

EXPLANATORY MEMORANDUM TO
THE STATE PENSION CREDIT (CORONAVIRUS) (ELECTRONIC CLAIMS)
(AMENDMENT) REGULATIONS 2020

2020 No. 456

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 The purpose of this instrument is to make provision to allow a claim to be made electronically for State Pension Credit in addition to the existing methods of claiming by post and by telephone.
- 2.2 The Covid-19 outbreak has put a strain on the Department's telephony system. An additional electronic way of claiming State Pension Credit should ease the pressure on the telephony system whilst also allowing people to make a claim at a time of their own choosing and without having to leave their homes. This instrument makes the necessary amendments to allow a claim to be made electronically.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 These are urgent Regulations in relation to the Government's response to Covid-19 and will be made without prior submission to the Social Security Advisory Committee.
- 3.2 The Department has been responding rapidly to the unfolding situation and recently confirmed it is feasible to develop a digital system for claiming State Pension Credit for use imminently. Due to the urgency of these Regulations, we are unable to lay this instrument for the conventional 21 days before it comes into force. This is to enable the additional route to claim to be made available as quickly as possible to those who wish to claim State Pension Credit electronically. This will allow those affected by the pandemic to claim State Pension Credit at a time of their choosing and without having to leave their homes. It will therefore assist those older members of the community who are self-isolating and those who are shielding at this difficult time. It also eases the pressure on the Department's telephony system which is operating with a reduced number of staff. The Regulations will come into force on 4th May 2020 with a direction being in place thereafter. This digital service for claiming State Pension Credit is being developed at pace and is due to be available online during the week commencing 4th May 2020.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.3 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The extent of this instrument is Great Britain.
4.2 The territorial application of this instrument is Great Britain.

5. European Convention on Human Rights

- 5.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation no statement is required.

6. Legislative Context

- 6.1 The instrument makes provision to allow claims to be made for State Pension Credit electronically in addition to the existing ways of claiming the benefit.
6.2 Regulation 2 amends regulation 4ZC(2) of the Social Security (Claims and Payments) Regulations 1987 (“the Claims and Payments Regulations”) by adding State Pension Credit to the list of benefits which may be claimed electronically. Regulation 2 also amends paragraph 2 of Schedule 9ZC to the Claims and Payments Regulations to enable a person to use an electronic communication in connection with a claim for State Pension Credit if certain conditions are satisfied. The first condition is that the person is permitted to use an electronic communication by an authorisation given by means of a direction of the Secretary of State. These amendments to the Claims and Payments Regulations will therefore be accompanied by the making of such a direction in accordance with paragraph 2 of Schedule 9ZC. The direction will be placed in the libraries of both Houses of Parliament and will be available online at <https://www.gov.uk/government/publications/the-social-security-electronic-communications-directions>

7. Policy background

What is being done and why?

- 7.1 As part of the Government’s strategy of supporting people affected by Covid-19, the Department has developed an electronic option for claiming State Pension Credit. This is intended to relieve pressure on the Department’s telephony system and to allow people to claim State Pension Credit at a time of their own choosing and without having to leave their home.
7.2 The claim will be able to be made from www.gov.uk

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument does not relate to withdrawal from the European Union or trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 Informal consolidated text of instruments is available to the public free of charge via ‘the National Archive’ website legislation.gov.uk.

10. Consultation outcome

10.1 Given the urgency of these Regulations, no consultation has been undertaken.

11. Guidance

11.1 Guidance will be issued to DWP staff urgently to reflect the changes brought about by this instrument.

12. Impact

12.1 No Impact Assessment has been produced for this instrument as no, or no significant, impact on business, or the private, voluntary or public sector, is foreseen. This change is an enabling measure providing an additional channel to claim while the existing channels remain available, and so the Department does not anticipate any negative impact for claimants.

12.2 New claims to State Pension Credit are approximately 2,300 per week though this does fluctuate depending on time of year. The number of claimants who would choose to make an electronic claim to State Pension Credit cannot be quantified at this stage

12.3 An Impact Assessment has not been prepared for this instrument because no impact on business is foreseen

13. Regulating small business

13.1 The legislation does not apply to small business.

14. Monitoring & review

14.1 The Department is firmly committed to evaluating and monitoring the impact of its policies. To do this the Department will constantly consider whether further changes are required in line with guidance from the Chief Medical Officer while the Covid-19 outbreak continues.

15. Contact

15.1 Jason Westerman at the Department for Work and Pensions Telephone: 0113 232 4936 or email: jason.westerman@dwp.gsi.gov.uk can be contacted with any queries regarding the instrument.

15.2 Andrew Latto at the Department for Work and Pensions can confirm that this Explanatory Memorandum meets the required standard.

15.3 Guy Opperman, Minister for Pensions and Financial Inclusion at the Department for Work and Pensions can confirm that this Explanatory Memorandum meets the required standard.