

## Freedom of Information request

**Date received:** 17 May 2016

**Date of response:** 15 June 2016

### Information request

#### ***The Social Fund Winter Fuel Payment (Amendment) Regulations 2014***

*I should be grateful if you would send me copies of all correspondence between the Social Security Advisory Committee and Government Ministers, civil servants and the Met Office on the subject of the above statutory instrument, Met Office Report and initial feasibility study.*

*Please also send me an explanation of why the SSAC decided to take no interest in the decision to link eligibility to be paid the WFP to an alleged study of winter temperatures in 34 countries.*

*It would be helpful if you could send me an explanation of the powers of the SSAC and an example of an occasion when the committee has disagreed firmly and publicly with a social security policy proposed or enacted.*

### Response

I attach the information held by this Committee which is relevant to your request and not exempted by section 35 of the Freedom of Information Act 2000. As you may be aware, this exemption relates to the formulation of government policy and we consider that the exemption applies to some of the information that we hold because it is intended to protect the space within which Government can think and develop its policies without prejudice.

You have asked for an explanation of the Committee's decision in respect of these proposals. This is set out in the minutes of the Committee's meeting which took place on 10 April 2013. The minutes of our meetings are published, alongside the dates of Committee meetings and a full set of SSAC reports, on our website [www.gov.uk/ssac](http://www.gov.uk/ssac).

You have also asked for an explanation of the Committee's powers. The Committee's role is set out in the [Social Security Administration Act 1992](#).

Finally, you have asked about the Met Office Report, *Winter average temperatures for EEA countries and their regions*, and the initial feasibility study for this report. I can confirm that, to the best of my knowledge, the Committee does not hold any additional relevant information.

### **Following a request for an internal review, the following further response was issued:**

Having reviewed your request, I have decided to release the two remaining pieces of information that we hold relating to the above regulations, namely an

exchange of correspondence between the Committee and the then Minister for Pensions. These documents, along with those previously released, form the complete set of documents held by this Committee relating to the above regulations.

Ms Denise Whitehead  
Committee Secretary  
Social Security Advisory Committee  
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Date

26 March 2013

Dear Denise,

**THE SOCIAL FUND WINTER FUEL PAYMENT (AMENDMENT) REGULATIONS 2013**

I am writing about the above draft Regulations that propose:

- making provision for payment of Winter Fuel Payments in other European Economic Area countries and Switzerland which have cold climates;
- introducing a requirement (which already applies as a consequence of case law of the Court of Justice of the European Union) for people claiming a Winter Fuel Payment from other European Economic Area countries/Switzerland to have a genuine and sufficient link with the United Kingdom; and
- introducing a cut off date for claims for the first three years of the Winter Fuel Payments scheme (1997/98 to 1999/2000 (inclusive)).

The Committee is asked to consider the proposals explained in the attached Explanatory Memorandum (**Appendix 1**).

The draft Regulations template is also attached (**Appendix 2**) along with a "Keeling version" of the effect of the proposed amendments (**Appendix 3**) which I hope you find useful.

We have conducted an Equality Analysis and have concluded that the proposed policy changes will not discriminate unlawfully against any particular groups.

I hope this is useful. Please contact me further as required.

Yours sincerely,

*Signed and e-mailed*

  
Pensioner Welfare Division



## Appendix 1

### EXPLANATORY MEMORANDUM FOR THE SOCIAL SECURITY ADVISORY COMMITTEE

### THE SOCIAL FUND WINTER FUEL PAYMENT (AMENDMENT) REGULATIONS 2013

#### The proposed changes

1. The proposed amendments to the Social Fund Winter Fuel Payment Regulations 2000 (SI 2000/729):
  - make provision for payment of Winter Fuel Payments in other European Economic Area (EEA) countries and Switzerland which have cold climates - Reg 2(2);
  - introduce a requirement (which already applies as a consequence of case law of the Court of Justice of the European Union (CJEU)) for people claiming a Winter Fuel Payment from other EEA countries/Switzerland to have a genuine and sufficient link with the UK – Reg 2(3); and
  - introduce a cut off date for claims for the first three years of the Winter Fuel Payment scheme (1997/98–1999/2000). Currently people can still claim for those years – Reg 2(4).
2. Similar amendments will be made to the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000 (SI 2000/91).

#### Background

3. Winter Fuel Payments were first paid for winter 1997/98. They are an annual payment made to most people over women's State Pension age who are ordinarily resident in the UK during a qualifying week (from winter 1999/2000, the qualifying week has been the third full week in September).
4. The rates for winter 2012/13 are: £200 for someone who has reached women's State Pension age but is under 80; and £300 for someone aged 80 and over. A shared rate is paid where people share a household with others who are also eligible. The first Winter Fuel Payments rates for winter 1997/98 were: £20 for eligible households; and £50 to poorer older people on Income Support or income-based Jobseeker's Allowance.
5. In winter 2011/12, more than 12.6million payments were made in Great Britain at a cost of £2.1billion.
6. Since 2002, Winter Fuel Payments have been exportable to people who first acquired the benefit in the UK and then moved to another EEA country or Switzerland (for simplicity referred to below as EU).
7. In winter 2011/12, the EU Winter Fuel Payment caseload was around 75,000 at a cost of around £13million.

8. Following a 2011 CJEU judgment in the case of *Stewart C-503/09*, DWP can no longer require that Winter Fuel Payments must be acquired in the UK where the claimant is subject to the EU social security co-ordination legislation (Regulations EC 1408/71 or EC 883/04) and has a genuine and sufficient link with the UK. We do not know how many people may qualify as a result but, as a proxy, around 440,000 people living in the EU receive a UK State Pension and therefore may be potentially eligible. In winter 2012/13, we received a significant number of additional claims as a result of the extension to entitlement in the EU.
9. The primary aim of Winter Fuel Payments is to provide reassurance that people can keep warm during periods of cold weather. Ministers are concerned about paying Winter Fuel Payments in countries within the EU where the weather is generally warmer than the UK. Therefore, DWP has been considering ways of ensuring that the payment is better targeted on people who live in countries with a cold climate.

