Advice for Decision Making summary of changes

Amended Chapters December 2021

P2: Assessment for PIP
Amends incorporate ADM memo 04/21 and alters paragraph P2006.

U2: ESA Limited Capability for Work and Limited Capability for Work-Related Activity
Amends incorporate ADM memo 04/21 and alters paragraph U2021.

Amended Chapters November 2021

R2: JSA conditions of entitlement
Updated paras. R2554 & R2566 to make minor amendments, corrected heading to R2566 so it reflects content of paragraph about relevant education and cross reference included at para. R2554.

C1: Universal Credit - International Issues
Minor amendment made at para. C1505 to correct cross reference to para. regarding “characteristics of being a S/E person rather than a worker.”

S4: JSA Sanctions – General principles
Small amendment to alter some wording at Note 3 of para. S4026.

S7: JSA Low-level sanctions
Amendments made to change legal refs from WR Act 2012 to JS Act 1995 – a commencement order of WR Act 2012 enacted amends to JS Act 95 to give powers to administer JSA(NS) so all legal references should be to JS Act 1995. This affects paras. S7002, S7009, S7010, S7016, S7021, S7022, S7024, S7031, S7046 & S7061.

S5: JSA Higher-level sanctions
References to WR Act 2012 amended to JS Act 95 at paras. S5002, S5021, S5041, S5061, S5071 & S5081

S6: JSA Medium-level sanctions

A2: Claims
Minor amendments made to paragraphs A2140 – A2142.

D2: Third Party deductions UC, JSA & ESA
The amendment of S.I. 2021/1077 which came into force on the 29/10/2021, changed the amount of deduction to a flat rate of 5 per cent for court fines. Amendments to the following paras. reflects this change. D2354 removed minimum rate of 5% and maximum rate of £108.35 to flat rate of 5%. D2357 removed where the maximum deduction rate is made - no
longer applicable. D2358 para. omitted as referred to when the Maximum deduction rate is applied. D2043 priority list 'number 17' omitted as it applied to when the minimum amount of deduction was exceeded.

A5: Appeals - PIP, UC & new style ESA and JSA
A5600 Appendix 2 – Aide for memoire added for DM to consider hardship at point 3.1 – ‘but give consideration as to whether this may cause hardship (see A4321 and chapter 2 of the suspension and termination guide)’ added.

F7: Childcare costs element
ADM Memo 06/20 incorporated at F7015. Legal ref added to F70343. Changes made to F7002, F7011 and F7012 to make clear in respect of whom CCCs are properly payable, and clarifying what is meant by paid work, with a further example added. Note added to end of F7065 to clarify that CCCs can be paid for a maximum of 3APs and changes made to tighten the guidance on excessive childcare costs at F7084 and F7086.

S4: JSA Sanctions – General principles
These encompass an addition of new paragraph and renumbering at S4001 – S4005 to assist in understanding of how WR Act 2012 amended JS Act and throughout the Chapter ensure all legal refs refer to JS Act 95 and not WR ACT. Additional para re Hardship added at S4005 to avoid confusion. Changes to legal refs at paras S4011 – S4025 and at para S4066.

Amended Chapters October 2021

U1: ESA conditions of entitlement
Amendment to para. U1011 as it omitted 2 basic conditions of entitlement, namely the requirement to have accepted a claimant commitment, and not be entitled to IS.

C2: Personal Independence Payment
Amendment to ADM Chapter C2 to incorporate ADM Memo 31/20.

S4: JSA Sanctions – General principles
The removal of para. S4031 and references to regulation 18(4) due to cif JSA and ESA (Amendment) Regulations 2021 [S.I. 1132] on 1.11.21 to align with UC. Note added to S4026.

S5: JSA Higher-level sanctions
Amendment to ADM Chapter S5 to remove references to regulation 18(4) with cif of JSA and ESA (Amendment) Regulations 2021 from 1.11.21. This affects paragraphs S5011, S5016, S5008 and S5022.

