



Department
for Work &
Pensions

The Rt Hon AMBER RUDD MP
Secretary of State for Work & Pensions

Rt Hon Frank Field MP and Heidi Allen MP
Work and Pensions Select Committee
House of Commons
London
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14 January 2019

Thank you for your letters of 12 December 2018 and 09 January 2019, and for your continued interest in claimants moving to Universal Credit (UC). I assure you that I am fully committed to ensuring that all claimants are managed migrated smoothly and successfully.

I can also assure you that I am continuing to engage with a wide range of stakeholders and to consider the insight that they offer, as well as welcoming the valuable feedback from the Social Security Advisory Committee, Work and Pensions Select Committee and the House of Lords Secondary Legislation Scrutiny Committee.

I am pleased to have announced today, that I have withdrawn the draft Universal Credit (Managed Migration) Regulations 2018 and in its place laid two separate Statutory Instruments.

The first is a negative instrument, The Universal Credit (Transitional Provisions)(SDP Gateway) Amendment Regulations 2019, which makes provision for the introduction of the Severe Disability Premium (SDP) gateway. This will prevent legacy claimants who are in receipt of SDP from moving to Universal Credit and allow them to continue to claim legacy benefits until they are managed migrated. The negative Statutory Instrument will maintain the coming into force date of 16th January to ensure that the Department delivers its commitment to implement the SDP gateway in accordance with previous announcements. I recognise that this will breach Parliament's 21-day rule in regards to the laying date and the coming into force date for new provisions, but I believe that this is essential to do so, in order for these claimants to receive the protection we have promised.

The second affirmative Statutory Instrument, the draft Universal Credit (Managed Migration Pilot and Miscellaneous Amendments) Regulations 2019, will contain the remaining regulations as laid in the draft Universal Credit (Managed Migration) Regulations 2018. In addition, the draft regulations include a new provision, which will provide that once 10,000 awards of Universal Credit have been made to persons to whom a managed migration notice has been issued, no further notices may be issued.

In effect, this means that the Government is legislating for piloting powers, rather than for the whole of the migration period. For the Government to continue with migration activity, it would need to bring forward a further regulation to revoke this provision. This is the only new provision in the regulations.

Transitional SDP Payments for those claimants who have already migrated to Universal Credit naturally will remain with the regulations contained within the draft Universal Credit (Managed Migration Pilot and Miscellaneous Amendments) Regulations 2019, as the transitional payments are inextricably linked to transitional protection provisions, as they will be converted into transitional protection and subject to the same rules of erosion and cessation.

These affirmative regulations will be debated and must be approved by both Houses before managed migration can begin in July 2019.

As you have indicated in your letters that you support legislating for piloting powers before scaling up the volumes for managed migration, I trust that you will welcome my decision to proceed as detailed above. I also trust that you will welcome the certainty that the negative Statutory Instrument will give to claimants who are awaiting the SDP gateway coming into force.

I have made a commitment that I will only proceed with managed migration when I have assured myself that the process works in the best possible way for everyone. The changes that I have made put that commitment beyond doubt.

Best wishes



The Rt Hon Amber Rudd MP

SECRETARY OF STATE FOR WORK AND PENSIONS