### **Policy proposals**

#### Genuine and sufficient link

10. The DWP began to operate the extended eligibility policy, along with a genuine and sufficient link test, in winter 2012/13 following the judgment in *Stewart*. (The CJEU held member states could require claimants of non-contributory benefits to demonstrate a genuine and sufficient link with that state in order to qualify for such a benefit).
11. The genuine and sufficient link test takes into account several factors, for example: receipt of a UK benefit; periods of residence or work in the UK; family factors; and the length of time a person has spent out of the UK. There are no hard and fast rules about, for example, the minimum amount of years someone must have lived and worked in the UK in order to pass the test. Rather, the decision maker must consider all the relevant factors on a case-by-case basis when reaching a decision. People who have lived or worked in the UK for a significant period of time are likely to meet the conditions.
12. A genuine and sufficient link test is also used in relation to the export of certain other residence-based benefits - e.g. for the Disability Living Allowance care component, Attendance Allowance and Carers Allowance.
13. We propose amending the Winter Fuel Payment regulations to make the genuine and sufficient link test explicit in legislation.

#### EU residency and the temperature link criterion

14. Eligibility linked to the average winter temperature in the EU country of residence, was selected as a way to focus the payment of Winter Fuel Payments to those in the EU who needed them most because of a cold winter climate. Section 138 of the Social Security Contributions and Benefits Act 1992 gives the Secretary of State the power to make payments to meet expenses for heating that have been, or are likely to be, incurred in cold weather, of prescribed amounts in prescribed

circumstances to prescribed persons. Winter Fuel Payments are intended to give pensioners reassurance that they can keep warm during cold weather. As it is important to ensure that public money is focussed on those for whom the Winter Fuel Payment was designed, we have modified the scheme. Our view is that the most logical criterion is temperature using the UK climate as a guide.

15. Temperature data on which to base a country-level analysis was not readily available for all countries concerned. The DWP worked closely with the Met Office on our requirements and commissioned it to produce a report that shows the average winter temperature data for each EU country. The methodology on which the report is based is summarised in **Annex A**.
16. **Annex B** contains data from the Met Office Report and shows average winter temperatures for each EU country and for the regions of the UK.
17. The Met Office data shows the average winter temperature in the warmest part of the UK (the South West) is 5.6°C. This point is the basis for the changes DWP are making to the Winter Fuel Payment scheme. This would mean that people living in countries with an average winter temperature of 5.6°C (or a temperature that is close enough to that to be statistically equivalent) would be eligible for a Winter Fuel Payment. Therefore, the excluded countries would be Cyprus, France, Gibraltar, Greece, Malta, Portugal and Spain.
18. For clarity, we propose to amend the Winter Fuel Payment regulations to list countries in which people living will potentially be eligible for a Winter Fuel Payment, rather than include the relevant UK temperature.

#### Cut off date for claims

19. Winter Fuel Payments were first paid for winter 1997/98. For the first three years of the scheme, eligibility was linked to the State Pension age (which was at the time different for men and women) and payments were made automatically without the need for a claim. Therefore, no cut off date for claims was necessary.
20. From winter 2000/01, following the case of *C-382/98, Taylor* on gender discrimination, a common eligibility age of 60 (the then State Pension age for women) was introduced for men and women. The change was applied from the start of the scheme. This meant that most men under men's State Pension age (then age 65), but over 60, needed to claim their Winter Fuel Payment, as they would not already be known to the DWP. As a result, an annual cut off date was introduced for claims under the Social Fund Winter Fuel Payment Regulations 2000 – claim forms for winters made under those Regulations needed to be received on or before 30 March immediately following the relevant winter period. The cut off date was revised to 31 March in winter 2012/2013.
21. Claims for winters 1997/98, 1998/99, 1999/2000 are still being accepted. The facility to claim for the first three years of the scheme was originally left open to allow people, newly eligible under the change to age 60, to claim for past years. More than twelve years have passed since the years in question – we believe it is reasonable to assume that people will have claimed for those years by

March 2014 if they wish to do so. People newly eligible under the *Stewart* changes have been able to claim for these years since the judgment in July 2011.

22. The DWP now wishes to introduce a cut off date for claims for those years. This will align claims for the early years with current practice (of having a time-limit for making applications) and remove the need for a dedicated claim form and assessment process for claims for these years. The change will only affect people aged 74 and over.

### **Consultation**

23. We have considered carefully whether it would be appropriate to consult on the proposed changes and have concluded not to consult on these amendments for the following reasons.

#### *Genuine and sufficient link*

24. The genuine and sufficient link to the UK eligibility test was held to be a legitimate eligibility test for non-contributory benefits by the CJEU. The genuine and sufficient link test for Winter Fuel Payments has been in operation for claims for winter 2012/13 and guidance about how the test works is on the DWP website. We do not think that consulting on this proposal would change the approach we are taking for Winter Fuel Payments.

#### *Temperature link*

25. The new temperature link is a Ministerial initiative; the Secretary of State announced the intention to target payments in this way in June 2012. Key stakeholders are limited to the customers that will be affected, and the small action groups they have formed. Over the years, there has been a steady stream of correspondence, PQs and media articles on the subject. This has increased over the last year or so because of the CJEU case and its implications.
26. As is to be expected, customers in receipt of the payments are in favour of the current eligibility applied by the DWP for Winter Fuel Payment, regarding it as part of the rights associated with paying into the UK insurance system (however, as outlined above, Winter Fuel Payment eligibility is not linked to National Insurance contributions). Others have strongly criticised payments to people enjoying warm climates.
27. The decision on which countries should be included or excluded has been based on the only comprehensive and comparable dataset available. The change has little detail that could be influenced by consultation or where views could genuinely be taken into account, beyond what has already been considered. Therefore, we do not think there is value in consulting on the policy intention or the way in which it is to be executed.



### *Cut off date*

28. The introduction of a cut off date for claims for the first three years of the Winter Fuel Payments scheme is a tidying up measure to align with current practice on time limits for claims. It is a straightforward change on which we do not think there is a need to consult.

### *Conclusion*

29. In summary, in the light of the points above and the Government's new guidelines on consultation, we do not feel it is necessary or appropriate to consult on these amendments to the Winter Fuel Payment regulations.

### **Costs and savings**

30. As explained above, the genuine and sufficient link test has been in operation since the winter of 2012/13. As anticipated, very few claims have been turned down as a result of the test.
31. The introduction of the temperature criterion to focus payments on people who experience cold temperatures comparable to the UK will achieve significant savings. In winter 2011/12, the EU Winter Fuel Payment caseload was around 75,000 at a cost of around £13million. Following the *Stewart* judgment and as a result of the extension of eligibility criteria, the number of claims received from the EU increased significantly in winter 2012/13 with a resulting increase in benefit expenditure. Removing entitlement from both existing and new claimants who live in warmer climates will significantly reduce Winter Fuel Payment expenditure.
32. The introduction of a cut off date for claims for 1997/98, 1998/99 and 1999/00 will make small benefit savings. The volume of people claiming for these years is low and the maximum potential loss is £140 per household. However, it will simplify the administration of the Scheme.