S6: JSA Medium-level sanctions
Small changes made to S6010 and S6011

S7: JSA Low-level sanctions
Amendments to remove reference to regulations 18(4) due to cif JSA and ESA (Amendment) Regulations 2021 [S.I 1132] from 1.11.21 removes paragraphs S7017,
renumbered S7018 and some changes to wording in paragraph S7023.

**ADM Abbreviations**
Abbreviations “PBL - Parental bereavement leave” and “PBP - Parental bereavement payment” added.

**G1: Work capability assessment**
Amendment to paragraph G1105 to incorporate ADM Memo 4/21.

**U2: ESA Limited Capability for Work and Limited Capability for Work-related Activity**
Amendment to paragraphs U2021, U2176, U2480 and U2755 to incorporate ADM Memo 4/21.

**Amended Chapters September 2021**

**K2: Good Reason**
Amendment made to example at paragraph K2144.

**K5: Low Level Sanctions**
Some slight amendments to Restart scheme guidance at paragraph K5086 et seq following rewrite by Operations of Spotlight guidance.

**Amended Chapters August 2021**

**A1: Principles of Decision Making and Evidence**
Paragraphs A1002, A1003 and A1004 amended to make reference to the Secretary of State gender neutral.

**A4: Supersession, suspension and termination**
Various amendments as follows:
- A4018 - regulation 26(1)(a) of the D&A Regs 2013 added to the list of possible grounds for supersession and so consistent with other paragraphs;
- A4116 - example following this paragraph has been amended to reflect the correct effective date following supersession;
- A4117 amended and A4118 added with new example to enhance guidance for closed period supersessions;
- A4220 - new example 2 added to demonstrate the link between an award of DLA and entitlement to the carer element in UC meaning that the effective date is governed by para. 31, schedule 1 of the D&A Regs 2013;
- A4274 - example under A4274 improved to reflect the law in respect of revision and supersession for ignorance or mistake as to a material fact.

**A5: Appeals - PIP, UC & new style ESA and JSA**
Amendment made at paragraph A5160, there are 2 sets of examples numbered 1, 2, 3 and 1, 2, 3, 4. These have been renumbered so that the second set of examples is 4, 5, 6, 7 thus making clearer for DM’s to follow.
F6: Carer element
Paragraph F6042 and an example added to make clear a carer element is payable to a claimant who claims UC after the death of the person they cared for, if CA is in payment.

J1: The claimant commitment
New paragraph inserted at J1028, note added at J1031, amendments made to notes and examples at J1034 as well as new note 3 and new example 4 added, slight amendment made to J1006 note 2. These amendments clarify the position on approach to changing and reviewing claimant commitments.

J2: Work related groups
Minor amendment to add in a cross reference to Chapter J1 at J2124 and title numbers of the section altered to J2131 – J2999 as were previously showing as K2131 – K2999.

J3: Work-related requirements
Note added to J3311 and new guidance inserted at J3317 to J3320 regarding setting work-related requirements as coronavirus restrictions are eased and lifted.

K5: Low Level Sanctions
Minor amendments made to incorporate a note and cross reference to Chapter J1 at paragraphs K5361, K5364 and K5365.

Amended Chapters July 2021

A5: Appeals - PIP and UC only
Paragraph A5161 has been removed due to the implementation of the Best Practice Memorandum. Renumbering has also been corrected

A3: Revision
Paragraph A3098 amended to include reference to the Best Practice Memorandum (BPM) and to direct the use of this when DM’s are considering partial revisions. There has also been some rewording to make the lapsing process clearer. Numbering on the subheading from A3099 to A3094 is also corrected.

A5: Appeals - PIP and UC only
Paragraphs A5160 and A5161 amended to include reference to the Best Practice Memorandum (BPM) and to direct the use of this when DM’s are considering partial revisions. There has also been some rewording to make the lapsing process clearer

K2: Good Reason
Inserts a new paragraph at K2381 to align the new guidance on fire, flood, pestilence and coronavirus with ADM Chapter J3; inserts relevant cross references at K2051 (added number 15 to the list) and K2175; makes some minor typo amends to K2371 and examples at K2372; and makes changes to spare paragraph numbers at K2373.

