


# Universal Credit: Challenging Decisions and Access for those with EU Pre-Settled Status

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## Key Dates

<p>6 October 2021</p> <p>“This morning, around 5.5 million families across the United Kingdom are waking up £1,040-a-year worse off due to the Prime Minister imposing the biggest ever overnight cut to social security.”</p> <p><a href="#">Biggest ever overnight cut to social security makes a mockery of levelling up   JRF</a></p>	<p>30 June 2021</p> <p>“Failure to apply to the EUSS may negatively impact your eligibility to work, study, and access benefits and services in the UK, and to rent a property in England.”</p> <p><a href="#">EU Settlement Scheme: information for late applicants - GOV.UK</a></p>
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## This Session

- ▶ Eligibility
- ▶ Roll-out difficulties
- ▶ EU Pre-Settled Status, where have we got to?
- ▶ How to challenge Universal Credit decisions
- ▶ Change in circumstance
- ▶ Claimant commitments & sanctions

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## Universal Credit Overview

- ▶ Living costs
- ▶ Paid monthly in arrears
- ▶ Low income or out of work.
- ▶ "Must" be claimed online.
- ▶ Where a person says that they have a health condition or disability they are asked to complete a form UC50 & attend a Work Capability Assessment.

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## Universal & Credit & 'Legacy Benefits'

Replaced 6 means-tested 'legacy benefits'

1. Income Support
2. Income-based Jobseeker's Allowance
3. Income-related Employment and Support Allowance
4. Housing Benefit
5. Child Tax Credit
6. Working Tax Credit

HOWEVER:

Disability Premiums are NOT included (more on this later)

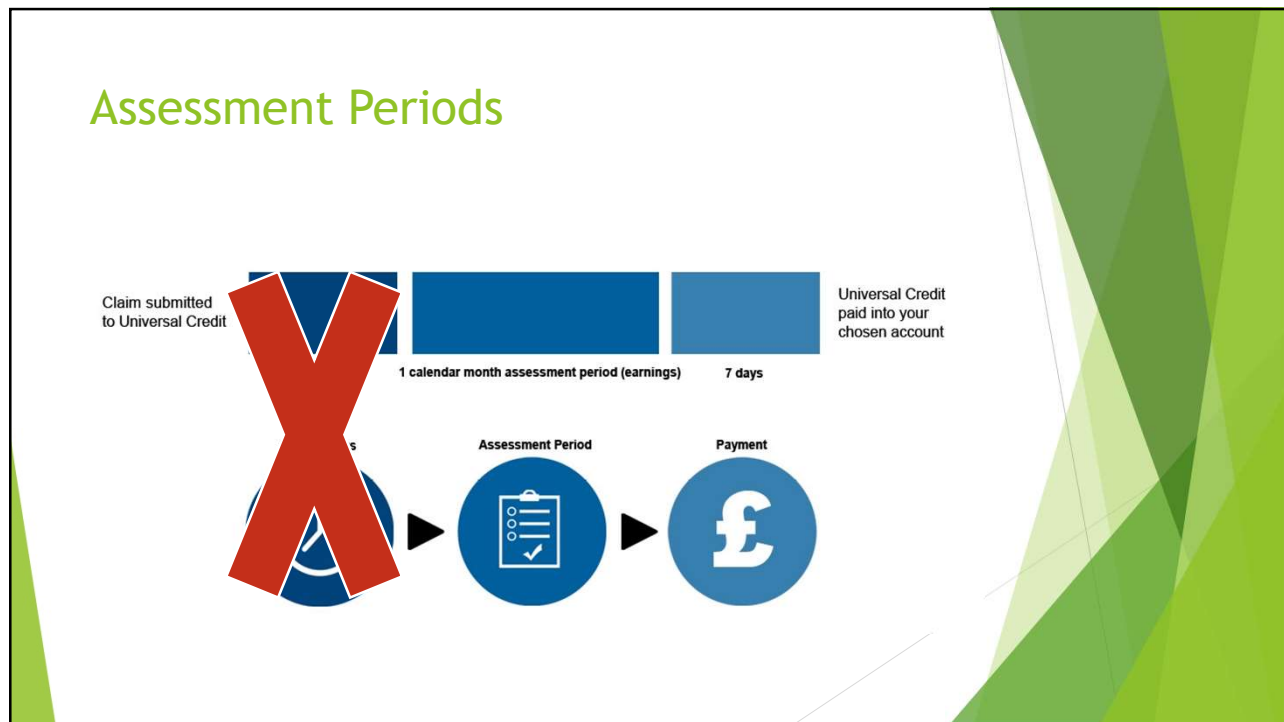
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## Eligibility

