

Welfare Reform and Work Bill

REVISED
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE

The amendments have been marshalled in accordance with the Instruction of 26th November 2015, as follows –

Clauses 11 and 12	Schedule 1
Clauses 4 to 6	Clauses 16 to 25
Clauses 13 to 15	Schedule 2
Clauses 1 to 3	Clauses 26 to 32
Clauses 7 to 10	Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 11

THE LORD BISHOP OF PORTSMOUTH
LORD KIRKWOOD OF KIRKHOPE
BARONESS DRAKE
THE EARL OF LISTOWEL

- 1** Page 13, line 11, after “person,” insert –
“() the child is in the household as a result of a kinship care or private fostering arrangement,”

BARONESS MANZOOR

- 2** Page 13, line 12, at end insert “, or
“(c) subsection (3C) applies.”

Amendment
No.

Clause 11 – continued

BARONESS MEACHER
BARONESS PITKEATHLEY
LORD KIRKWOOD OF KIRKHOPE

3 Page 13, line 12, at end insert –

“() The limit on the number of children or qualifying young persons for whom an individual element of child tax credit can be claimed, as set out in subsection (3B), shall not apply to households where one or more of the children or qualifying young persons are disabled (including, but not limited to, those persons in receipt of the disability element of child tax credit).”

BARONESS MANZOOR
THE EARL OF LISTOWEL

4 Page 13, line 12, at end insert –

“(3C) Subsection (3B)(a) does not apply where the person or persons claiming an individual element of child tax credit –

- (a) has been a victim of rape,
- (b) is a kinship carer,
- (c) has previously claimed tax credit as a single parent but is now part of a step family, or a cohabiting multiple family,
- (d) has fled domestic violence, or
- (e) has suffered a bereavement of their husband, wife, civil partner or cohabitating partner who is the parent of the child or children for which an individual element of child tax credit is being claimed.

(3D) The Secretary of State may, by regulations, make further provisions relating to the operation of subsection (3C).”

THE LORD BISHOP OF PORTSMOUTH

5 Page 13, line 12, at end insert –

“() For the purposes of subsection (3B) a “prescribed exception” applies if the claimant with responsibility for children is a single claimant as a result of being bereaved of his or her partner.”

6 Page 13, line 12, at end insert –

“() For the purposes of subsection (3B) a “prescribed exception” applies if the claimant has left his or her previous partner as a result of domestic violence or abuse.”

BARONESS MANZOOR

7 Page 13, line 12, at end insert –

“() Where the person or persons making the claim believe that a prescribed exception applies for the purposes of subsection (3B)(b), the Secretary of State must –

- (a) presume that the exemption does apply,

**Amendment
No.**

Clause 11 – continued

- (b) have regard to the importance of the person’s right to respect for private and family life under Article 8(1) of the Convention for the Protection of Human Rights and Fundamental Freedoms as set out in Schedule 1 to the Human Rights Act 1998,
- (c) not, in seeking to determine whether the exemption applies, request any information about the claimant’s private medical or sexual history.”

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON

The above-named Lords give notice of their intention to oppose the Question that Clause 11 stand part of the Bill.

Clause 12

BARONESS MEACHER
LORD KIRKWOOD OF KIRKHOPE

8 Page 13, line 22, after “two” insert “non-disabled”

THE LORD BISHOP OF PORTSMOUTH
LORD KIRKWOOD OF KIRKHOPE
BARONESS DRAKE

9 Page 13, line 23, at end insert “unless the children are in the household as a result of a kinship care or private fostering arrangement”

THE LORD BISHOP OF PORTSMOUTH

10 Page 13, line 23, at end insert “unless a prescribed exception applies”

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON

11 Page 13, line 23, at end insert –

“() Subsection (1A) does not apply in respect of persons who are either children or qualifying young persons born before 6 April 2017.”

BARONESS MANZOOR
THE EARL OF LISTOWEL

12 Page 13, line 23, at end insert –

“(1B) Subsection (1A) does not apply where the person or persons claiming the amount mentioned in subsection (1) –

- (a) has been a victim of rape,
- (b) is a kinship carer,
- (c) has previously claimed tax credit as a single parent but is now part of a step family, or a cohabiting multiple family,

Amendment
No.

