



WELFARE RIGHTS ADVICE IN NORTH AYRSHIRE

NORTH AYRSHIRE



Health & Social Care Partnership

Money Matters Update No 49

10/08/20

New regulations limiting eligibility for Universal Credit for Disabled Students

In force from 5 August 2020, the Universal Credit (Exceptions to the Requirement not to be receiving Education) (Amendment) Regulations 2020 ([SI.No.827/2020](#)) ensure that a person entitled to a disability benefit will only be entitled to Universal Credit if they already have a determination of limited capability for work (LCW) on the date of claim, where they have already started undertaking a course of education, studies or training before making a claim for universal credit, or on the date that they start undertaking the course in any other case

The regulations put a legal stamp on what has been the operational practice of the DWP that places Disabled Students in a Catch 22 position. That is, DWP will reject a universal credit claim made by a full-time disabled student (not previously in receipt of employment and support allowance (ESA)) on the grounds that they have not been determined to have a LCW. But then for the universal credit section to refuse to arrange a work capability assessment to determine if they have a LCW even though they may clearly meet the universal credit means test if found to have a LCW.

The only way around this is for the disabled student to make a claim for contribution-based New Style ESA (NSES), following which a work capability assessment will eventually be carried out which may lead to an LCW determination.

For assistance and guidance on this issue please contact Money Matters Advice Line on 01294 310456.

Extending eligibility for SSP to cover people who are self-isolating in line with new guidance



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New regulations have been issued that extend eligibility for statutory sick pay (SSP) to cover people who are self-isolating in line with new guidance published on 30 July 2020.

NB - the new guidance advises that anyone having to self-isolate after 30 July 2020 because they have tested positive for coronavirus or have symptoms of coronavirus are advised to do so for 10 days instead of seven. However existing regulations only ensure that a person is eligible for SSP for seven days if they are self-isolating because they have symptoms.

As a result, in force from 5 August 2020, the Statutory Sick Pay (General) (Coronavirus Amendment) (No. 5) Regulations 2020 (SI.No.829/2020) amend Schedule 1 to the Statutory Sick Pay (General) Regulations 1982 to ensure that a person is entitled to SSP for the full period for which they are required to self-isolate, and for the period a person is required to stay at home after testing positive for coronavirus (COVID-19).

[SI.No.829/2020](https://www.legislation.gov.uk) is available from [legislation.gov.uk](https://www.legislation.gov.uk)

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