L2: Sure Start Maternity Grant
Amendments made – delete content and added link

Amended Chapters June 2021
C1: Universal Credit - International Issues
Updated to include some examples regarding temporary absence for medical treatment at C1988.

D2: Third Party deductions UC, JSA & ESA
Amendment made to the note under D2038.

K3: Higher Level Sanction
Amends and Further guidance added regarding Kickstart scheme and an example at K3330 – K3343.

K5: Low Level Sanctions
Guidance inserted on Restart Scheme at K5051 and K5086 – K5087.

Amended Chapters May 2021

U1: ESA Conditions of Entitlement
The amendments include additional guidance on late payment of contributions, expand the guidance on waiting days, update the lower earnings limit appendix, and make miscellaneous changes.

G3: Limited Capability to work and work-related activity
Minor amend note 2 added under G3005 to cross reference ADM Chapter F5.

Amended Chapters March 2021

A4: Supersession, suspension and termination
A4001 – M1 no longer exists. DM now referred to chapters S8 and V8.
A4012 – Hopeless applications, text amended for clarity.
A4103 – Example 2 amended so that the notification of change is made within the relevant notification period.
A4130 – Relinquishment in UC, the guidance has been changed back to its original format. In September 2019 the guidance was amended to say that the date of change for UC cases is the first day of the AP that follows the one in which the decision is made. This was on the basis that the claimant cannot surrender benefit for a past period. In UC Live Service, this could have occurred if the award was superseded from the first day of the AP in which the decision was made. This is because payments were sometimes issued before the end of the AP. In UC Full Service (Digital), payment is not made until the first day of the next AP. This means that a supersession carried out from the first day of the AP in which the decision was made, will not result in payment being surrendered for a past period.
A4213 – Example added to clarify time limits in reg. 36(3)(b) for UC cases.
A4218 – Amended to include PIP in the title.
A4220 – Title amended and example added to demonstrate the effective date rule when a UC claimant becomes entitled to another relevant benefit.
A4221 – Point 2.2 clarified to take into account the required period in PIP.
A4274 – Original example 2 removed as it did not demonstrate ‘ignorance or mistake as to a material fact’.
A4312 – A4313 Paragraphs amended to further clarify Reg. 40(1) and (2) –
Determinations as to LCW
Paragraphs renumbered from A4314 – A4345.

**Amended Chapters February 2021**

**H5: Unearned Income**
Note added at H5010 Occupational pensions

**L4: Funeral payments**
Minor amendments made to this chapter.

**H4: Earned income - self-employed earnings**
Reference to ADM Memo 22/18 removed (this memo now fully incorporated) and guidance at H4377 updated accordingly.

**H5: Unearned income**
Removal of reference to Memo ADM 16/19 (Funeral Support Payments) at H5060 as memo now fully incorporated into guidance.

**J1: The claimant commitment**
Amendment to wording in J1030 et seq to align with chapter J2.

**J2: Work related groups**
Amendments align and update language used. Add cross references with the other J chapters and the series of K chapters regarding sanctions. To include considerations of the public law principles of fairness as per the 'Reilly/Wilson' rulings in the Supreme Court and to provide clarity and consistency of messaging for DMs, when claimant’s change groups and a new claimant commitment is required. This has caused some problems with DMs in the field and hopefully this will now make the messaging clearer.

Paragraphs amended are: J2001, J2002 (added cross refs and a Note), J2004, J2101, J2106 (added a Note), J2107(added a Note), J2112, J2113 (Example altered), J2121 (Note in wrong place and numbering of examples wrong – a change to text of the Note), J122 (Note added), new paras inserted J2124 & J2125, and new paragraphs added at J2131 et seq.

**J3: Work-related requirements**
Significant updates and changes made to reflect consideration of public law principles of fairness and the Supreme Court rulings in Reilly/Wilson and align with guidance in sanctions chapters and policy intent.

