE) has updated its [guidance for how to manage the health and safety of volunteers in the workplace](#).