Advice for Decision Making

Amended Chapters for 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.