Universal Credit

Canterbury Benefit Centre
Mail Handling Site A
Wolverhampton
WV98 2EA

**Our Ref: XX**

**14 November 2019**

**Dear Sir or Madam**

**Re: NAME, ADDRESS, NINO**

##### We are instructed by XX **in relation to her claim for universal credit (“UC”). We are requesting a mandatory reconsideration (“MR”) of the decision of DD/MM/YYYY, regarding the assessment period of DD/MM/YYYY to DD/MM/YYYY, and every subsequent decision where NAME received the lower rate of standard allowance for a claimant under 25, despite being a lone parent. This currently includes X separate decisions but, as we are disputing each decision on the same grounds, reconsideration of each decision is requested in this letter.**

##### ****Background:****

##### **Our client, the UC claimant in this case (“C”), is a lone parent, with one child, NAME (d.o.b. DD/MM/YYYY). EMPLOYMENT DETAILS (if any).**

##### **PRIOR TO UC CLAIM – E.G. PREVIOUS BENEFIT CLAIMS, INELIGIBILITY BEFORE CHILD’S BIRTH DUE TO INCOME.**

##### **CIRCUMSTANCES OF CLAIM, E.G. CHILD HAD BEEN BORN SO HIGHER MAX AWARD. DETAILS OF FIRST PAYMENT INCLUDING AMOUNT.**

##### **The maximum award was made up of her housing costs, a child element of £231.67 and the lower standard allowance for a person under 25. The lower allowance was paid despite the fact that she was a lone parent at this point and would have been entitled to a higher amount if she was claiming jobseekers’ allowance (JSA), income support (IS) or employment and support allowance (ESA). ANY DEDUCTIONS. Her total income, made up of the UC, MA and child benefit, was £XX, which had to cover her bills and pay for food and other essential items that she and her daughter needed over the month.**

##### **This continued over subsequent months. C received just £XX.XX per month in UC, giving her a total income of £XX.XX per month. This was the UC payment that she received on DD/MM/YY, DD/MM/YY, etc.**

##### **ANY CHANGES IN INCOME E.G. WAGE INCREASE AFFECTING UC, END OF MA ETC.**

##### **CURRENT SITUATION. If she was entitled to the higher standard allowance, as she would have been under legacy benefits, she would have received a UC payment of £XX.XX in MONTH. IMPACT OF LOWER STANDARD ALLOWANCE.**

##### ****Reason for MR request****

##### **Regulation 36 of the Universal Credit Regulations 2013 lists the amounts payable for each element of UC (with the exception of housing costs, which vary). The standard allowance for a claimant aged 25 or over is £317.82 per month, but the standard allowance for a claimant under 25 is the significantly lower amount of £251.77. This is the amount paid as their standard allowance, regardless of their circumstances.**

##### **Under the legacy benefit rules, lower rates of JSA, ESA and IS were paid to claimants under 25. However, lone parents were entitled to the higher rate that was paid to claimants aged 25 and over. This exception also applied to couples under 25 and care leavers. These three groups of people are less likely to live at home than other claimants under 25, as a result of their circumstances, and their exemption from the lower rate seemed to be an acknowledgment of that fact, and the higher living costs that they will incur as a result.**

##### **UC has changed the rules so that lone parents under 25 are no longer entitled to the higher amount and, instead, receive the lower standard allowance that is paid to non-parents under 25. This discriminates against lone parents under 25 and their children, in breach of Article 14 of the ECHR, read with Article 8 and Article 1, Protocol 1, as it leaves them in a worse financial position and less able to enjoy a comfortable standard of family life than their counterparts aged 25 or over.**

##### **The DWP has sought to justify the difference in treatment, stating that UC was intended to simplify and streamline the benefits system and having a single rate for lone claimants under 25, with no exceptions, reduced the complexity. However, C is not asking for a new rate to be applied to her, she is simply disputing which of the two existing rates for single people applies to her.**

##### **The move to prevent single parents under 25 from claiming the higher standard allowance affects people under 25 and will also have a disproportionate effect on women, because it specifically impacts lone parents under 25, the majority of whom are women. Age and sex are both protected characteristics under the Equality Act 2010, which means that the SSWP was required to exercise the public sector equality duty under s149 of that Act. This requires a public authority to have due regard to the need to minimise discrimination, harassment and victimisation, and to remove or minimise disadvantages suffered by people with a shared characteristic.**

##### **The change in policy that excluded lone parents under 25 from receiving the higher standard allowance took place after the Equality Impact Assessment of November 2011 was carried out, and so this assessment did not consider the impact of the change. The Universal Credit Impact Assessment of December 2012 discussed the new policy, stating that maintaining the lower rate for under 25s would reflect their typically lower living costs and lower wages.**

##### **The Impact Assessment does not provide any analysis of the change in policy that removes the exclusion for lone parents under 25, or the impact of this change in policy on the equal treatment of and the avoidance of discrimination against young people and women. The failure of the DWP to recognise the adverse impact that this policy would have on lone parents under 25, or to weigh that adverse impact against any potential benefits of the policy, amounted to a breach of the PSED.**

##### **As explained above, the SSWP has sought to justify this new policy by stating that claimants under 25 have both lower living costs and lower wage expectations. However, as we have sought to address above, while a single claimant under 25 is likely to be living in shared accommodation or with their parents, a parent under 25 is likely to live in their own home with their child/ren. This means that they will have the higher living costs associated with living alone, such as high bills and food costs, that a person aged 25 or over would have.**

##### **Further, many lone parents affected by this change in policy will have children under 3 years old, as in C’s case. Depending on the age of the child, these claimants will have no work related requirements, or be required only to attend work focused interviews or work preparation activities. The lower expected salaries of the mothers and the SSWP’s intention to maintain the work incentive are therefore not relevant, as these women are not required to look for work anyway.**

##### **In C’s case, the argument of maintaining a work incentive holds even less weight, as she has already returned to work. However, as she still claims UC to supplement her wages, she is still affected by the lower standard allowance. There is no justification of a work incentive as she is already working, so C is simply penalised for being a single parent who had her child before turning 25. (DELETE IF CLIENT IS NOT WORKING).**

##### ****Timing of MR request:****

##### **C has been affected by this issue since her first UC payment in MONTH. However, she was not aware that anything could be done to remedy the problem.**

##### **CIRCUMSTANCES THAT LED TO CLIENT SEEKING ADVICE AND ANY FURTHER DELAYS IN REQUESTING THE MR.**

##### **The MR was therefore brought as soon as was possible in the circumstances.**

##### ****Consideration of MR request:****

##### We understand that a number of claimants have received responses to MR requests regarding issues such as this, stating that an MR is not possible, as the issue that the claimant is asking to have reconsidered is a policy issue, and not a decision.

##### A claimant’s UC entitlement is assessed on a month by month basis, meaning that a new decision is made each month as to the claimant’s maximum UC award and their income. The inclusion of a lower standard allowance for a lone parent under 25, and the resulting UC award, is a decision, which can be superseded in subsequent months if the claimant’s circumstances change, for example when they turn 25.

##### As such, C is entitled to a revision under s9 Social Security Act 1998. We understand that the decision maker has no power to change the standard allowance that is paid to lone parents under 25 and so the decision cannot be overturned at the MR stage. However, C has a right to appeal against this decision and would like to exercise that right. A refusal to provide an MR decision would be an interference with C’s appeal rights.

##### We therefore request that each decision to pay C the lower standard allowance, despite her being a lone parent, is reconsidered and that a MR notice is sent to C accordingly.

Yours faithfully

Lynsey Dalton