Dear Stephen,

Thank you for your letter dated 18 March 2020 regarding the implications of the Covid-19 outbreak. Preparing for this outbreak has been the Department’s top priority, and work has focused on three key areas:

i. as announced at Budget, making a number of policy changes to ensure the Statutory Sick Pay and benefit systems support people who are least able to afford a reduction in income to do the right thing by following public health advice;
ii. adjusting operational processes so that benefits can be accessed without face-to-face interaction where required;
iii. implementing robust business continuity plans to maintain service delivery in the context of a potential rise in new claims to benefit while staff absence levels are high.

You posed a number of questions, which I will address in order:

1. The Department is taking many welcome steps to support both existing and new claimants. How are you making sure that people know what they’re entitled to and how to make a claim?

We are boosting our existing UC campaign to drive traffic to the Understanding Universal Credit website so we can help to ensure people have the advice and information they need on how to make a claim for UC. This includes, from Monday 23 March ‘Out of Home’ digital advertising, across 350 digital sheet panels for 2 weeks) in England, Scotland and Wales.

We have also developed a new CV-19 web page with information about other benefits and CV-19 related benefit changes. We are actively promoting this via social media and stakeholder channels. This has generated over 200,000 visits in the last 3 days.

We have also developed new digital adverts on topics such as eligibility, financial support, advance payments and changes to conditionality.
We are extending the reach of our messaging via paid search and Facebook digital advertising, and our corporate and local social media posts.

2. Your letter suggests that, if a Jobcentre must close, existing work will be re-allocated to staff at a different site.

a) Do Jobcentres have the capacity to take on extra work – possibly a doubling of their existing workload?

b) Is there a risk that this could lead to delays or an increased backlog of claims? How will the Department address this?
We are doing all we can to keep our Jobcentres and service centres operational so we can help existing and new claimants. As of 24th March, Jobcentres have closed their doors for general face-to-face inquiries except for complex cases where we need to see people face-to-face to provide vital support. At all times our focus will remain on delivering critical services for our customers whilst listening to Government advice on how best to keep our customers and colleagues safe.

We anticipate a significant increase in claims and are redeploying resources rapidly to handle this surge. We will prioritise delivery of frontline services as much as possible and reduce discretionary activity to maintain our service levels. However, the Committee will appreciate that in such circumstances processing and telephony times may increase in some areas of the Department to ensure we can maintain critical services.

3. Mind and other charities have told the Committee that the decision to suspend face-to-face health assessments for disability benefits is welcome, but that phone and paper assessments should also stop for existing claimants. What is the Department’s view on this?

DWP has taken the decision to suspend activity to proactively review / reassess health and disability claims for the next 3 months unless a claimant notifies of us a change in their needs. This temporary measure is being taken to ensure the Department’s resources are focused on enabling access to financial support for new claimants and reassure claimants about continuity of their benefit during the coronavirus outbreak.

a) Healthcare professionals are likely to be under enormous pressure at the moment, and won’t be able to provide evidence for health assessments. How do you plan to ensure that assessments are carried out fairly in these circumstances?

As always, we will be doing everything we can to ensure that claimants receive the correct level of support. We will be looking to make decisions on paper-based evidence (e.g. claim forms and questionnaires completed by claimants) and evidence collected through telephony enquiries where appropriate. As normal, claimants can request a Mandatory Reconsideration if they believe the decision taken on their claim is wrong.

We are working at pace with our Assessment Providers to clarify ‘alternative arrangements’ for when more information is needed, with one of our assessment providers already beginning telephony assessments.

b) What discussions have you been having with the NHS and others about these challenges?

We are continuing to work closely with the Department for Health and Social Care and all of our Assessment Providers as the situation develops, mindful both of the needs of supporting primary care as well as in ensuring that benefit claimants can receive the support they are entitled to.

c) During today’s Opposition Day debate on Statutory Sick Pay, the Minister for Disabled People, Health and Work suggested that DWP might not have the capacity to carry out re-assessments. Could you confirm what the Department’s approach is to re-assessments and whether these are likely to cease temporarily? If so, how will you communicate this to claimants?
We know it is particularly important to provide reassurance to claimants about the continuity of their benefit payments during this difficult time and we also need to focus resources on enabling access to financial support for new claimants. We are therefore suspending activity to undertake new reviews and reassessments across health and disability benefits for the next 3 months. This will be kept under regular review. We will be communicating to claimants directly affected and ensuring they know how to contact the Department if their needs have changed.

