

EXPLANATORY MEMORANDUM TO
THE SOCIAL SECURITY (CORONAVIRUS) (PRISONERS) AMENDMENT
REGULATIONS 2020

2020 No. 1156

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by the Command of Her Majesty.

2. Purpose of the instrument

2.1 The purpose of this instrument is to amend the Social Security (Coronavirus) (Prisoners) Regulations 2020 (S.I. 2020/409)¹, extending their expiry date by 6 months, in response to the continuing outbreak of coronavirus in Great Britain. They will continue to make provision for individuals on temporary release from a prison in England and Wales due to the outbreak of COVID-19 in Great Britain to access means tested benefits during the period of that release.

2.2 The benefits affected remain Universal Credit, State Pension Credit, Income Support, income based Jobseeker's Allowance, income related Employment and Support Allowance, and Housing Benefit.

2.3 The changes are also designed to continue to support measures taken by the Ministry of Justice to allow prison governors, on behalf of the Secretary of State, to release certain prisoners temporarily to help manage the incidence or transmission of coronavirus and to facilitate the effective running of prisons and young offender institutions for this purpose. The most medically vulnerable prisoners (such as mothers and babies or people with severe underlying health conditions), where it is deemed too dangerous for them to remain in prison, are a priority group for such temporary release.

2.4 Justice is devolved in Scotland, where prisoners are being released under different powers, which meant that these means tested benefits could be paid to them without amending the reference to temporary release pursuant to powers of the Scottish Ministers in the original instrument. The amendment similarly therefore does not need to address release from a Scottish prison, but simply extend the current provisions.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

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)

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

¹ <http://www.legislation.gov.uk/ukSI/2020/409/contents/made>

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 negative resolution procedure and does not amend primary legislation no statement is required.

6. Legislative Context

- 6.1 The instrument extends the provisions regarding prisoners on temporary release who will be impacted by the Covid-19 pandemic. This means continuing to allow them to claim financial support so they can provide for themselves and their families while out of prison.

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 Ministry of Justice has made provision for the urgent temporary release of prisoners, where necessary, to allow for the safe running of the prison estate. Such temporary release will continue after 12 November 2020 in appropriate cases. This instrument responds to that, by extending the removal of restrictions which otherwise prevent prisoners on temporary release from claiming means tested benefits.
- 7.2 The effect of this instrument is to continue to provide the same financial support to these prisoners, while on temporary release, as other comparable claimants to these benefits, which helps these individuals weather the financial impacts arising from the Covid-19 outbreak.

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 / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

- 9.1 As this is a temporary measure consolidation is not being undertaken.

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 extension of the temporary provisions in the original statutory instrument.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because no, or no significant, impact on business, or the private, voluntary or public sector, is foreseen.

13. Regulating small business

13.1 The legislation should not apply to small business and are beneficial for claimants.

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 Chief Medical Officer guidance while the Covid-19 outbreak continues.

15. Contact

15.1 Kevin Williamson at the Department for Work and Pensions Telephone: 020 7340 4393 or email: kevin.williamson@dwp.gov.uk can be contacted with any queries regarding the instrument.

15.2 Kerstin Parker at the Department for Work and Pensions can confirm that this Explanatory Memorandum meets the required standard

15.3 Thérèse Coffey, Secretary of State at the Department for Work and Pensions can confirm that this Explanatory Memorandum meets the required standard.