Clause 12 – *continued*

- (d) has fled domestic violence,
 - (e) has suffered a bereavement of their husband, wife, civil partner or cohabitating partner who is the parent of the child or children for which the amount is being claimed.
- (1C) The Secretary of State may, by regulations, make further provisions relating to the operation of subsection (1B)."

THE LORD BISHOP OF PORTSMOUTH

13 Page 13, line 23, at end insert –

“() For the purposes of subsection (1A) a “prescribed exception” applies if the claimant with responsibility for children is a single claimant as a result of being bereaved of his or her partner.”

14 Page 13, line 23, at end insert –

“() For the purposes of subsection (1A) a “prescribed exception” applies if the claimant has left his or her previous partner as a result of domestic violence or abuse.”

BARONESS SHERLOCK
LORD McKENZIE OF LUTON

The above-named Lords give notice of their intention to oppose the Question that Clause 12 stand part of the Bill.

After Clause 12

BARONESS SHERLOCK
LORD McKENZIE OF LUTON
THE EARL OF LISTOWEL

15 Insert the following new Clause –

“Exemption to changes in child tax credit and child element of universal credit: multiple births

- (1) Sections 11 and 12 do not apply where the number of children exceeds two because the third (or subsequent) child was part of a multiple birth at the same time as the second qualifying child.
- (2) The Secretary of State shall, by regulation, establish an appeals process by which an individual can appeal a decision as to whether the exemption set out in this section applies in their individual situation.”

16 Insert the following new Clause –

“Exemption to changes in child tax credit and child element of universal credit: adoption

- (1) Sections 11 and 12 do not apply where a third (or subsequent) child becomes a member of a household as a result of being adopted into that household.

Amendment
No.

After Clause 12—*continued*

- (2) The Secretary of State shall, by regulation, establish an appeals process by which an individual can appeal a decision as to whether the exemption set out in this section applies in their individual situation.”

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON

17 Insert the following new Clause—

“Exemption to changes in child tax credit and child element of universal credit: kinship care arrangements

- (1) Sections 11 and 12 do not apply where a third (or subsequent) child becomes a member of a household as a result of a kinship care arrangement.
- (2) The Secretary of State shall, by regulation, establish an appeals process by which an individual can appeal a decision as to whether the exemption set out in this section applies in their individual situation.”

18 Insert the following new Clause—

“Exemption to changes in child tax credit and child element of universal credit: exceptional circumstances

- (1) Sections 11 and 12 do not apply in exceptional circumstances as defined by the Social Security Advisory Committee.
- (2) The Secretary of State shall, by regulation, establish an appeals process by which an individual can appeal a decision as to whether an exemption provided for by this section applies in their individual situation.”

19 Insert the following new Clause—

“Exemption to changes in child tax credit and child element of universal credit: disability

- (1) Sections 11 and 12 do not apply to a household where any child or qualifying young person is disabled.
- (2) The Secretary of State shall, by regulation, establish an appeals process by which an individual can appeal a decision as to whether the exemption set out in this section applies in their individual situation.”

20 Insert the following new Clause—

“Exemption to changes in child tax credit and child element of universal credit: couples

- (1) Sections 11 and 12 do not apply to couples with dependent children who, if living in separate households, would not be affected by the limit.
- (2) The Secretary of State shall, by regulation, establish an appeals process by which an individual can appeal a decision as to whether the exemption set out in this section applies in their individual situation.”

Amendment
No.

After Clause 12—continued

THE LORD BISHOP OF PORTSMOUTH
THE EARL OF LISTOWEL

21 Insert the following new Clause—

“Limiting the child element of child tax credit and universal credit to two children: reporting obligation

Within six months of the day on which this Act is passed the Secretary of State must consult and lay a report before Parliament, assessing the social and economic impact of sections 11 and 12 of this Act, including—

- (a) the potential impact on family relationships and functioning, with reference to “The Family Test: Guidance for Government Departments” produced by the Department for Work and Pensions, and
- (b) the potential economic and social impact on different faith communities.”