4. **Could you provide more detail about the ‘alternative arrangements’ to face-to-face health assessments that are being put in place?**

We are working at pace with our Assessment Providers on this, with one of our assessment providers already beginning telephony assessments. As always however, where possible we will aim to make a decision on paper-based evidence.

5. **In the event of court closures, there is a risk that PIP and ESA claimants with outstanding appeals could experience significant delays in having their appeals resolved. Given that approximately 77% of ESA appeals and 76% of PIP appeals are allowed, this could result in claimants going without the correct entitlement for a prolonged period.**

   a) **How many claimants are currently awaiting an appeal hearing against PIP and ESA decisions?**

At the end of December 2019 there were 91,576 Social Security and Child Support (SSCS) cases outstanding.

When a customer lodges an appeal with HMCTS, as soon as DWP is notified we undertake checks to identify customers who may need additional support by reviewing the change in award and current entitlement to other benefits. These cases are prioritised today and this will continue with the people we have available.

   b) **What discussions are you having with the Ministry of Justice about this, and what assessment have you made of the likelihood of delays?**

We are working closely with the Ministry of Justice on this. HMCTS are putting in place arrangements to use telephone, video and other technology to continue as many hearings as possible remotely. Further guidance has been released by the Lord Chancellor looking at additional contingency measures.

Where appeals proceed we are continuing to prioritise putting in place the decision with the people we have available.

   c) **What support, if any, is the Department planning to provide to claimants affected by delays to appeal hearings?**

We are working with colleagues in HMCTS to ensure that claimants who do have an appeal adjourned or delayed are signposted to appropriate support.
6. Many foreign nationals who live in the UK have no recourse to public funds as part of their leave to remain conditions. There is understandable concern that, if they can’t work, they will have no other source of income, and will therefore be reluctant to self-isolate.

a) What discussions are you having with the Home Office about support for those with no recourse to public funds? Are there any plans to relax the rules given the current circumstances?

The Home Office determine eligibility to access public funds. The Government has announced a new £500 million Hardship Fund as part of the package of measures to support those affected by COVID-19 so Local Authorities can support economically vulnerable people and households. MHCLG will set out more detail on this funding, shortly.

b) Will those working towards indefinite leave to remain on the basis of long residence risk having their application refused if they are forced to claim public funds?

The Home Office determine whether persons granted leave to enter or remain in the UK are eligible to access public funds. The Home Office are also responsible for deciding policy in circumstances when a non-UK national with a no recourse to public funds condition has received public funds or if their sponsor has received public funds for them.

c) Are there any plans temporarily to suspend the habitual residence test? The Minister for Welfare Delivery very helpfully committed to look into this during today’s Opposition Day Debate.

There will always be a need to have safeguards in place through the immigration system and the benefit system to ensure that the cost of providing benefits for those on low incomes is balanced with the requirement for fairness for those that pay into the system and support themselves solely through work. This is why DWP conducts the habitual residence test.

There are operational procedures already in place to expedite confirmation of eligibility and DWP guidance provides flexibility for Decision Makers to consider oral evidence in circumstances where the claimant is unable to provide documentary evidence. Claimants who are habitually resident in the UK and exercising a right to reside which provides recourse to access public funds are eligible to access benefits.

We have made Universal Credit new claims and advances available without needing to visit a jobcentre, for those affected by Covid-19. Our work coaches and decision makers take very seriously their responsibilities to work cooperatively with claimants to gather evidence in support of their claim.

The department continues to review its services in order to support eligible claimants affected by Covid-19.

Local Authorities will also be able to access the £500 million Hardship Fund as part of the package of measures to support economically vulnerable people and households.
Regarding the recent Citizens Advice report, please find responses to the highlighted recommendations below:

7. The temporary suspension of the minimum income floor for all self-employed claimants, not just those who are self-isolated or directly affected by Covid-19;

We have announced that we will temporarily relax the application of the Minimum Income Floor (MIF) for all self-employed claimants affected by the economic impact of COVID-19 from 6 April, for the duration of the outbreak. This goes further than the previous Budget announcement to temporarily relax the MIF only for those claimants who are sick or compelled to self-isolate in line with the Government COVID-19 guidance, which has already come into effect.

