

8 April 2020

**Social Security Advisory Committee
Minutes of the meeting held via video-conference**

Chair: Liz Sayce
Members: Bruce Calderwood
David Chrimes
Carl Emmerson
Chris Goulden
Philip Jones
Grainne McKeever
Dominic Morris
Seyi Obakin
Charlotte Pickles
Victoria Todd

Apologies: Jim McCormick

1. Private session

[RESERVED ITEM]

2. The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020; and The Universal Credit (Miscellaneous Amendments) Regulations 2020

2.1 The Chair welcomed Dave Higlett (G6, UC Policy), Joe Cook (SEO, UC Policy) and Natalie Liddell (HEO, UC Policy) to the meeting and thanked them for bringing the regulations for scrutiny.

2.2 Introducing the item, Dave Higlett noted that the regulations in front of the Committee were amending regulations mainly clarifying existing legislation or introducing legislation that had already been announced:

i. The Universal Credit Miscellaneous Regulations

These regulations:

- provide clarification of the Benefit Cap earnings exemption, linked to the National Living Wage; and
- introduce housing verification with landlords, via the landlord portal.

ii. The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020

These regulations introduce consistency among income-related benefits to ensure that the following emergency payments are disregarded for capital purposes:

- Grenfell Tower Residents' Discretionary Fund, The Royal Borough of Kensington and Chelsea and registered charities.
- National Emergencies Trust (NET), a charity that will launch a public appeal in response to domestic national disasters and emergencies.
- UK Government former Child Migrant Compensation, where former British children were separated from their families and sent overseas as part of the UK government's historic participation in child migrant programmes.
- New style ESA Special payments.

The regulations also provide for the consistent treatment of student loans for postgraduate across GB.

2.3 The following main questions were raised by Committee members in discussion:

(a) In terms of Benefit Cap calculations, what was the position for younger people living alone? Would the lower rate of the National Minimum Wage apply?

The Department committed to provide an answer outside of the meeting.¹

(b) On the list of payments excluded from the capital test, how did the Department decide on the final list? What were the determining factors, and what payments were considered but excluded?

The list was largely predicated by unfortunate events, such as the Grenfell fire, the terrorist attacks in London and Manchester, and the current Coronavirus pandemic. These regulations provide the statutory cover to disregard emergency payments made following such events.

(c) Are the proposals 'future-proofed' against potential future events?

¹ The Department subsequently responded that: *"The earnings threshold is linked to the National Living Wage, which is the amount set out in the National Minimum Wage regulations, for those age 25 and over."*

These regulations provide statutory cover for decisions previously made by Government. The National Emergencies Trust has been established to oversee the response to events of this nature, and would have a role in launching appeals and distributing funds. This legislation would ensure that all payments made through that route would be disregarded.

(d) What was the rationale for excluding certain benefits from the list of capital to be excluded, for example Social Fund Funeral Expense Payments and the Self-Employment Income Support Scheme?

Capital disregard rules varied for different income related benefits. The Department would check the disregards for Social Fund payments in terms of capital and provide a response outside of the meeting.²

In terms of the Self-Employment Income Support Scheme, the regulations in front of the Committee had been developed before the outbreak of Coronavirus. However, the Department continued to actively review its policies in the current pandemic.

2.3 The Chair thanked officials for presenting the draft regulations to the Committee and answering Members' questions. She confirmed that the Committee was agreed that the regulations may proceed without the need for formal reference, but noted that there were some questions to which the Department still needed to provide a response. She requested that the additional information be provided as soon as possible.

3. Private Session

[RESERVED ITEM]

4. Date of next meeting

4.1 The Committee's next meeting was scheduled to take place on 13 May. It was not yet clear whether or not the meeting would be able to take place in Caxton House or whether another video-conference would be necessary. The arrangements would be confirmed as soon as possible.

² The Department subsequently responded that: "*Social Fund benefits have a range of qualifying criteria. Eligibility to Funeral Expenses Payments, for example, is in turn based on eligibility to the means-tested benefits whose rules we are amending to ensure that the payments we are concerned with our disregarded when entitlement to those benefits is considered.*"

Attendees

Guests and Officials

Item 2: Dave Higlett (Working Age Benefits UC)
 Natalie Liddell (Universal Credit and Employment Policy)
 Joe Cook (Universal Credit and Employment Policy)

Secretariat: Denise Whitehead (Committee Secretary)
 Jaishree Patel (Assistant Secretary)