New guidance also inserted in respect of ‘home schooling’ (J3170), ‘Fire, flood, plague & pestilence’ (J3301 et seq) and ‘coronavirus’ (J3311). References to Memo ADM 4/20 removed and incorporated coronavirus guidance at J3311.

Paragraphs amended: J3001, 002, 005, 007 & 008; J3020-J3023; J3027 & J3028; J3031-J3034; J3040-J3042; J3051, 052, 054, 058, 061 & 063; J3080, 084, 085, 086, 088, 089, 093 & 096; J3100-J3105, 108 & 109; J3113; J3160, 162, 166 to 179; J3187; J3191; J3226; J3252-J3257.
L3: Social Fund - Funeral Payments
Guidance at L3107 updated to reflect EU Exit related changes.

V3: ESA – effect of work
The amendment is to include the National Minimum Wage rate from 1.4.20.

Amended Chapters January 2021

A2: Claims

A3: Revision
A3089 amended to remove reference referring to ‘credits’. Regulation 17 of the D&A 2013 regulations, only refers to paid national insurance contributions and not credits.

J1: The claimant commitment
Changes made to paragraphs J1001, 2, 3, 4 and 6 and J1026, 27 and 30 – 34. These changes reflect the current policy regarding public law principles of fairness and the Supreme Court rulings regarding ‘Reilly/Wilson’. Cross referenced and align with guidance in sanctions chapters.

K2: Good Reason
A ‘Note 2’ added at K2151 regarding Kickstart scheme jobs and guidance inserted regarding National Retraining Scheme at K2268

K3: Higher Level Sanctions
K3330 new guidance on Kickstart Job scheme and Note/cross references at K3051 and K3301 inserted. Guidance on the National Retraining Scheme inserted at K3263

K5: Low Level Sanctions
Reference to Kickstart Job scheme at K5052 inserted

Amended Chapters December 2020

C1: Universal Credit - International Issues
C1812 minor wording change to provide clarification

L3: Social Fund - Funeral Payments
This chapter now includes clarification on Discounts

L4: Social Fund - Cold Weather Payments
This chapter now covers all qualifying benefits (guidance on Cold Weather Payments formerly located in DMG Chapter 39 is now here.)

Amended Chapters November 2020
Amended Chapters October 2020

A1: Principles of Decision Making and Evidence
Chapter reference to the definition of new style JSA/ESA at A1001 Note 1 updated.

A2: Claims
A2009 has been amended to reflect the correct definition in DMG, para 02004, point 2.

A5: Appeals - PIP, UC & new style ESA and JSA
Various amendments: paragraphs A5591–A5452 have been removed and replaced with A5030; paragraph A5602 – DMG 06564 et seq has been removed and replaced with A5564 et seq; typo corrected at paragraph A5680 3.1. (word “with” has been replaced with “would”.)

B1: Common Subjects, Payment of UC, PIP, ESA and JSA
Chapter reference to the definition of new style JSA/ESA at B1001 Note 1 updated.

D1: Overpayments, Recoverability, Adjustments, Civil Penalties and Recoupment – UC, JSA
Chapter reference to the definition of new style JSA/ESA at D1001 Note 1 updated.

D2: Third Party deductions UC, JSA & ESA
Chapter reference to the definition of new style JSA/ESA at D2001 Note 1 updated.

E5: Benefit cap
Amendments made to incorporate ADM Memo 14/20.

Amended Chapters July 2020

D2: Third Party deductions UC, JSA & ESA
Various small amendments to D2002, D2025, D2032 & D2043 to remove references to deductions for child support maintenance under paragraph 10 of Schedule 6 to the Universal Credit etc. (Claims and Payments) Regulations 2013 (SI 2013/380) which has been deleted; paras D2225 to D2230 are also removed as they refer to deductions under the above deleted legislation.

D3: Deductions from benefit for child support maintenance - UC, JSA & ESA
This chapter has been re-written to remove redundant material and reorganised.
Amended Chapters June 2020

A1: Principles of Decision Making and Evidence
The changes enhance the guidance on evidence by adding paragraphs on “Relationship breakdown” (A1322) and “Contacting third parties” (A1323) as well as making some consequential amendments.