8. Provision of Statutory Sick Pay for those earning less than the Lower Earnings Limit at 80% of their wage;

Our immediate concern in dealing with the COVID-19 outbreak is to ensure there is a suitable financial safety net in place. The benefit system provides that.

Anyone earning less than £118 per week is clearly on low income, and so depending on their circumstances are likely to receive help. We estimate that around 60% of people earning below the LEL are already in receipt of benefits. If they are claiming Universal Credit then their award will go up as their income falls.

To support those on low incomes through the outbreak we have announced a package of temporary welfare measures, worth more than £6.5 billion. People on low incomes are able to get extra support from the welfare system – mainly Universal Credit. If SSP is insufficient, then they should claim this extra support if they are not already doing so.

A significant increase in SSP rate will put more financial pressure on business, which could lead to more job losses.

9. Suspension of NI contribution requirements for statutory Employment and Support Allowance;

We are ensuring that everyone who needs it has access to the benefits system, focusing our resources on those who need it most. There is a comprehensive support offer available across SSP and a range of benefits.

10. Extending the Winter Fuel Payment to support households facing higher energy bills due to self-isolation?

Winter Fuel Payments have already been paid for the year 2019/20.

The Government has announced a number of measures to ensure that those affected by COVID-19 are supported to do the right thing.

These measures can be quickly and effectively operationalised, and will benefit as many disadvantaged families as possible. DWP are experiencing significant increased demand and the Government has to prioritise safety and stability of the benefits system overall.
11. In particular, will you consider making Universal Credit advances non-repayable for those in self-isolation, as suggested by Citizens Advice?

Advances are a mechanism for getting claimants faster access to their entitlement, they allow claimants to receive the annual amount payable in 13 payments over 12 months. Face-to-face checks for Universal Credit advances have been stopped for people self-isolating due to the Coronavirus, so they get the support they need quickly. To make it easier for people to budget, the Government has reduced the maximum deduction from 40% to 30% of a claimant’s standard allowance.

Finally, we promised a further update following the recent change to guidance:

- If you are required to self-isolate you may be able to claim: SSP, UC, new style ESA.
- If you are required to isolate as part of a household you may be able to claim: SSP, UC, new style ESA.
- If you are practising social distancing and cannot work from home, the government advises that you continue to work.
- If your employer reduces your hours or you lose your job, you may be able to claim: UC or new style JSA.

We continue to update advice online for citizens at: www.understandinguniversalcredit.gov.uk/coronavirus/

I hope that members find this information helpful in advance of the Select Committee tomorrow.

The Rt Hon Therese Coffey MP
SECRETARY OF STATE FOR WORK AND PENSIONS
From the Chair

18 March 2020

Rt Hon Thérèse Coffey MP
Secretary of State
Department for Work and Pensions

Dear Thérèse,

Thank you for your letter of 17 March on Covid-19 (Coronavirus). I am writing with some further questions about the DWP’s response to the coronavirus outbreak. The Committee welcomes many of the measures the Department has put in place already, but would be very grateful indeed for answers to the questions that follow.

1. The Department is taking many welcome steps to support both existing and new claimants. How are you making sure that people know what they’re entitled to and how to make a claim?

2. Your letter suggests that, if a Jobcentre must close, existing work will be re-allocated to staff at a different site.
   a. Do Jobcentres have the capacity to take on extra work – possibly a doubling of their existing workload?
   b. Is there a risk that this could lead to delays or an increased backlog of claims? How will the Department address this?

