

## 21-21: Disregard for historical abuse and Windrush schemes

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### Introduction

1. This memo provides guidance on the Social Security (Income and Capital Disregards) (Amendment) Regulations 2021<sup>1</sup> [(SS (I&C Dis) (Amdt) Regs 2021)], [SI 2021/1405](#). The changes take effect from 01.01.22.

1 SS (I&C Dis) (Amdt) Regs 2021

### Background

2. These regulations<sup>1</sup> provide that compensation payments made:

1. by schemes established or approved by the Secretary of State to compensate for historical institutional child abuse in the United Kingdom<sup>2</sup>, or
2. under the Home Office's Windrush Compensation Scheme<sup>3</sup>

do not affect recipients' entitlements to means-tested benefits.

1 SS (I&C Dis) (Amdt) Regs 2021; 2 The approved schemes that will be covered by the regulations at the point they come into force are the schemes established under the Historical Institutional Abuse (NI) Act 2019 and the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021, Lambeth Children's Homes Redress Scheme; The London Borough of Islington's proposed support payment scheme; 3 Windrush Compensation (Expenditure) Act 2020

3. On 10.12.2021 the Secretary of State for Work and Pensions (SSWP) approved a number of redress schemes for the purposes of the UC Regulations. The footnote to paragraph 2 lists the schemes approved for the purposes of these regulations at the point when they come into force. Should further

schemes be approved by the SSWP in future, guidance will be updated as necessary.

## UC

4. Fully disregard indefinitely any payment made from a scheme established or approved by the SSWP to provide compensation in respect of persons who have been the subject of historical institutional child abuse in the United Kingdom<sup>1</sup>, or any payment under the Windrush compensation scheme<sup>2</sup>.

1 UC Regs, reg 76(1), 2 reg 76(2)

**Note 1:** Any payment made under paragraph 2 is ignored as capital if it is capital and income if it is income.

**Note 2:** A child abuse payment may also include an element paid in respect of a person having been in “harm’s way”. This means that the person might not have suffered actual abuse but was in an environment where they were at risk.

## Annotations

Please annotate the number of this memo (Memo ADM 21-21) against the following ADM paragraphs: [H2051](#), [H5123](#), [H5140](#).

## Contacts

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 3E zone E, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in – Memo [7/19](#) Requesting case guidance from DMA Leeds for all benefits.

**DMA Leeds: December 2021**