### **Equality analysis**

33. DWP has carried out equality analysis for the Winter Fuel Payment changes. This is to meet the requirements of its race, disability and gender equality duties by considering the impact of new policies, functions and services. In addition to these statutory duties, we have also considered the impact of these proposals in relation to age discrimination legislation.
34. Winter Fuel Payments are made to people over women's State Pension age. Within this group, no restrictions on gender or age will apply. Each Winter Fuel Payment claim will be considered on its own merits to determine if a genuine and sufficient link to the United Kingdom exists. There is no evidence to suggest that there will be any greater prevalence or impact on disabled people as a result of the policy changes.



35. Based on our Equality Analysis we do not believe that the proposed changes will discriminate unlawfully (either directly or indirectly) on the grounds of race, disability, gender, age, sexual orientation and/or religious belief.

#### **Customer information and Staff Guidance**

36. Information about the change in eligibility for those in the EU from Winter 2012/13 is already available on GOV.UK. The site advises, "You must have a genuine link with the UK to claim from abroad." Detailed guidance on the test is published as part of the Decision Maker's Guide <http://www.dwp.gov.uk/docs/dmqch0706.pdf>
37. Once the regulations are laid, GOV.UK and the DWP's international pages <http://www.dwp.gov.uk/international/benefits/winter-fuel-payments/> will be updated to reflect the temperature criterion and cut off date for claims. A list of eligible countries will be included with a brief explanation that the benefit is to be paid to people living in countries with colder climates.
38. All customers living in the excluded countries who have been receiving Winter Fuel Payments will receive a letter explaining that the rules have changed. These will be sent out around the time the normal Winter Fuel Payment notifications would be issued (November). The letter will list the countries in which people will potentially be eligible. Claimants will be directed to GOV.UK for further information and International Pension Centre staff will be prepared for calls asking for explanation that is more detailed.
39. Appropriate guidance will be prepared for staff and lines to take provided for contact with customers.

#### **Monitoring and evaluation**

40. Management information will be collected to show how many:
- claims have been turned down as a result of the GSL;
  - letters have been issued to those in the excluded EU countries who were previously in receipt of a Winter Fuel Payment;
  - new claims have been turned down because someone is resident in an excluded EU country; and
  - late claims for first three years of the scheme turned down.
41. International Pension Centre will be closely monitoring the increase in calls and enquiries that are expected as a result of the changes, in particular the new temperature criterion. We will also be monitoring correspondence and media reports to gauge how the policy changes have been received.

## MET OFFICE METHODOLOGY

### Average winter temperatures

- We agreed that the Met Office would provide us with monthly average (mean) temperatures covering the winter months (November-March). This ties in with the Cold Weather Payment period and the primary legislation for Winter Fuel Payments refers to "expenses for heating" that have been or are likely to be incurred "in cold weather".

### Regions

- The Met Office has used recognised administrative regions for each country. This means the size of regions vary considerably, e.g. Slovenia has more than 60 regions; the UK has 12.

### Dataset

- A gridded data set (*see Note below for detail*) of the monthly mean air temperature (for the reference period 1961-1990) for land areas of the globe is available through the Climatic Research Unit of the University of East Anglia (UEA). This dataset has been extensively studied by climate scientists internationally. The dataset is a globally recognised resource for climate studies. It is the only dataset available that can give a consistent, uniform pan-European view at a useable grid-length. It is not known when or if UEA will revise this dataset.
- The gridded dataset uses observations from weather stations throughout the world and interpolates between them to give mean temperatures on a regular grid. Each grid square is about 18km by 13km.
- Utilising the Met Office digital map management system, the temperature grid is then overlaid with geographical information system (GIS)-compatible files. These accurately describe country boundaries and administrative regions within countries. These files are provided by Bartholomew's.
- The average temperature for each country/region is then calculated by averaging all the grid points that fall within the boundary. Where a small country/region has no grid points within its boundary, the average is calculated by using recognised interpolation techniques or an estimate.

**Note:** Gridded data sets are used widely to provide a consistent series of climate data, enabling comparisons to be made in time and space. Interpolation is used to generate values on a regular grid from irregular observing station networks, taking into account factors such as latitude and longitude, altitude and terrain shape, coastal influence, and urban land use.

## ANNEX B

## AVERAGE WINTER TEMPERATURES (°C)

Gibraltar*	13.9
Malta	13.7
Cyprus	12.0
Portugal	10.4
Spain	7.3
Greece	7.1
France	7.0
Italy	5.7
Rep of Ireland	5.5
United Kingdom	4.1
Netherlands	3.9
Belgium	3.7
Croatia	3.3
Luxembourg	2.5
Bulgaria	2.4
Hungary	2.1
Denmark	1.8
Germany	1.7
Republic of Slovenia	1.2
Romania	0.6
The Czech Republic	0.0
The Slovak Republic	-0.2
Poland	-0.7
Austria	-1.0
Switzerland	-1.1
Liechtenstein	-1.2
Republic of Lithuania	-2.4
Republic of Latvia	-2.9
Republic of Estonia	-3.5
Iceland	-3.6
Norway	-6.1
Sweden	-7.0
Finland	-8.9

Source: Met Office Report: *Winter average temperatures for EEA countries and their Regions.*  
12 December 2012.

Winter = November-March

\* Gibraltar is, for social security purposes, treated as if it were a separate Member State of the EU.

## UK – REGIONS

Region	Average winter temperature (°C)
South West England	5.6
Greater London	5.3
South East England	5.0
East of England	4.7
Wales	4.7
West Midlands	4.5
Northern Ireland	4.5
East Midlands	4.4
North West England	4.0
Yorkshire and Humber	4.0
North East England	3.4
Scotland	3.1

Source: Met Office Report: *Winter average temperatures for EEA countries and their Regions*.  
12 December 2012.

2013 No. XXX

**SOCIAL SECURITY**

**The Social Fund Winter Fuel Payment (Amendment)  
Regulations 2013**

<i>Made</i> - - - -	<i>May 2013</i>
<i>Laid before Parliament</i>	<i>May 2013</i>
<i>Coming into force</i> - -	<i>16th September 2013</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 138(2) and (4) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a), and sections 5(1)(a) and (2)(f) and 189(1) and (4) of the Social Security Administration Act 1992(b).