3. Mind and other charities have told the Committee that the decision to suspend face-to-face health assessments for disability benefits is welcome, but that phone and paper assessments should also stop for existing claimants. What is the Department’s view on this?
   a. Healthcare professionals are likely to be under enormous pressure at the moment, and won’t be able to provide evidence for health assessments. How does you plan to ensure that assessments are carried out fairly in these circumstances?
   b. What discussions have you been having with the NHS and others about these challenges?
   c. During today’s Opposition Day debate on Statutory Sick Pay, the Minister for Disabled People, Health and Work suggested that DWP might not have the capacity to carry out re-assessments. Could you confirm what the Department’s approach is to re-assessments and whether these are likely to cease temporarily? If so, how will you communicate this to claimants?
4. Could you provide more detail about the ‘alternative arrangements’ to face-to-face health assessments that are being put in place?

5. In the event of court closures, there is a risk that PIP and ESA claimants with outstanding appeals could experience significant delays in having their appeals resolved. Given that approximately 77% of ESA appeals and 76% of PIP appeals are allowed, this could result in claimants going without the correct entitlement for a prolonged period.
   a. How many claimants are currently awaiting an appeal hearing against PIP and ESA decisions?
   b. What discussions are you having with the Ministry of Justice about this, and what assessment have you made of the likelihood of delays?
   c. What support, if any, is the Department planning to provide to claimants affected by delays to appeal hearings?

6. Many foreign nationals who live in the UK have no recourse to public funds as part of their leave to remain conditions. There is understandable concern that, if they can’t work, they will have no other source of income, and will therefore be reluctant to self-isolate.
   a. What discussions are you having with the Home Office about support for those with no recourse to public funds? Are there any plans to relax the rules given the current circumstances?
   b. Will those working towards indefinite leave to remain on the basis of long residence risk having their application refused if they are forced to claim public funds?
   c. Are there any plans temporarily to suspend the habitual residence test? The Minister for Welfare Delivery very helpfully committed to look into this during today’s Opposition Day Debate.

Thank you for offering to share a further update following changes to the public health guidance on 16 March, which we look forward to receiving.

Citizens Advice has recently published a report with a number of recommendations on what more the Government can do to help those affected by the outbreak. While not all of these recommendations are for your Department, it would be helpful to have answers to the following questions:

7. What is the Department’s response to the following measures proposed by Citizens Advice:
   a. The temporary suspension of the minimum income floor for all self-employed claimants, not just those who are self-isolated or directly affected by Covid-19;
   b. Provision of Statutory Sick Pay for those earning less than the Lower Earnings Limit at 80% of their wage;
   c. Suspension of NI contribution requirements for statutory Employment and Support Allowance;
   d. Extending the Winter Fuel Payment to support households facing higher energy bills due to self-isolation?

8. In particular, will you consider making Universal Credit advances non-repayable for those in self-isolation, as suggested by Citizens Advice?
I recognise the pressures on your Department at the moment. It would nevertheless be helpful to have a response by midday on Tuesday 24 March, to allow committee members to read your reply before the evidence session the following day.

Yours sincerely,

Rt Hon Stephen Timms MP
Chair
Rt Hon Stephen Timms MP  
Chair  
Work and Pensions Select Committee

Dear Stephen,

Thank you for your letter dated 4 March 2020 regarding the implications of the Covid-19 outbreak. Preparing for and responding to this outbreak has been the Department’s top priority. Work has focused on three key areas:

i. as announced at Budget, making a number of policy changes to ensure the Statutory Sick Pay and benefit systems support people who are least able to afford a reduction in income to do the right thing by following public health advice;

ii. adjusting operational processes so that benefits can be accessed without face-to-face interaction where required;

iii. implementing robust business continuity plans to maintain service delivery in the context of a potential rise in new claims to benefit while staff absence levels are high.

Following advice from the Scientific Advisory Group for Emergencies (SAGE), the Prime Minister announced a number of changes to the public health advice yesterday (16 March). We will provide you with an update on DWP’s response to that guidance shortly.

In response to your specific questions.

1) Was your Department involved in the development of the Government’s Coronavirus Action Plan? If so, why does the plan not address the potential impact on Universal Credit claims or people’s earnings?

Yes. It is a high-level strategic plan focused on the healthcare response. The Department remains fully involved in cross-government work on managing all the potential impacts of Covid-19.

2) What is the Department’s approach to sanctions for people who can’t meet the obligations in their Claimant Commitment because the Government’s guidance is that they should self-isolate?
What guidance have you given to Jobcentres about the outbreak, including on the approach that staff should take to sanctions? Please could we see a copy of any guidance?