E2: Benefit unit, awards and maximum amount
Definition of a couple amended at E2003 (SI 2019/1458), minor amends made to some cross referencing and ‘Note’ added at E2016 for clarity.

E5: Benefit cap
Makes a minor amendment to the Example at E5051.

F1: Child Element
Amounts for child element and disabled child addition amended at F1110 and F1123, following up-rating.

F2: Housing costs element – general conditions
Minor amends made to some cross referencing.

F3: Housing Costs Element: Support for renters
Note added to F3112 to make clear transgender children won’t be allocated an additional bedroom; Up-rating memo ADM 3/20 incorporated at F3140; F3234 amended to make clear there is no time limit for this exception to apply; ADM 14/17 incorporated at new para at F3252.

H1: Capital
Paragraph on “Capital outside of the UK” amended and renumbered as H1603.

L2: Social Fund - Sure Start Maternity grant
Makes a minor amendment to wording of L2036 to reflect change in the definition of a “couple”.

L3: Social Fund - Funeral Payments
Paragraph L3282 is amended to reflect the fact that the amount for “other funeral expenses” has increased from £700 to £1000 for deaths occurring on or after 8.4.20.

S4: JSA Sanctions – General principles
Incorporates ADM memo 19/19, adds a note to S4030 “Maximum reduction period” and adds guidance on “The public law principles of fairness” at S4081 and S4082.

S5: JSA Higher-level sanctions
Incorporates ADM memo 19/19 (paragraphs S5006 to S5011 refer

Amended Chapters February 2020

Abbreviations
“FSP” - Funeral Support Payment and “CFF” - The Children’s Funeral Fund for England added to list.

A3: Revision
Incorporates Memo ADM 8/19 (Late application for a mandatory reconsideration), makes minor changes to correct cross references and examples that no longer apply and signposts to the new Annex A (Late application for a Mandatory Reconsideration (MR)).

A5: Appeals - PIP and UC only
Amendments made to reflect the decision in CDLA/998/2017 (which now reported as [2018] AACR 33), in respect of where a claimant with an appointee is not precluded from bringing an appeal independently (A5003) and the power the First-tier Tribunal have in appointing a litigation friend (A5065).

Annex A: Late application for a mandatory reconsideration (MR)
Addition of this new annex.

C1: International Issues – Universal Credit
Incorporates Memos ADM:
14/18 (Undocumented Commonwealth Citizens Resident in the UK-UC),
9/19 (Right to reside-EU Settlement Scheme (EUSS)-UC),
14/19 (Right to Reside-UC)
21/19 (Right to reside-EEA National who ceases self-employment because of the physical constraints of the late stages of pregnancy and the aftermath of childbirth – UC);
reference to “temporary admission” at C1063, C1065 & C1682 amended to read “immigration bail” – implements changes to Sch 10 of the Immigration Act 2016 from April 2019; C1068 - ‘Note’ added to guidance regarding No Recourse to Public Funds (NRTPF); C1403, C1410 & C1417 - jobseeker guidance added to mirror DMG guidance at 073080, 073093 & 073101 respectively; C1411 - example on removal of waiting days’ added; C1599–C1601 & C1737–C1739 - amendments made in relation to extended family members – these amendments implement the CJEU judgment of Banger, which allows extended family members who meet certain conditions, to benefit from the CJEU ruling in Surinder Singh; C1619 amended to implement Gubeladze judgment that A8 extension period was disproportionate and unlawful; C1838 - ‘Note’ added to guidance to refer to Gubeladze judgment (SSWP v. Gubeladze [2019] UKSC 31); various other minor amendments made throughout chapter.

E2: Benefit unit, awards and maximum amount
Extra paragraphs at E2134 et seq which gave advice depending on whether a claimant was in a UC digital service area have now been amalgamated as there is now only UC (digital service). E2172 also amended to refer to a child element.