[The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(c).]

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Fund Winter Fuel Payment (Amendment) Regulations 2013.

(2) These Regulations come into force on 16th September 2013.

(3) In these Regulations “the principal Regulations” means the Social Fund Winter Fuel Payment Regulations 2000(d).

**Amendment of the principal Regulations**

2.—(1) The principal Regulations are amended as follows.

(2) In regulation 2(1) (social fund winter fuel payments)—

(a) for “paragraphs (2) and (3)” substitute “the following provisions of this regulation,”; and

(b) in sub-paragraph (a) after “Great Britain” insert “or habitually resident in any of the countries listed in the Schedule”.

(3) After regulation 2(3) insert—

- 
- (a) 1992 c.4. Amendments not relevant to these Regulations have been made to section 138. Sections 175(1) and (4) were amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c.2).
- (b) 1992 c.5. Section 189(1) was amended by paragraph 57 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc) Act 1999.
- (c) See sections 170, 172 and 173(1)(b) of the Social Security Administration Act 1992. Amendments not relevant to these Regulations have been made to section 170.
- (d) S.I. 2000/729. Relevant amending instruments are S.I. 2003/2192, 2003/1737, 2004/2154, 2008/1554, 2009/1488 and 2012/757.

“(4) A person does not qualify for a winter fuel payment by virtue of being habitually resident in any of the countries listed in the Schedule unless—

(a) they are a person to whom Council Regulation (EC) No 1408/71(a) on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, or Regulation (EC) No 883/2004 of the European Parliament and of the Council(b) on the coordination of social security systems, applies; and

(b) they are able to demonstrate a genuine and sufficient link to the United Kingdom social security system.

(5) If the Republic of Croatia is not a member of the EU on 16th September 2013, the reference to the Republic of Croatia in the Schedule applies only from such subsequent date, if any, as the Republic of Croatia becomes a member of the EU.”

(4) In regulation 3(1) (persons not entitled to a social fund winter fuel payment)—

(a) after sub-paragraph (b) insert—

“; or

(c) in respect of a winter fuel payment for the winter of 1997 to 1998, 1998 to 1999 or 1999 to 2000, has not made a claim for such payment on or before the 31st March 2014.”

(5) After regulation 5 of the principal Regulations insert—

## “SCHEDULE

Regulation 2

### List of Countries

Republic of Austria  
Kingdom of Belgium  
Republic of Bulgaria  
Republic of Croatia  
Czech Republic  
Kingdom of Denmark  
Republic of Estonia  
Republic of Finland  
Federal Republic of Germany  
Republic of Hungary  
Republic of Iceland  
Republic of Ireland  
Republic of Italy  
Republic of Latvia  
Principality of Liechtenstein  
Republic of Lithuania  
Grand Duchy of Luxembourg  
Kingdom of the Netherlands  
Kingdom of Norway  
Republic of Poland  
Republic of Romania

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(a) OJ No L 149, 5.7.71, p2 (OJ/SE 1st series 1971 vol II p416).

(b) OJ No L 166, 30.4.04, p1.

Slovak Republic  
Republic of Slovenia  
Kingdom of Sweden  
Swiss Confederation".

Signed by authority of the Secretary of State for Work and Pensions

Date

*Name*  
Minister of State  
Department for Work and Pensions



## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Social Fund Winter Fuel Payment Regulations 2000 (S.I. 2000/729) ("the principal Regulations").

Regulation 2(2) enables a person to qualify for a winter fuel payment if on any day in the qualifying week (defined in regulation 1(2) of the principal Regulations as the week beginning on the third Monday in the September of any year) they are either ordinarily resident in Great Britain or habitually resident in any of the countries listed in the Schedule which regulation 2(5) adds to the principal Regulations.

Regulation 2(3) limits entitlement in the countries listed in the Schedule to persons to whom the provisions on EU social security coordination in Regulation (EC) No 1408/71 or Regulation (EC) No 883/2004 apply and who are able to demonstrate a genuine and sufficient link to the United Kingdom social security system.

Regulation 2(4) provides that in order to qualify for a winter fuel payment for the winter of 1997-1998, 1998-1999 or 1999-2000 a person must make a claim before 31st March 2014.

A full impact assessment has not been produced for this instrument as it has no impact on the private sector or civil society organisations.

### **3. Persons not entitled to a social fund winter fuel payment**

(1) Regulation 2 shall not apply in respect of a person who-

(a).....

(b) subject to paragraph (2), has not made a claim for a winter fuel payment on or before the 31st March following the qualifying week in respect of the winter following that week;  
or

(c) In respect of a winter fuel payment for the winter of 1997 to 1998, 1998 to 1999 or 1999 to 2000, has not made a claim for such payment on or before the 31st March 2014.

#### **SCHEDULE**

#### **Regulation 2**

#### **List of Countries**

Republic of Austria  
Kingdom of Belgium  
Republic of Bulgaria  
Republic of Croatia  
Czech Republic  
Kingdom of Denmark  
Republic of Estonia  
Republic of Finland  
Federal Republic of Germany  
Republic of Hungary  
Republic of Iceland  
Republic of Ireland  
Republic of Italy  
Republic of Latvia  
Principality of Liechtenstein  
Republic of Lithuania  
Grand Duchy of Luxembourg  
Kingdom of the Netherlands  
Kingdom of Norway  
Republic of Poland  
Republic of Romania  
Slovak Republic  
Republic of Slovenia  
Kingdom of Sweden  
Swiss Confederation

**The Social Fund Winter Fuel Payment (Amendment) Regulations 2013  
"Keeling schedule"**

The Social Fund Winter Fuel Payment Regulations 2000 (S.I. 2000/729)

**2. Social fund winter fuel payments**

(1) Subject to **the following provisions of this regulation** and regulation 3 of these Regulations, and regulation 36(2) of the Social Security (Claims and Payments) Regulations 1987, the Secretary of State shall pay to a person who-

(a) in respect of any day falling within the qualifying week is ordinarily resident in Great Britain **or habitually resident in any of the countries listed in the Schedule**; and

(b) in or before the qualifying week has attained the qualifying age for state pension credit,

a winter fuel payment of-

- (i) £200 unless he is in residential care or head (ii)(aa) applies; or
- (ii) £100 if state pension credit, an income-based jobseeker's allowance or an income-related employment and support allowance has not been, nor falls to be, paid to him in respect of the qualifying week and he is-
  - (aa) in that week living with a person to whom a payment under these Regulations has been, or falls to be, made in respect of the winter following the qualifying week; or
  - (bb) in residential care.

