

Social Security Advisory Committee
Minutes of the meeting held on 21 June 2023

Chair: Dr Stephen Brien

Members: Bruce Calderwood
Carl Emmerson
Gráinne McKeever
Seyi Obakin
Charlotte Pickles

Apologies: Kayley Hignell
Phil Jones
Liz Sayce

1. Private Session

[PARTIALLY RESERVED ITEM]

Consideration of postal regulations

1.5 The Committee agreed with the Postal Regulations Sub-group's recommendations that the following regulations were suitable candidates for clearance by correspondence:

- *The Social Security (Habitual Residence and Past Presence) (Amendment) Regulations 2023*
- *The Child Benefit (General) (Amendment) Regulations 2023*

1.6 The Chair asked the Committee Secretary to notify the Department that the Committee was content for the above regulations to proceed.¹ In doing so, the Department should be asked for further information regarding the support for people who do not have a place to stay when they arrive in the country.²

2-4. Private Sessions

[RESERVED ITEMS]

Date of next meeting

The next meeting is scheduled to take place on 19 July 2023.

¹ The Committee was not quorate at the point this decision was made, therefore action was taken in accordance with its formal Rules of Procedure which states: "*In the absence of a quorum, those Members present shall not make decisions on behalf of the Committee but may make recommendations for the subsequent approval of the Committee.*" Accordingly, this decision was made following consultation with Committee members not present at the meeting.

² A response to the Committee's questions has been received from the Department and can be found at annex B.

Secretariat: Denise Whitehead (Committee Secretary)
Dale Cullum (Assistant Secretary)
Gabriel Ferros (Analyst)
Anna Woods (Assistant Secretary)

The Social Security (Habitual Residence and Past Presence) (Amendment) Regulations 2023

Further information provided to the Social Security Advisory Committee by the Department after the meeting.

- (a) The Committee was advised by the Department that *“for individuals who do not have immediate accommodation available, Local Authorities (LAs) may also provide emergency overnight accommodation and then support people to move on.”* What form does that support take? If people have no access to accommodation elsewhere in the United Kingdom, do LAs have a duty to provide temporary accommodation or only the power to provide accommodation i.e., what in practice does the following mean? *“...The Department for Levelling Up, Housing and Communities (DLUHC) has laid equivalent regulations to ensure those arriving from Sudan will be able to access social housing and homelessness assistance.”*

In its role of lead government department for the mass influx of British Nationals, DLUHC worked with the Foreign, Commonwealth & Development Office to facilitate the reception and support to British Nationals evacuated from Sudan. This involved asking local partners at reception airports to establish Welcome Points to help orientate arrivals, support those able and with accommodation to move on and provide welfare support to those arriving with limited resources and no existing base in the United Kingdom. Given flight arrival times, the need to move people away from airports and the fact that some returning British Nationals had limited previous contact with the United Kingdom, this involved the provision of emergency accommodation while longer term accommodation options were arranged. Some households who had no alternative accommodation to move on to, subsequently made homelessness applications under LAs statutory homelessness duties.

If someone is homeless or at risk of becoming homeless, LAs have statutory duties they are required to follow to either prevent or relieve their homelessness, these duties are set out below.

- If a person is assessed as eligible and threatened with homelessness the LA would owe them **the prevention duty**.
- If the LA is unable to prevent someone becoming homeless and 56 days passes, or they are already homeless at the time they approach for support and they are assessed as eligible the LA would owe them the **relief duty**.
- If the LA has reason to believe a person is **owed the relief duty**, and they fall within a **priority need category**, they have an immediate obligation to

provide them with **temporary accommodation** while they make their inquiries.

- If the LA is unable to prevent or relieve someone's homelessness and they are assessed as **eligible, unintentionally homeless** and having **priority need** the LA would owe them a **duty to provide temporary accommodation while they secure long term accommodation for the household (the main duty)**.
- A person may have **priority need** if: they or someone they live with is pregnant; 'dependent children' live with them (under 16s or under 19s if they are studying full-time); they are homeless as a result of being a victim of domestic abuse; they are aged 16 or 17; they are aged 18-20 and were in care between the ages of 16 and 18; they are assessed by the council as vulnerable; or, they are homeless after a flood, fire or other emergency.
- **Eligibility** relates to factors such as immigration status and habitual residence. DLUHC's regulations mean that the habitual residence test does not apply for those arriving from Sudan, enabling access to homelessness assistance for returning British Nationals.

(b) If people arrive back with no luggage, they will have few clothes, and may have no soap, toothpaste etc, or medication. Are there any sources of support which can kit people with essentials in these situations?

LAs in the areas with receiving airports stood up Welcome Points. The Welcome Points provide a space to rest, meet family and friends and access to immediate welfare assistance, such as water, food, and nappies. Welcome Points also provided support with onward travel, assisted with emergency overnight accommodation if required and were also able to make small emergency payments for households that arrived with nothing.

(c) Who are the 'local partners at reception airports'?

There were a number of different local partners at Stansted, Gatwick and Birmingham airport. These included: local authorities, charity volunteers, National Health Service staff and Local Resilience Forum staff.

(d) Was any funding available for them and the LAs affected?

The Department is working closely with local authorities involved in the repatriation effort to ensure that reasonable costs incurred, related to supporting immediate arrival needs, are met.

(e) Could the Committee have a report in six months-time on how the LAs have/have not been able to meet its statutory duties and what actions DWP might then consider in response to this?

Local authority support is not a DWP policy area, and DWP would not be competent to report on whether local authorities are meeting their statutory duties. If an individual believes that a local authority has failed to fulfil its

statutory duties for support or is not satisfied with how the law is being applied in their case, they may take action via the courts or make a complaint to the Local Government and Social Care Ombudsman.

While DWP does consider the support available from LAs when developing policies, the Department cannot require LAs to provide any specific level of support and would not be competent to assess whether they are meeting their statutory duties. However, DWP would be happy to update the Committee in six months on the practical operation of the Department's regulations and will seek insight from DLUHC at that point.