E3: Special Cases
Paragraphs E3040 – E3042 amended to make clearer how UC for a single claimant or a member of a couple is, affected when a claimant is a prisoner.

F1: Child Element
Incorporates Memo ADM 22/18 (Universal Credit - Miscellaneous Amendments) at paragraphs F1008 to F1035, updated rates at F1110 to make clear there are two rates of child element and minor amendments made to F1072.
F2: Housing costs element – general conditions
Minor amendments made to cross references and legal refs, a ‘Note’ is added to F2005 regarding 18-21 year olds, F2041 now includes berthing fees, F2051 is amended to include sinking funds, and F2150 & F2153 now show that landlords in Wales are also required to be registered.

F3: Housing Costs Element: Support for renters
Incorporates Memos ADM 5/17 (Universal credit - removal of the spare room subsidy), 6/17 (Housing Costs Element for UC Claimants aged 18 to 21) and 22/18 (UC - Miscellaneous Amendments) and makes various minor amendments.

F4: Housing Costs Element: Support for owner occupiers
Removes reference to Memo ADM 9/18 at beginning of chapter.

F5: The LCWRA element
Amendments include additional guidance on when the relevant period does not apply, as well as making minor changes.

F6: Carer element
Guidance has been expanded to clarify that a claimant’s earnings are irrelevant to the question of entitlement to the carer element. Former paragraph (F6030) defining a severely disabled person has been removed and DMs are instead directed to DMG chapter 60. Also some re-ordering of paragraphs.

G1: Work capability assessment
Incorporates Memo ADM 16/17 (UC and ESA: further evidence of LCW). This memo was about changes to the guidance for HCPs (Health care professionals) about when to obtain further evidence. That guidance has now been incorporated into the HCP guidance. Note added at G1075 to refer DMs to existing guidance on the role of medical services in gathering information for the WCA.

G2: Limited capability for work
Incorporates Memo ADM 16/17 (UC and ESA: further evidence of LCW). This memo was about changes to the guidance for HCPs (Health care professionals) about when to obtain further evidence. That guidance has now been incorporated into the HCP guidance. Note added at G2105 to refer DMs to existing guidance on the role of medical services in gathering information for the WCA.

H1: Capital
Minor changes made in paragraphs H1643 and H1647.

H2: Capital disregards
Incorporates Memos ADM 16/19 (Funeral Support Payments) and 18/19 (Capital Disregards).

H6: Students & Student Income
2019-2020 amount added at paragraph H6133 (Postgraduate Master’s Degree Loans).

J3: Work-related requirements
Typo corrected at paragraph J3254.
K3: Higher Level Sanctions

L2: Social Fund - Sure Start Maternity grant
Incorporates Memo ADM 20/18 (Change to the time for claiming a Sure Start Maternity Grant) and clarifies the advance claim provision. Incorporates Memo ADM 23/18 (Best Start Grants).

L3: Social Fund - Funeral Payments
Incorporates Memo ADM 16/19 (Funeral Support Payments) and Memo ADM 13/19 (Children’s Funeral Fund for England). Clarifies the advance claim provision at L3133 and clarifies the position regarding estimates at L3139.

M6: Effects of transition to UC – Digital service area
A further example of the effect on a UC award of a decision on old style ESA or JSA being revised or changed on appeal is added at M6316.

R1: JSP’s and JSA contribution conditions
Incorporates Memo ADM 28/16 regarding the effects of changes to the collection of Class 2 NI contributions.

U1: ESA conditions of entitlement
Incorporates Memo ADM 28/16 about the effects of changes to the collection of Class 2 NI contributions.

U2: ESA LCW & LCWRA
Incorporates Memo ADM 16/17 (UC and ESA: further evidence of LCW). This memo was about changes to the guidance for HCPs (Health care professionals) about when to obtain further evidence. That guidance has now been incorporated into the HCP guidance. Note added at U2160 to refer DMs to existing guidance on the role of medical services in gathering information for the WCA.