.....  
**(4) A person does not qualify for a winter fuel payment by virtue of being habitually resident in any of the countries listed in the Schedule unless-**

**(a) they are a person to whom Council Regulation (EC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, or Regulation (EC) No 883/2004 of the European Parliament and of the Council on the coordination of social security systems, applies; and**

**(b) they are able to demonstrate a genuine and sufficient link to the United Kingdom social security system.**

**(5) If the Republic of Croatia is not a member of the EU on 16th September 2013, the reference to the Republic of Croatia in the Schedule applies only from such subsequent date, if any, as the Republic of Croatia becomes a member of the EU.**

From the Secretariat

[REDACTED]  
Department for Work and Pensions  
Pensioner Welfare Division  
1st Floor, Caxton House  
Tothill Street  
London  
SW1H 9NA

16<sup>th</sup> April 2013

[REDACTED]  
**The Social Fund Winter Fuel Payment (Amendment) Regulations 2013**

This is to confirm the decision of the Social Security Advisory Committee at its meeting held on 10<sup>th</sup> April 2013 – namely that, under the powers conferred by Section 173(1)(b) of the Social Security Administration Act 1992, it does not wish to have them formally referred.

Yours sincerely,

*by email*

**RESTRICTED - POLICY**

[REDACTED]  
Department for Work and Pensions  
Work, Welfare & Wellbeing in Later Life Division  
1st Floor, Caxton House  
Tothill Street  
London  
SW1H 9NA

14 June 2013

[REDACTED]  
**The Social Fund Winter Fuel Payment (Amendment) Regulations 2013**

Paul Gray, Chair of the Social Security Advisory Committee, has noted that the above regulations will no longer contain the 'temperature link' provisions which featured in the draft that was presented to the Committee on 10 April; but that the Department will be proceeding with the amending regulations to introduce the two remaining provisions for winter 2013/14 that were considered at the same time:

- a requirement (which already applies as a consequence of case law of the Court of Justice of the European Union) for people claiming a Winter Fuel Payment from other European Economic Area (EEA) countries/Switzerland to have a genuine and sufficient link with the UK; and
- a cut off date for claims for the first three years of the Winter Fuel Payments scheme (1997/98 to 1999/2000 (inclusive)).

Paul Gray, on behalf of the Committee, has agreed that these regulations may proceed, and that the clearance letter issued to you by [REDACTED] on 16 April continues to apply.

*Yours,  
Denise Whitehead.*

Denise Whitehead  
Committee Secretary

**Work, Welfare & Wellbeing in Later Life Division**

Paul Gray  
Chair  
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Date: 4 July 2013

Dear Paul,

**The Social Fund Winter Fuel Payment (Amendment) Regulations 2013**

I am writing further to the discussion that took place at the SSAC meeting on 10 April regarding the above Regulations.

We presented draft legislation containing a proposal to introduce a temperature criterion to establish a list of countries in which Winter Fuel Payments would be payable. This proposal was originally due to come into force this coming winter – 2013/14.

However, the Government subsequently made a decision to defer the introduction date. Therefore, the Regulations were laid without the temperature criterion on 27 June 2013 as SI 2013/1509: <http://www.legislation.gov.uk/id/ukSI/2013/1509>.

The Government has said it will introduce legislation containing the temperature criterion before the end of this Parliament but with an effective date for winter 2015/16.

As the substance of the legislation will be as already presented to, and discussed by, the SSAC, I hope you agree that we need not present the temperature criterion to the SSAC again.

Yours sincerely

*Signed and e-mailed*

**ANDREW LATTO**

Head - Work, Welfare & Wellbeing in Later Life Division



Department  
for Work &  
Pensions

## Work, Welfare & Wellbeing in Later Life Division

Paul Gray  
Chair  
Social Security Advisory Committee  
5<sup>th</sup> Floor Caxton House  
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Date: 18 December 2014

Dear Paul,

### **The Social Fund Winter Fuel Payment (Amendment) Regulations 2013**

A discussion took place at the SSAC meeting on 10 April 2013 regarding the above regulations. The formal notice that the Committee did not wish to have the Regulations presented to it was given on 16 April 2013.

You may recall that the draft legislation included a proposal to restrict eligibility to Winter Fuel Payments in the EEA based on a temperature criterion. This restriction was originally due to come into force for winter 2013/14.

Minister for Pensions wrote to you on 12 June 2013, to let you know that the Government had made a decision to defer the introduction date of the restriction.

Denise Whitehead wrote to [REDACTED] on 14 June 2013 to confirm that you had noted the removal of the restriction but the original clearance letter continued to apply to the Regulations – these were laid on 27 June 2013 as SI 2013/1509:  
<http://www.legislation.gov.uk/ukSI/2013/1509/contents/made>

I wrote on 4 July 2013 to confirm that the amending legislation would be introduced before the end of this Parliament, with a coming into force date effective from winter 2015/16. I also said I hope you agreed we need not present the restriction to the SSAC again.

[REDACTED] has continued to liaise with the SSAC Secretariat and I am pleased to inform you that the amending legislation was laid on 15 December 2014 and will come into force on Monday 21 September 2015, the first day of the qualifying week for Winter Fuel Payments for winter 2015/16. The link to the Social Fund Winter Fuel Payment (Amendment) Regulations 2014 (SI 2014/3270) is here:  
<http://www.legislation.gov.uk/ukSI/2014/3270/contents/made>



I would like to thank the SSAC and the SSAC Secretariat for their help and assistance in taking both sets of Regulations through the legislative process. However, please let me or [REDACTED] know if you or members of the SSAC have any further questions. We are happy to respond in writing or I can cover this issue alongside my presentation of the Pension Credit Regulations at the next SSAC meeting on 28 January 2015.

Yours sincerely,

*Signed and e-mailed*

**ANDREW LATTO**

Head - Work, Welfare & Wellbeing in Later Life Division

Steve Webb  
Minister for Pensions  
Department for Work and Pensions  
4<sup>th</sup> Floor  
Caxton House  
Tothill Street  
London SW1H 9NA

16 April 2013

*Dear Steve,*

**The Social Fund Winter Fuel Payment (Amendment) Regulations 2013**

The Committee considered the above regulations at its meeting on 10 April. We concluded that we would not pursue the regulations on formal reference, but identified a number of areas of concern which we wanted to draw to your attention.