Clause 4

LORD RAMSBOTHAM
BARONESS MANZOOR
THE EARL OF LISTOWEL

22 Page 4, line 32, at end insert—

- “() the progress of children living in England at age 5 in the following developmental areas—
 - (i) cognitive;
 - (ii) personal, social and emotional; and
 - (iii) physical;
- () the progress of disadvantaged children living in England at age 5 in the following developmental areas—
 - (i) cognitive;
 - (ii) personal, social and emotional; and
 - (iii) physical;”

BARONESS MANZOOR
LORD MCKENZIE OF LUTON

23 Page 4, line 34, at end insert—

- “() the educational attainment of children in England at the end of Key Stage 1;
- () the educational attainment of disadvantaged children in England at the end of Key Stage 1;”

BARONESS LISTER OF BURTERSETT
LORD KIRKWOOD OF KIRKHOPE
BARONESS MANZOOR

24 Page 4, line 38, at end insert—

- “() children in low income households where one or both parents are in work.”

Amendment
No.

Clause 4 – continued

THE EARL OF LISTOWEL
BARONESS GREY-THOMPSON

- 25 Page 4, line 38, at end insert –
- “(e) the percentage of children living in households where –
- (i) equivalised net income for the financial year is less than 60 per cent of median equivalised net household income for the financial year;
 - (ii) equivalised net income for the financial year is less than 70 per cent of median equivalised net household income for the financial year and who experience material deprivation;
 - (iii) equivalised net income for the financial year is less than 60 per cent of median equivalised net household income for the financial year beginning 1 April 2010, adjusted in a prescribed manner to take account of changes in the value of money since that year; and
 - (iv) equivalised net income has been less than 60 per cent of median equivalised net household income in at least 3 of the survey years.
- () For the purposes of subsection (1)(e)(iv), the survey years are the calendar year that ends in the relevant financial year, and the 3 previous calendar years.”

BARONESS LISTER OF BURTERSETT
LORD KIRKWOOD OF KIRKHOPE
BARONESS MANZOOR

- 26 Page 5, line 4, at end insert –
- “(g) low income;
(h) in work.”

BARONESS MANZOOR
LORD McKENZIE OF LUTON

- 27 Page 5, line 12, at end insert –
- ““Key Stage 1” means the first key stage, within the meaning of Part 6 of the Education Act 2002;”

THE EARL OF LISTOWEL
LORD McKENZIE OF LUTON

- 28 Page 5, line 16, at end insert –
- “A1AA Children in care and care leavers**
- (1) The Secretary of State must publish and lay before Parliament a report containing data on children in care and care leavers.
 - (2) The first report must be published before the end of the financial year ending with 31 March 2017.

Amendment
No.

Clause 4 – continued

- (3) Later reports must be published before the end of each subsequent financial year.”

29 Page 5, line 16, at end insert –

“A1AB Children and homelessness

- (1) The Secretary of State must publish and lay before Parliament a report containing data on children who are –
 (a) homeless; and
 (b) at risk of homelessness.
- (2) The first report must be published before the end of the financial year ending with 31 March 2017.
- (3) Later reports must be published before the end of each subsequent year.”

30 Page 5, line 16, at end insert –

“A1AC Children in families living in problem debt

- (1) The Secretary of State must publish and lay before Parliament a report containing data on children in families living in problem debt.
- (2) The first report must be published before the end of the financial year ending with 31 March 2017.
- (3) Later reports must be published before the end of each subsequent financial year.”

BARONESS LISTER OF BURTERSETT

31 Page 5, line 16, at end insert –

“A1AD Improving children’s life chances

The Secretary of State must publish and lay before Parliament a report setting out the measures that the Secretary of State proposes to take to improve children’s life chances, as understood with reference to section A1A(1).”

THE EARL OF LISTOWEL
 BARONESS GREY-THOMPSON
 LORD MCKENZIE OF LUTON

32 Page 5, line 16, at end insert –

“A1AE Child poverty and life chances

The Secretary of State must publish and lay before Parliament a report setting out the measures that the Secretary of State proposes to take to reduce child poverty and improve children’s life chances, with reference to the measures in sections A1A to A1AC.”