V1: ESA amounts of allowance and part-week payments
Incorporates Memo ADM 12/17 (Bereavement Support Payment – Consequential Amendments) at paragraph V1324.

Amended Chapters October 2019

A4: Supersession, suspension and termination
A4130 point 4 and example amended.

A5: Appeals - PIP and UC only
Small amendments made at A5003 and A5065 to correct legal references.

F7: Childcare costs element
Takes account there are no longer any UC claimants on the ‘Live Service’. Also takes into account changes for time for notifying childcare costs from 16.10.19.

G1: Work capability assessment
Correction of legal refs at G1034

H1: Capital
Incorporates paragraph 6 of ADM Memo 22/18 at H1882.

J3: Work-related requirements
J3233 reworded and an extra example inserted.

K1: Sanctions – general principles
Minor amends to clarify the position regarding weighting the evidence of generic requirements on a Claimant Commitment when considering a sanction

K2: Good Reason
Minor amendments to incorporate some new illustrative examples from the ‘CARE’ campaign

M5: Claims for UC – Digital service area
Incorporates ADM Memos 01/19 about claimants entitled to the SDP; 03/19 about the abolition of tax credits, ESA(IR) and JSA(IB); and 10/19 about restrictions on claims from mixed-age couples.

M6: Effects of transition to UC – Digital service area
Incorporates ADM Memos 19/18 about treatment of arrears of benefit and 15/19 about the UC transitional SDP amount; adds two new topic groups – “Treatment of arrears of benefit and concessionary payments of £5,000 or more” and “Transitional SDP amount” and makes some minor amendments.

S8: JSA transition
Remove references to the Live Service; Incorporate ADM Memos 1/19 about the SDP Gateway and 3/19 about the abolition of JSA(IB); Minor amendments

V8: ESA transition
Remove references to the Live Service; Incorporate ADM Memos 1/19 about the SDP Gateway and 3/19 about the abolition of JSA(IB); Minor amendments

Amended Chapters June 2019

C1: International issues - Universal Credit
Various amendments including: incorporation of Memo ADM 21/18 throughout; C1003 - amendment to “meaning of EEA national”; C1050 - additional para inserted on “Person subject to immigration control & EU right to reside”; C1090 – C1095 - new paragraphs on “Dual Nationals”; C1476 – C1478 - new guidance added regarding ‘retaining self-employed status’; C1599 - additional guidance added to text; C1680 – C1684 - new guidance added on “Section 67 Leave To Remain”; C1830 – C1831 - new paragraphs on “Sharing equal responsibility”; C1833 - new guidance on “Best interest of the child”; C1925 - new guidance on “Croatian Restrictions End”; various minor amendments made throughout chapter.

C2: International Issues - Personal Independence Payment
Minor amendments and new guidance inserted at C2012 – “Person subject to immigration control & EU right to reside.”
E2: Benefit unit, awards and maximum amount
Minor amendments and 2019 up-rating changes incorporated.

E3: Special Cases
Definition of a “prisoner” in E3031 updated.

J3: Work-related requirements
Notes added to J3001, J3002, J3005 and J3031 to reflect developments in case law.

K1: Sanctions – general principals
Incorporates Memo ADM 5/19 and makes other minor amendments.

K5: Low-level sanctions
Incorporates Memo ADM 5/19, makes other minor amendments and includes some new guidance on “group information sessions” to clarify the position and align with guidance already in the DMG for legacy benefit JSA.

K6: Lowest-level sanctions
Incorporates Memo ADM 5/19.

P3: Hospitals, Similar Institutions and Care Homes
Updated ‘payability’ flowchart at Appendix 1.

P4: Exceptions to normal payability rules
Term “hospital” changed to “hospital (or similar institution)”; new para and example added at P4022 regarding “When moving between prison and hospitals (or similar institutions) or care homes”.

S2: JSA & Employed earners
Minor additions to Appendices 2 and 3 as a result of 2019 up-rating changes.

V5: ESA and self-employed earners
Appendices 1 and 2 brought up to date.