As you are aware, the regulations seek to:

- establish a list of EU countries (derived from a temperature criteria) in which winter fuel payments are payable; and
- make it a condition of entitlement that an individual has a genuine and sufficient link to the UK.

The Committee recognised that the context for these proposals is the Government's wish to contain the overall costs of Winter Fuel Payments in the wake of the Lucy Stewart judgement. However, we were not persuaded that the criteria for determining entitlement was sufficiently robust given the disparity between the use of a regional average for determining the UK winter temperature, and a national average for setting winter temperatures in other Member States. There will almost certainly be difficult cases where individuals in colder regions of countries that no longer qualify for the payments will lose entitlement, while those enjoying warmer temperatures in countries that do qualify will continue to receive payment. Such criteria, particularly in the absence of any transitional protection, could be seen to undermine the original intention of this universal benefit to provide peace of mind to pensioners who tend to be less inclined to turn up their heating in cold spells because of cost.

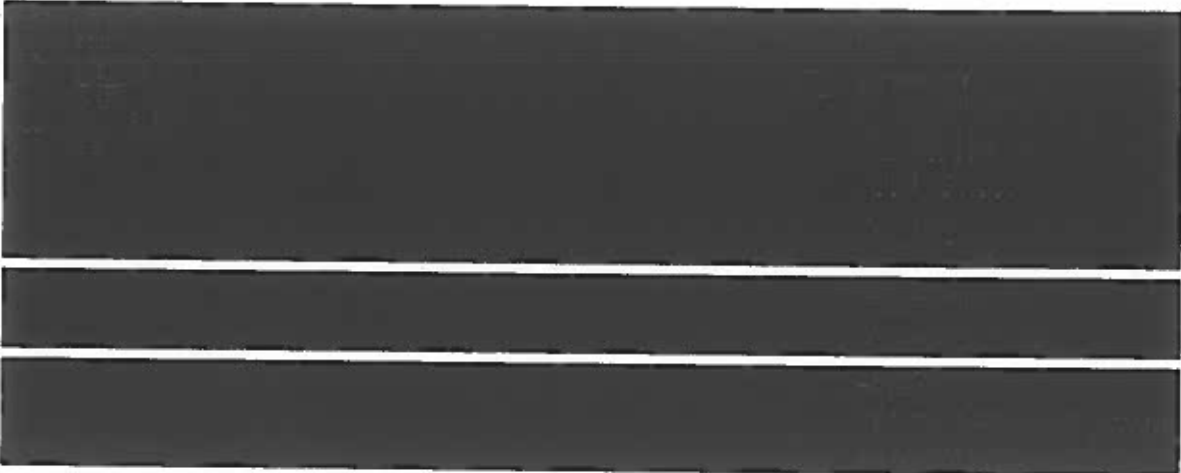
This proposal does, therefore, beg the question whether the Winter Fuel Payment is still seen as a universal benefit or not. Moreover, those older people who choose to live abroad are in effect saving costs elsewhere as they no longer make a call on public services in the UK. The Committee notes that, of the 75,000 Winter Fuel Payments currently made to individuals in EU Member States, only 15,000 will continue to be paid after the regulations come in to force.

Given that 60,000 individuals who have previously received Winter Fuel Payments will no longer be eligible, there will inevitably be a significant number of legal challenges. These are likely to include: whether exporting the Winter Fuel Payment only to certain countries is compatible with Regulation (EC) 883/2004, how the Department interprets what constitutes 'a genuine and sufficient link with the UK' for pensioners in receipt of a state pension and the robustness of the temperature based criteria used to implement the change.

These challenges have the potential to be costly for the Government and to have a significant impact on an already hard pressed tribunal system should large numbers of overseas claimants lodge appeals pending any test case.

*Yours sincerely,*  
*Paul*

Paul Gray  
Chair



Paul Gray  
Chair – Social Security Advisory Committee  
5<sup>th</sup> Floor Caxton House  
Tothill Street  
London  
SW1 9NA

12 June 2013

Dear Paul,

**The Social Fund Winter Fuel Payment (Amendment) Regulations 2013**

Thank you for your letter of 16 April outlining the Committee's concerns about whether the proposed criterion for determining entitlement to a Winter Fuel Payment was sufficiently robust. This was because the temperature of a region of the UK had been used as the reference point to determine whether other Member States have a cold average winter temperature, whereas the temperature of the country as a whole has been taken into account for other Member States. The Committee believed that this, and other factors, were likely to lead to a significant number of legal challenges.

It might be helpful to set out some of the background to the initial development of this policy proposal. We commissioned the Met Office to provide data on the average winter temperature in the UK and for each member State. Acknowledging that there were likely to be difficult cases where a person represented that they lived in a particularly cold area of a country that no longer qualified for a Winter Fuel Payment, we

also asked the Met Office to provide further analysis for each region of the UK and each Member State.

There were a number of factors to balance in determining where the temperature cut off point should be set. I decided to use the temperature of the warmest region of the UK: 5.6°C in South West England. This approach ensured that coverage for older UK people living in other Member States will be comparable to the coverage they would receive anywhere within the UK.

We realised there will be a few people who live in cold regions of "warm" countries, and who would not be eligible for a Winter Fuel Payment. However, to achieve payment for even some of these people we would have had to implement the scheme on a regional basis throughout the EEA. We considered this very carefully but unfortunately, the IT capability would not enable us to do this and therefore we would have had to administer the scheme on a countrywide basis.

For that reason we used the average winter temperature for each Member State to determine in which EEA countries Winter Fuel Payments would be payable.

The Government has separately continued to reflect on this policy alongside the Coalition Government's commitment to maintain universal benefits for older people for the lifetime of this Parliament. Following this consideration, the regulations to be made shortly will no longer contain the "temperature link" provisions which featured in the draft that was presented to the Committee on 10 April. However, although we will not be proceeding with the temperature link for winter 2013/14, we will keep the issue under review. We will of course, liaise further with the Committee as appropriate.

In the meantime, we will be proceeding with the amending regulations to introduce the two remaining provisions for winter 2013/14 that you considered at your meeting on 10 April:

- a requirement (which already applies as a consequence of case law of the Court of Justice of the European Union) for people claiming a Winter Fuel Payment from other European Economic Area (EEA) countries/Switzerland to have a genuine and sufficient link with the UK; and
- a cut off date for claims for the first three years of the Winter Fuel Payments scheme (1997/98 to 1999/2000 (inclusive)).