Claimants must tell us that they have been diagnosed or that they are self-isolating as soon as this happens so we tailor their conditionality to their new circumstances and avoid being sanctioned.

Where a claimant has a diagnosis of Covid-19, or is self-isolating because of government guidance on Covid-19 they are covered by the usual requirement for Schedule 8 of the Universal Credit Regulations and are immediately treated as having Limited Capability for Work. This means that work search and work availability is stopped.

The claimant commitment will then be reviewed to ensure that any work related requirements continue to be reasonable taking into account the claimant’s health and circumstances. Work coaches can continue to use their discretion to agree work preparation activities that can be done from home if this is reasonable, and can continue to conduct work focused interviews over the telephone or have contact via the claimant Journal where this is reasonable. Medical related requirements must not be placed on the claimant commitment.

Updated guidance has been provided to operational civil servants and staff this week to reflect the recent changes to Schedule 8. This guidance will be reinforced by frequent all staff calls. Given the rapidly evolving situation and complexity of the business, we will continue to keep our approach under review and update the guidance when necessary. I will updated you once the guidance has been finalised.

Given the high number of people attending Jobcentres and the risk of transmission, what plans are in place if Jobcentre staff are unable to attend work, or if a service centre needs to close temporarily? How are you ensuring that staff and claimants are will not be disadvantaged as a result?

DWP has extensive business continuity planning across all service delivery and functional areas. The Department undertakes business continuity assurance and validation activities across all services, supported by a comprehensive exercise programme.

The Department has recently reviewed all business continuity plans against the ‘reasonable worst case scenario’ planning assumptions for a pandemic, based on existing planning that was in place for pandemic flu. This includes ensuring measures are in place to rapidly prioritise activities to protect payments to claimants and access to new claims when capacity is compromised. The Department can divert activities and resources across its network when required, to help ensure it can continue to maintain critical priorities with fewer staff. In the
event that a site or service centre is required to close temporarily, the Department would re-allocate work to a different site rather than move staff.

Departmental HR policy and guidance is continuously being updated to reflect the latest NHS and PHE advice. Since Covid-19 is now a notifiable communicable disease by law, staff will not be disadvantaged due to absences attributed to Covid-19.

Following the Government’s decision to move to the “Delay” phase to manage the Covid-19 outbreak, DWP has taken the decision to suspend all face-to-face assessments for health and disability related benefits with immediate effect. This includes Personal Independence Payment, the Industrial Injuries Scheme and Work Capability Assessments in both Employment and Support Allowance and Universal Credit. This decision has been taken as a precautionary measure, but one we feel is necessary in order to safeguard the health of individuals claiming these benefits, many of whom may be at greater risk due to their pre-existing health conditions.

From 17 March, we are therefore cancelling all scheduled face-to-face assessments and will be making every effort to contact claimants to notify them that they no longer need to attend their appointment. Where we are unable to contact claimants and a claimant arrives for their scheduled assessment, we will offer a choice to the individual as to whether to continue with their assessment face-to-face or not.

We are working at pace with our Assessment Providers to put in place alternative arrangements and I am grateful to the Providers for their support in working collaboratively with the Department to provide continuity of service at this critical time. I can also confirm that we continue to accept new claims to all benefits and for existing claimants, benefits will remain in payment while these alternative arrangements are put in place.

5) In a response to Written Parliamentary Question 20565, your Department suggested that those required to self-isolate could make a claim for new-style Employment and Support Allowance. Could you set out how this would work?

‘New style’ Employment and Support Allowance (‘ESA (C)’) is a contributory benefit which we would expect people who have paid National Insurance Contributions to access if they are self-employed and have another earner in the household or have savings over the UC limit of £16,000. We have amended ESA (C) regulations to ensure that people who are infected with Covid-19 or who are required to self-isolate will be able to make a claim to ESA (C). They will be treated as having Limited Capability for Work without the requirement for medical evidence or a work capability assessment. People can claim ESA (C) over the phone and will not be required to contact their doctor to get a fit note.