Amended Chapters March 2019

A1: Principles of Decision Making and Evidence
Expands guidance at A1405.

A2: Claims
Makes an amendment to A2151.

B1: Payment of UC, PIP, ESA and JSA
Paragraph B1006 is amended because the Simple Payment Scheme has been replaced by HM Government Payment Exception Service.

B3: Evidence of age and death
Incorporates Memo ADM 04/19 and makes minor and consequential changes.
D2: Third Party deductions UC, JSA & ESA
Removes reference to Memo ADM 09/18 at D2001, incorporates Memo ADM 09/19 at D2090 - D2098 and amends wording slightly at D2131 to reflect the legislation.

D4: Loan interest payments paid direct to qualifying lender UC, JSA & ESA
The guidance in this chapter now no longer applies and has been removed. As a result, this chapter is now spare.

E2: Benefit unit, awards and maximum amount
Incorporates Memos ADM 11/17 & 04/18, legal references updated and some unnecessary references to single/couples removed from the ‘prisoner’ paragraphs.

E3: Special Cases
Incorporates Memos ADM 11/17 & 04/18, legal references updated and some unnecessary references to single/couples removed from the ‘prisoner’ paragraphs.

F1: Child Element
Amends paragraphs referring to ‘fostering/guardianship’ and ‘looked after children’, and makes clear a disabled child addition is payable even if a child addition is not in payment (because of the two child maximum). The “old” paragraphs around the two child maximum for the period 6.4.17 to 31.1.19 have been moved to an appendix. Memos ADM 10/17, 22/18 & 2/19 are also incorporated.

H2: Capital disregards
Incorporates Memos ADM 19/18 and 23/18.

H4: Earned income - self-employed earnings
Amends H4079 where HMRC website address corrected from “co.uk” to “gov.uk”.

H6: Students & Student Income
Adds a note to H6137.

J3: Work-related requirements
Update to J3042 - removing all reference to MWA scheme, including footnote to regulation 114 and cross reference to Chapter K3.

K1: Sanctions – general principals
Provides new material at K1006 and adds extra notes to K1008; incorporates material on ‘meaning of fails to comply’ and ‘inappropriate behavior’ from chapter K5 and expands on the guidance including new paragraphs on ‘Conduct’ and ‘Prior conduct’ – this is as a result of case law; updates and expands guidance on ‘Public Law Principles of Fairness’ at K1151 et seq and expands guidance on ‘Participating in an interview (other than the initial interview)’ at K1181 adding further notes and examples.

K2: Good Reason
Makes minor amends.

K4: Medium–level sanctions
Incorporates changes to the Universal Jobmatch account.

**K5: Low-level sanctions**
Moves material on ‘Meaning of fails to comply’ and ‘inappropriate behaviour’ to chapter K1, adds extra guidance regarding ‘failing to take part in an interview’ at K5321 to K5324, adds a further note to K5051 and a note to K5092 to refer to case law in chapter K1, and makes various minor amendments.

**M3: Claims for UC – Gateway conditions**
Incorporate Memos ADM 13/18 and 18/18.

**M5: Claims for UC – Digital service area**
Incorporates Memos ADM 13/18 and 18/18 about postcodes transferred from UC Live Service to Full Service.

**P1: PIP – Conditions of Entitlement**
Makes amendments to P1013 to remind people that the pensionable age is increasing, to direct them to the part of the ADM where the detail on how that works is contained, and also some changes to examples to make sure they accord with these changes; amends Note 3 at P1031 and adds a new Example 5 to this paragraph.

**P4: Exceptions to normal payability rules**
Makes amendments to P4085 and P4086 to remind people that the pensionable age is increasing, to direct them to the part of the ADM where the detail on how that works is contained, and also some changes to examples to make sure they accord with these changes.

**P5: Transitional provisions**
Makes amendments to P5055 & P5056 regarding ‘Negative determination is revised or successfully appealed’.

**R4: JSA claimant responsibilities - work-related requirements**
Incorporates paragraphs 13 to 16 of Memo ADM 04/18.