On current plans, the Amendment Regulations are due to be made and laid by 27 June 2013 and will come into force by September 2013.

Revised copies of the Statutory Instrument and Explanatory Memorandum to the Committee are attached.

**STEVE WEBB MP**  
**MINISTER OF STATE FOR PENSIONS**

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STATUTORY INSTRUMENTS

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2013 No. XXX

**SOCIAL SECURITY**

**The Social Fund Winter Fuel Payment (Amendment)  
Regulations 2013**

<i>Made</i> - - - -	<i>June 2013</i>
<i>Laid before Parliament</i>	<i>June 2013</i>
<i>Coming into force</i> - -	<i>16th September 2013</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 138(2) and (4) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992<sup>(1)</sup>, and sections 5(1)(a) and (2)(f) and 189(1) and (4) of the Social Security Administration Act 1992<sup>(2)</sup>.

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it<sup>(3)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the Social Fund Winter Fuel Payment (Amendment) Regulations 2013 and come into force on 16th September 2013.

**Amendment of the Social Fund Winter Fuel Payment Regulations 2000**

2.—(1) The Social Fund Winter Fuel Payment Regulations 2000<sup>(4)</sup> are amended as follows.

(2) In regulation 2 (social fund winter fuel payments)—

(a) in paragraph (1)—

(i) for “and (3)” substitute “to (4)”; and

(ii) for sub-paragraph (a) substitute—

“(a) in respect of any day falling within the qualifying week is—

(i) ordinarily resident in Great Britain; or

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<sup>(1)</sup> 1992 c.4. Amendments not relevant to these Regulations have been made to section 138. Sections 175(1) and (4) were amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c.2).

<sup>(2)</sup> 1992 c.5. Section 189(1) was amended by paragraph 109(a) of Schedule 7 and Schedule 8 to the Social Security Act 1998 (c.14), by paragraph 57(1) and (2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc) Act 1999 and by Schedule 6 to the Tax Credits Act 2002 (c.21).

<sup>(3)</sup> See sections 170, 172 and 173(1)(b) of the Social Security Administration Act 1992. Amendments not relevant to these Regulations have been made to section 170.

<sup>(4)</sup> S.I. 2000/729. Relevant amending instruments are S.I. 2003/2192, 2003/1737, 2004/2154, 2008/1554, 2009/1488 and 2012/757.



(ii) habitually resident in Switzerland or an EEA state, other than Great Britain; and”;

(b) after paragraph (3) insert—

“(4) A person does not qualify for a winter fuel payment by virtue of falling within paragraph (2)(a)(ii) above unless—

- (a) they are a person to whom Council Regulation (EC) No 1408/71<sup>(5)</sup> on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, or Regulation (EC) No 883/2004 of the European Parliament and of the Council<sup>(6)</sup> on the coordination of social security systems, applies; and
- (b) they are able to demonstrate a genuine and sufficient link to the United Kingdom social security system.”.

(3) After regulation 3(1)(b) (persons not entitled to a social fund winter fuel payment), insert—

“; or

- (c) in respect of a winter fuel payment for the winter of 1997 to 1998, 1998 to 1999 or 1999 to 2000, has not made a claim for such payment on or before the 31st March 2014.”.

Signed by authority of the Secretary of State for Work and Pensions

*Steve Webb*

Minister of State

Department for Work and Pensions

Date

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Social Fund Winter Fuel Payment Regulations 2000 (S.I. 2000/729) (“the 2000 Regulations”).

Regulation 2(2) enables a person to qualify for a winter fuel payment if on any day in the “qualifying week” (defined in regulation 1(2) of the 2000 Regulations as the week beginning on the third Monday in the September of any year) they are habitually resident in Switzerland or an EEA state (other than Great Britain), provided that they are a person to whom the provisions on EU social security coordination in Regulation (EC) No 1408/71 or Regulation (EC) No 883/2004 apply, and that they have a genuine and sufficient link to the United Kingdom social security system.

The Social Fund Winter Fuel Payment Regulations 1998 (S.I. 1998/19) (“the 1998 Regulations”) did not contain a cut off date by when individuals must make an application for winter fuel payments due under the 1998 Regulations. Regulation 2(3) of these Regulations provides that in order to qualify for a winter fuel payment for the winter of 1997-1998, 1998-1999 or 1999-2000 a person must make a claim before the 31st March 2014.

<sup>(5)</sup> OJ No L 149, 5.7.71, p2 (OJ/SE 1st series 1971 vol II p416).

<sup>(6)</sup> OJ No L 166, 30.4.04, p1.

**A full impact assessment has not been produced for this instrument as it has no impact on the private sector or civil society organisations.**

## **WINTER FUEL PAYMENTS: EXPORTABILITY SSAC EXPLANATORY MEMORANDUM**

### **The changes**

1. The proposed amendments to the Social Fund Winter Fuel Payment Regulations 2000 (SI 2000/729) introduce:
  - a requirement (which already applies as a consequence of case law of the Court of Justice of the European Union (CJEU)) for people claiming a Winter Fuel Payment from other EEA countries/Switzerland to have a genuine and sufficient link with the UK; and
  - a cut off date for claims for the first three years of the Winter Fuel Payment scheme (1997/98–1999/2000). Currently people can still claim for those years.
2. Similar amendments will be made to the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000 (SI 2000/91).

### **Background**

3. Winter Fuel Payments were first paid for winter 1997/98; the primary aim is to provide reassurance that people can keep warm during periods of cold weather.
4. They are an annual payment made to most people over women's State Pension age who are ordinarily resident in the UK during a qualifying week (from winter 1999/2000, the qualifying week has been the third full week in September).
5. The rates for winter 2012/13 are: £200 for someone who has reached women's State Pension age but is under 80; and £300 for someone aged 80 and over. A shared rate is paid where people share a household with others who are also eligible. The first Winter Fuel Payments rates for winter 1997/98 were: £20 for eligible households; and £50 to poorer older people on Income Support or income-based Jobseeker's Allowance.
6. In winter 2011/12, more than 12.6million payments were made in Great Britain at a cost of £2.1billion.
7. Since 2002, Winter Fuel Payments have been exportable to people who first acquired the benefit in the UK and then moved to another EEA country or Switzerland (for simplicity referred to below as EU).
8. In winter 2011/12, the EU Winter Fuel Payment caseload was around 75,000 at a cost of around £13million.
9. Following a 2011 CJEU judgment in the case of *Stewart C-503/09*, DWP can no longer require that Winter Fuel Payments must be acquired in the

UK where the claimant is subject to the EU social security co-ordination legislation (Regulations EC 1408/71 or EC 883/04) and has a genuine and sufficient link with the UK. We do not know how many people may qualify as a result but, as a proxy, around 440,000 people living in the EU receive a UK State Pension and therefore may be potentially eligible. In winter 2012/13, we received a significant number of additional claims as a result of the extension to entitlement in the EU.

