

**MISCELLANEOUS AMENDMENTS APRIL 2014**

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**INTRODUCTION**

1. This memo provides guidance on the Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2014 (S.R. 2014 / 105). These changes take effect on and from 28.4.14<sup>1</sup>.

*1 Social Security (Miscellaneous Amendments) Regulations (NI) 2014, reg 1*

**SERVICE USERS**

2. The definition of “service user group” has been removed from the Income Support, Jobseeker’s Allowance, State Pension Credit and Housing Benefit regulations. In its place references to a person or claimant participating as a service user mean<sup>1</sup>
  1. a person who is being consulted by or on behalf of
    - 1.1 a body which has a statutory duty to provide services in the field of
      - 1.1.a health **or**
      - 1.1.b social care **or**
      - 1.1.c social housing **or**
    - 1.2 a body which conducts research or undertakes monitoring for the purpose of planning or improving the services in **1.1**

in their capacity as a user, potential user, carer of a user or a person affected by those services **or**

**2.** the carer of a person consulted under **1.**

*1 IS (Gen) Regs (NI), reg 2(1B); JSA Regs (NI), reg 1(2G); SPC Regs (NI), reg 1(3A);  
HB Regs (NI), reg 4(4A); HB (SPC) Regs (NI), reg 2(5A)*

**3.** For the purposes of paragraph 2

**1.** a service user is a person who

**1.1** has used **or**

**1.2.** is using **or**

**1.2** may potentially use **or**

**1.4.** is otherwise affected by (for example, a carer)

the services referred to in **2. and**

**2.** the services concerned are delivered by a body which has a statutory duty to provide services in the field of

**2.1** health **or**

**2.2** social care **or**

**2.3** social housing **and**

**3.** a service user is a person who is consulted by the bodies in **2.** or by an alternative body (for example, educational establishments or voluntary and charitable organisations) who conduct

**3.1** research **or**

**3.2** monitoring **or**

**3.3** planning

in order to improve services through user involvement.

**4.** With regards to paragraph 2, service users may also be described as

**1.** experts-by-opinion **or**

**2.** patients **or**

**3.** potential patients **or**

4. clients **or**
  5. carers **or**
  6. focus groups.
5. With regards to paragraph 2, a body that seeks to improve services through user consultation may describe the process as
1. service user and carer user involvement **or**
  2. public involvement **or**
  3. participation **or**
  4. co-production.
6. This change does not affect how payments to service users are treated for the purposes of earnings, expenses and notional income<sup>1</sup>.

*1 IS (Gen) Regs (NI), reg 35(2)(f), reg 42(8ZA) & Sch 9, para 2A; JSA Regs (NI), reg 98(2)(h), reg 105(15A) & Sch 6, para 2A; SPC Regs (NI), reg 17A(3)(f), reg 18(7A) & 24(3); HB Regs (NI), reg 32(2)(d), reg 39(12A) & Sch 6, para 2A; HB (SPC) Regs (NI), reg 33(2)(e), reg 39(10A), reg 40(3)*

### **Example**

Bill is a full time carer for his wife who is severely disabled. He is invited to participate on a national steering group that is developing good practice guidelines for respite care. Bill is paid a fee of £20 for his participation. He is reimbursed his travel expenses of £90 and also £60 for the cost of a replacement carer for the time that he will be away. The decision maker decides that the travel expenses and the £60 for the replacement carer do not count as earnings when calculating Bill's entitlement to Income Support, but the £20 fee for his participation is earnings.

### **HOUSING COSTS**

7. A change in the standard mortgage interest rate is described (at DMG 23535 for Income Support/Jobseeker's Allowance, DMG 44351 for Employment and Support Allowance and DMG 78360 for State Pension Credit) as where the average mortgage rate differs by 0.5% or more from the standard mortgage interest rate applicable on that day. So with a current standard mortgage interest rate of 3.63% the standard mortgage interest rate would need to be changed when the average mortgage rate increased to at least 3.65% or decreased to at least 3.61%.

8. From 28.4.14 a change in the standard mortgage interest rate is only triggered when the Bank of England's published average mortgage rate differs by 0.5 percentage points or more from the standard mortgage interest rate applicable on that day<sup>1</sup>. This means that a current standard mortgage interest rate of 3.63% would only be adjusted when the average mortgage rate changes by 0.5 percentage points to, at least, 4.13% or reduces to at least 3.13%.

*1 IS (Gen) Regs (NI), Sch 3, para 12 (2B); JSA Regs (NI), Sch 2, para 11 (2B); SPC Regs (NI), Sch 2, para 9 (2B); ESA Regs (NI), Sch 6, para 13 (2B)*

## **TELEPHONE CLAIMS TO WINTER FUEL PAYMENTS**

9. Unless the Department directs that in any particular case a claim must be made in writing, claims to Winter Fuel Payments may also be made by telephone to a telephone number specified by the Department for the purpose of the benefit for which the claim is made<sup>1</sup>.

*1 SS (C&P) Regs (NI), reg 4(11)*

## **ANNOTATIONS**

The number of this Memo (DMG Memo Vol 1/103, 4/121, 5/96, 8/57, 9/26, 13/58 & 14/54) should be noted against the following DMG paragraphs:

02073, 23535, 28393 (Heading), 28394, 28575, 44351, 51270 (Heading), 51271, 51462, 78360, 85430 (Heading), 85431, 85507.

## **CONTACTS**

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**April 2014**