

Will Quince MP
Minister for Welfare Delivery
Department for Work and Pensions
Caxton House
Tothill Street
London
SW1H 9NA

8 February 2021

Dear Minister,

The Housing Benefit (Persons who have attained the qualifying age for State Pension Credit) (Amendment) Regulations 2021

The Social Security Advisory Committee scrutinised the above regulations at its meeting on 27 January. After careful consideration, the Committee concluded that it would not take the draft regulations on formal reference.¹ However, during our examination of the proposals, we identified the following issue which - if addressed - we believe would further strengthen the legislation and its delivery of the Department's policy intent.

We were advised by the Department that unfortunately no data had been analysed on the number of "mixed age couples" who would qualify for the enhanced Housing Benefit-only rate because of one, but not both, partners' date of birth.

That evidence gap is unfortunate as, if that number is small, there would be a persuasive argument for allowing the younger partner to qualify permanently for an enhanced Housing Benefit rate in the event of the couple separating or the death of the older partner. The overall cost would be modest, and putting such a protection in place would mean the Department's Equality Analysis statement that "*Access to the higher personal allowance (which incorporates the Savings Credit Uplift) will continue to be available for existing claimants and new claims from the cohort who reach State Pension age before 1 April 2021.*" would be true in all cases. Without it, some existing claimants could lose the higher personal allowance at a point in the future.

¹ The Social Security Administration Act 1992, Section 173(1)(b)

We recognise that such an approach could lead to a long legacy in those cases where a much younger partner was to receive an enhanced award for a long period. However, if the numbers are low (and presumably on a downward trajectory) we believe that there is a persuasive case to protect existing claimants fully, particularly as – for some - there will be fewer opportunities to increase their income, and the absence of such protection might result in the need for an elderly person to move home following the loss of their partner. Such a situation would be at odds with the Equality Analysis.

As a final observation, the Committee is of the view that there is a case for moving the twelve-month trigger date on which a bereaved partner would lose their uplift to ensure that it does not coincide with the first anniversary of that bereavement; a time that inevitably would already be very difficult for them.

Please do not hesitate to contact me should you require further information. I would welcome an opportunity to discuss any aspect of this note with you if you would find that helpful.

I am copying this note to Baroness Stedman-Scott, Guy Opperman, Jonathan Mills and James Wolfe.

A handwritten signature in black ink, appearing to read 'Stephen Brien'.

Dr Stephen Brien
SSAC Chair