## **Policy proposals**

### **Genuine and sufficient link**

10. The DWP began to operate the extended eligibility policy, along with a genuine and sufficient link test, in winter 2012/13 following the judgment in *Stewart*. (The CJEU held member states could require claimants of non-contributory benefits to demonstrate a genuine and sufficient link with that state in order to qualify for such a benefit).
11. The genuine and sufficient link test takes into account several factors, for example: receipt of a UK benefit; periods of residence or work in the UK; family factors; and the length of time a person has spent out of the UK. There are no hard and fast rules about, for example, the minimum amount of years someone must have lived and worked in the UK in order to pass the test. Rather, the decision maker must consider all the relevant factors on a case-by-case basis when reaching a decision. People who have lived or worked in the UK for a significant period of time are likely to meet the conditions.
12. A genuine and sufficient link test is also used in relation to the export of certain other residence-based benefits - e.g. for the Disability Living Allowance care component, Attendance Allowance and Carers Allowance.
13. We propose amending the Winter Fuel Payment regulations to make the genuine and sufficient link test explicit in legislation.

### **Cut off date for claims**

14. Winter Fuel Payments were first paid for winter 1997/98. For the first three years of the scheme, eligibility was linked to the State Pension age (which was at the time different for men and women) and payments were made automatically without the need for a claim. Therefore, no cut off date for claims was necessary.
15. From winter 2000/01, following the case of *C-382/98, Taylor* on gender discrimination, a common eligibility age of 60 (the then State Pension age for women) was introduced for men and women. The change was applied from the start of the scheme. This meant that most men under men's State Pension age (then age 65), but over 60, needed to claim

their Winter Fuel Payment, as they would not already be known to the DWP. As a result, an annual cut off date was introduced for claims under the Social Fund Winter Fuel Payment Regulations 2000 – claim forms for winters made under those Regulations needed to be received on or before 30 March immediately following the relevant winter period. The cut off date was revised to 31 March in winter 2012/2013.

16. Claims for winters 1997/98, 1998/99, 1999/2000 are still being accepted. The facility to claim for the first three years of the scheme was originally left open to allow people, newly eligible under the change to age 60, to claim for past years. More than twelve years have passed since the years in question – we believe it is reasonable to assume that people will have claimed for those years by March 2014 if they wish to do so. People newly eligible under the *Stewart* changes have been able to claim for these years since the judgment in July 2011.
17. The DWP now wishes to introduce a cut off date for claims for those years. This will align claims for the early years with current practice (of having a time-limit for making applications) and remove the need for a dedicated claim form and assessment process for claims for these years. The change will only affect people aged 74 and over.

### **Consultation**

18. We have considered carefully whether it would be appropriate to consult on the proposed changes and have concluded not to consult on these amendments for the following reasons.

#### *Genuine and sufficient link*

19. The genuine and sufficient link to the UK eligibility test was held to be a legitimate eligibility test for non-contributory benefits by the CJEU. The genuine and sufficient link test for Winter Fuel Payments has been in operation for claims for winter 2012/13 and guidance about how the test works is on the DWP website. We do not think that consulting on this proposal would change the approach we are taking for Winter Fuel Payments.

#### *Cut off date*

20. The introduction of a cut off date for claims for the first three years of the Winter Fuel Payments scheme is a tidying up measure to align with current practice on time limits for claims. It is a straightforward change on which we do not think there is a need to consult.

### **Conclusion**

21. In summary, in the light of the points above and the Government's new guidelines on consultation, we do not feel it is necessary or appropriate to consult on these amendments to the Winter Fuel Payment regulations.

### **Costs and savings**

22. As explained above, the genuine and sufficient link test has been in operation since the winter of 2012/13. As anticipated, very few claims have been turned down as a result of the test.
23. The introduction of a cut off date for claims for 1997/98, 1998/99 and 1999/00 will make small benefit savings. The volume of people claiming for these years is low and the maximum potential loss is £140 per household. However, it will simplify the administration of the Scheme.

### **Equality analysis**

24. DWP has carried out equality analysis for the Winter Fuel Payment changes. This is to meet the requirements of its race, disability and gender equality duties by considering the impact of new policies, functions and services. In addition to these statutory duties, we have also considered the impact of these proposals in relation to age discrimination legislation.
25. Winter Fuel Payments are made to people over women's State Pension age. Within this group, no restrictions on gender or age will apply. Each Winter Fuel Payment claim will be considered on its own merits to determine if a genuine and sufficient link to the United Kingdom exists. There is no evidence to suggest that there will be any greater prevalence or impact on disabled people as a result of the policy changes.
26. Based on our Equality Analysis we do not believe that the proposed changes will discriminate unlawfully (either directly or indirectly) on the grounds of race, disability, gender, age, sexual orientation and/or religious belief.

### **Customer information and Staff Guidance**

27. Information about the change in eligibility for those in the EU from Winter 2012/13 is already available on GOV.UK. The site advises, "You must have a genuine link with the UK to claim from abroad." Detailed guidance on the test is published as part of the Decision Maker's Guide <http://www.dwp.gov.uk/docs/dmgch0706.pdf>
28. Once the regulations are laid, GOV.UK and the DWP's international pages <http://www.dwp.gov.uk/international/benefits/winter-fuel-payments/> will be updated to reflect the cut off date for claims.

- 29.** Appropriate guidance will be prepared for staff and lines to take provided for contact with customers.

**Monitoring and evaluation**

- 30.** Management information will be collected to show how many:
- claims have been turned down as a result of the GSL; and
  - late claims for first three years of the scheme turned down.
- 31.** International Pension Centre will monitor the number of calls and enquiries that are expected as a result of the changes. We will also monitor correspondence and media reports to gauge how the policy changes have been received.



