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Paul Gray CB
Chair,
Social Security Advisory Committee
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27 June 2017

The Jobseeker's Allowance (Hardship) (Amendment) Regulations 2017

Dear Mr Gray,

On 17 May 2017, we presented to the Committee some changes to the Jobseeker's Allowance (Hardship) (Amendment) Regulations 2017 that would provide a positive change by extending the list of groups that are classified as vulnerable to those claimants who are homeless or have a mental health condition, including couples where one or both members are homeless or have a mental health condition.

The Committee decided at the meeting that it did not wish to take the regulations on formal reference and that we may proceed accordingly.

However, the Committee asked us to look into: broadening the definition of 'homelessness', and removing the requirement to make a judgment on whether, unless JSA was paid, there would be a deterioration in the claimant's condition over the course of the next fortnight when compared with a normally healthy adult. I am writing to you now to provide an update on both these points.

We have queried the definition of 'homelessness' and are satisfied that this is broad enough to capture the examples raised by your members during the meeting, such as people "sofa surfing" or living with relatives. Thus, we do not think that it is necessary to go further than the current definition but, nevertheless, we will ensure that suitable examples are provided in the operational guidance so it captures your concerns.

With regards to the judgement on the potential deterioration in a claimant's condition, during the meeting we explained that, in practice, a decision would be made without giving much consideration to this. Following the meeting, we held sessions with key stakeholders in a number of areas, legal, communications and operations to explore your request and, as a result, we observed that, contrary to our original information, this judgement is regularly applied by the Hardship Payment officers.

The aim of having this judgement is to ensure parity between healthy claimants and those with physical and/or mental impairments whose health would not be affected beyond that of a healthy adult during the two-week waiting period.

Removing this clause altogether would now require the Department to begin again and look at new regulations, with the attached process. Given that applications for JSA hardship payments are rapidly decreasing month on month due to claimants moving on to Universal Credit as this rolls-out, such a move would impact on those claimants we are aiming to include in the vulnerable groups list and who would miss out on these payments from day one of a successful application.

We feel, therefore, that proceeding with the amendments presented at the meeting on the 17 May 2017 is the best approach. We will, however, ensure operational guidance robustly reflects the intended policy so that claimants with a mental impairment and whose health would deteriorate over the two-week waiting period will have access to hardship payments they are entitled to.

I would be grateful if SSAC could confirm that they are content with our proposed approach.

Do not hesitate to let me know if you require further information.

Carmen Pardavila
Labour Market Policy and Partnerships Division