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4 July 2017

Dear Carmen

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

Thank you for your letter of 27 June which provides further clarification relating to *The Jobseeker's Allowance (Hardship) (Amendment) Regulations 2017* following the Committee's scrutiny of them in May.

In particular, you have provided a correction to the following responses previously given to Committee Members' questions about the degree to which decision-makers followed the existing regulations in relation to hardship payments:

Extract from SSAC minutes: 17 May 2017

In regulation 140(1)(g) of the Jobseeker's Allowance Regulations 2006 the decision-maker would appear to be required 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. It might be difficult to see how a learning disability could be affected in that way. In practice did decision-makers seek to gather evidence on what might happen over the coming fortnight in order to take a view on this, or did it tend to get waved through without any investigation?

The specific provision referred to a deterioration in the health of the person concerned, rather than to the specific physical or mental impairment in question. However the Department would acknowledge that in practice any decision made in accordance with regulation 140(1)(g) would probably be made without too much close regard to the provision about a deterioration in health.

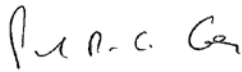
In that case why not omit this particular clause from the provision at the same time as it was being amended?

The Department undertook to consider that further and come back to the Committee.

The question the Committee asked about possible deletion from the regulations arose only as a drafting query because the previous answer had implied that, in practice, these judgements were not undertaken. Now that you have clarified that such judgements do in fact take place that query does not arise and I can confirm the Committee is content for the regulations to proceed as you propose.

The Committee has also noted your response to its outstanding question regarding the definition of homelessness.

I intend to publish your letter alongside the minutes of our earlier scrutiny of these regulations to provide transparency on this point.

A handwritten signature in black ink, appearing to read 'Paul Gray'.

Paul Gray
Chair, Social Security Advisory Committee