- ▶ Aged at least 18
- ▶ Under pension age
- ▶ Present and habitually resident in the UK
- ▶ Not receiving education
- ▶ Savings and capital under £16,000
- ▶ Accept the Claimant Commitment

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## Assessment Periods



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## Universal Credit Elements

### Standard Allowance

- Single claimant:
  - aged 25+: £411.51/324.84
  - under 25: £344/£257.33
- Joint claimants/couple
  - One or both 25+: £596.58/£509.91
  - Under 25: £490.60/403.93

### Limited capability for work / work-related activity

- Work capability assessment
- LCWRA: £343.63pcm
- LCW: £128.89pcm (abolished for new claims from 3 Apr 2017)

### Housing Costs

- Rent
- Eligible Service Charges
  - Communal heating and hot water
  - Gardening
  - Caretaking
  - Communal cleaning/porters

### Carer Element

- £163.73pcm paid to those who have 'regular and substantial' caring responsibilities for a severely disabled person for at least 35 hours per week

### Child Element

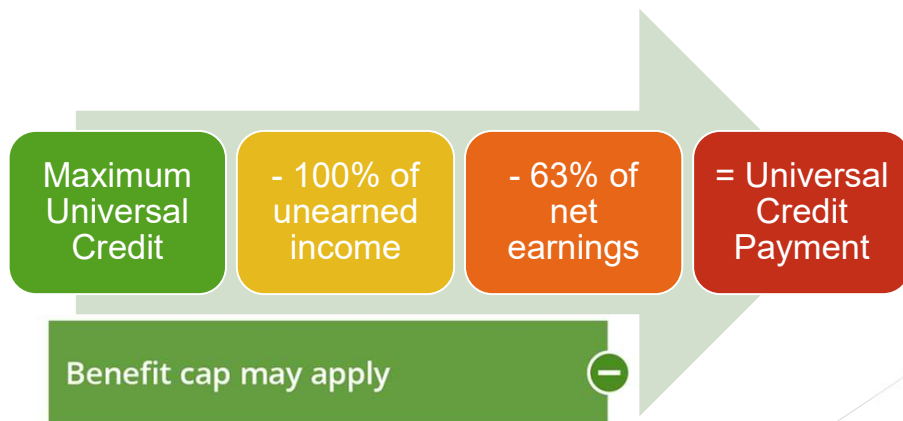
- First child/QYP born before 06/04/2017: £282.50 pcm
- 1st child born on/after 06/04/2017 or second child and each subsequent child: £237.08 pcm
- Disabled child additions

### Child Costs Element

- 'Relevant Childcare'
- 85%
- One child max £646.35pcm
- 2 or more children: £1108.04pcm

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## Universal Credit Calculation



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## Any Questions?



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## Key Issues

- ▶ Severe Disability Premiums - Gateway ended 27 January 2021
- ▶ Waiting periods
- ▶ *Johnson, Pantellerisco*
- ▶ 2 weeks of legacy benefits
- ▶ Child care costs - *Salvato*

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## Key Issues

- ▶ EU Settlement Scheme
- ▶ Pre-settled status
- ▶ *Fratila and another (AP) v Secretary of State for Work and Pensions*  
UKSC 2021/0008; [2020] EWHC 998 (Admin)
- ▶ *CG v Department for Communities in Northern Ireland*  
Case C-709/20 (European Court of Justice)
  - ▶ Treaty on the Functioning of the European Union
  - ▶ Citizens Rights Directive 2004/38
  - ▶ Charter of Fundamental Rights of the EU

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## Claimant Commitments and Sanctions

- ▶ Must agree to the Claimant Commitment
- ▶ Work-related requirements
- ▶ Varied by Work Coach or request review
  
- ▶ 3 levels of sanction
- ▶ Hardship payment
- ▶ Civil penalty

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## Challenging Universal Credit Decisions

- ▶ Informal: message on Universal Credit Journal
- ▶ Formal appeals process in two stages
  1. Mandatory Reconsideration
    - Request on UC Journal / by telephone
  2. Appeal to the Social-Security Tribunal
    - Request online / SSCS1
  
- ▶ 1 month / 13 months
- ▶ Give reasons

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## Other Options

- ▶ Complaint
  - ▶ [Customer Charter](#)
  - ▶ Repeated mistakes or long delays
  - ▶ Ongoing relationship
  
- ▶ Judicial Review
  - ▶ Remedy of last resort
  - ▶ Refusal to provide mandatory reconsideration
  - ▶ Regulations / work practices are discriminatory