6) What assessment has the DWP made, if any, of the impact of the outbreak on the number of Universal Credit claims in the event of an upsurge in cases of Covid-19?
The Department is assessing still assessing this. We are working with other Government Departments to ensure consistent assumptions are being made to support the Government’s planning. This includes the expected impact of changes in policy announced at Budget, additional claims made to UC or other benefits on health-related grounds, and any potential wider impacts on the labour market. For those households already claiming, a change in their health or employment status will not require a new claim, but their UC award will be adjusted to take account of change in earnings or other circumstance.

a. Can you confirm that anyone applying for Universal Credit in these circumstances will have to wait five weeks for their first payment, or take out a loan in the form of a repayable Advance?

A payment will be available in the first week through an advance. Basic eligibility checks for advances will be able to be done remotely for those unable to attend an office due to self-isolation or Covid-19 infection, allowing access to advances without being seen face-to-face.

7) Is the system sufficiently prepared and resourced to ensure that those affected will not face any further financial hardship as a result?

Yes. DWP has undertaken significant planning activity to ensure departmental readiness to maintain critical services, with a particular focus on maintaining the continuity of payments to citizens and access to new claims. DWP is continuously undertaking business continuity assurance and validation activities across all services.

8) Self-employed people who make a Universal Credit claim risk being disadvantaged by the minimum income floor if their income decreases (or stops) as a result of their inability to work. How are you ensuring that self-employed people will not suffer hardship if they are required to self-isolate?

As per the Budget announcement, self-employed claimants on Universal Credit who are required to self-isolate or are ill as a result of Covid-19 will not have a Minimum Income Floor (an assumed level of income) applied for a period of time whilst they are affected.

I hope this provides reassurance about the plans DWP has in place to deal with the impact of the covid-19 outbreak.

Yours sincerely

[Signature]
Dear Thérèse,

I am writing to you about the current outbreak of COVID-19 (novel Coronavirus) and the potential implications for your Department.

As you will know, Public Health England is advising some groups of people to self-isolate, which involves staying away from the workplace or other public areas. This will obviously have an impact on people who are required to attend Jobcentres (or face a sanction) and on people whose terms of employment mean that they lose income if they are unable to work.

I would be grateful if you could answer the following questions:

1. Was your Department involved in the development of the Government’s Coronavirus Action Plan? If so, why does the plan not address the potential impact on Universal Credit claims or people’s earnings?

2. What is the Department’s approach to sanctions for people who can’t meet the obligations in their Claimant Commitment because the Government’s guidance is that they should self-isolate?

3. What guidance have you given to Jobcentres about the outbreak, including on the approach that staff should take to sanctions? Please could we see a copy of any guidance?

4. Given the high number of people attending Jobcentres and the risk of transmission, what plans are in place if Jobcentre staff are unable to attend work, or if a service centre needs to close temporarily? How are you ensuring that staff and claimants are will not be disadvantaged as a result?

5. In a response to Written Parliamentary Question 20565, your Department suggested that those required to self-isolate could make a claim for new-style Employment and Support Allowance. Could you set out how this would work?
Those in low paid or insecure jobs, for example those on zero-hours, short-term contracts or workers in the gig economy, who are often self-employed, could also face additional hardship from loss of pay if they are required to self-isolate. It would be helpful to have answers to the following questions:

6. What assessment has the DWP made, if any, of the impact of the outbreak on the number of Universal Credit claims in the event of an upsurge in cases of COVID-19?
   a. Can you confirm that anyone applying for Universal Credit in these circumstances will have to wait five weeks for their first payment, or take out a loan in the form of a repayable Advance?

7. Is the system sufficiently prepared and resourced to ensure that those affected will not face any further financial hardship as a result?

8. Self-employed people who make a Universal Credit claim risk being disadvantaged by the minimum income floor if their income decreases (or stops) as a result of their inability to work. How are you ensuring that self-employed people will not suffer hardship if they are required to self-isolate?

I hope you will agree that the exceptional circumstances of this outbreak necessitate a flexible response from the DWP. To contain the spread of the virus, it is vital that those required to self-isolate are not deterred from doing so due to the threat of sanctions or loss of income.

The Committee would be grateful for a reply by Friday 13 March.

Yours sincerely,

Rt Hon Stephen Timms MP
Chair