Amendment
No.

Clause 4 – continued

33 Page 5, line 16, at end insert –

“A1AF Target for eradication of child poverty

- (1) The Secretary of State must by regulations specify a target for the eradication of child poverty in the United Kingdom.
- (2) For the purposes of this section –
 - (a) “child poverty” must be understood with reference to the measures in section A1A(1)(e); and
 - (b) the meaning of “eradication” shall be set out in regulations.”

LORD RAMSBOTHAM
BARONESS MEACHER
BARONESS HOLLINS
BARONESS MANZOOR

34 Page 5, line 16, at end insert –

“Working and workless households: reporting obligations

A1AG Working and workless households and health

The Secretary of State must publish and lay before Parliament a report containing data on –

- (a) the impact on the mental and physical health of men, women and children in workless households of benefit sanctions, and
- (b) the impact on the mental and physical health of men, women and children in working households of incomes below the national minimum wage.”

BARONESS MADDOCK
THE EARL OF LISTOWEL

35 Page 5, line 16, at end insert –

“A1AH Fuel poverty strategy and life chances

- (1) The Secretary of State must publish and lay before Parliament a report which sets out the impact of the Welfare Reform and Work Act 2016 on the number of children living in fuel poverty and on the life chances of those children.
- (2) In the report under subsection (1) the Secretary of State must outline the impact of the Welfare Reform and Work Act 2016 on its fuel strategy.
- (3) The first report under this section must be published before the end of the financial year ending with 31 March 2017.
- (4) Later reports under this section must be published before the end of each subsequent financial year.”

Amendment
No.

Clause 5

BARONESS LISTER OF BURTERSETT
LORD KIRKWOOD OF KIRKHOPE

- 36 Page 5, line 19, leave out “*Social Mobility*” and insert “*Life Chances*”
37 Page 5, line 20, leave out “**Social Mobility**” and insert “**Life Chances**”
38 Page 5, line 22, leave out “Social Mobility” and insert “Life Chances”
39 Page 5, line 29, leave out “**social mobility**” and insert “**life chances**”
40 Page 5, line 30, leave out “social mobility” and insert “life chances”

BARONESS SHERLOCK
LORD McKENZIE OF LUTON

- 41 Page 5, line 31, leave out “on request”

BARONESS LISTER OF BURTERSETT
LORD KIRKWOOD OF KIRKHOPE

- 42 Page 5, line 32, leave out “social mobility” and insert “life chances”
43 Page 5, line 35, leave out “social mobility” and insert “life chances”
44 Page 6, line 10, leave out “social mobility” and insert “life chances”
45 Page 6, line 12, leave out “Social Mobility” and insert “Life Chances”

The above-named Lords give notice of their intention to oppose the Question that Clause 5 stand part of the Bill.

Clause 6

BARONESS SHERLOCK
LORD McKENZIE OF LUTON
BARONESS LISTER OF BURTERSETT
BARONESS MANZOOR

- 46 Page 6, line 15, leave out “1” and insert “8”

BARONESS LISTER OF BURTERSETT
LORD McKENZIE OF LUTON

- 47 Page 6, line 15, leave out “1 to 11” and insert “1 to 8, 11”
48 Page 6, line 16, at end insert—

- “() In section 9 (UK Strategies)—
- (a) in subsection (2), omit paragraph (a) (and the “and” immediately after it);
 - (b) in subsection (2)(b), for “that children in the United Kingdom do not experience socio-economic disadvantage” substitute “that socio-economic disadvantage does not affect the life chances of children in the United Kingdom”;

**Amendment
No.**

Clause 6 – continued

- (c) in subsection (4), omit “, but this subsection does not apply after the beginning of the target year”;
 - (d) in subsection (7)(a)(i), omit “if the targets in section 3 to 6 are to be met in relation to the United Kingdom in relation to the target year” (and the “and” immediately after it);
 - (e) in subsection (8), omit paragraph (b) (and the “and” immediately after it);
 - (f) in subsection (9)(a), for “except in the case of a UK strategy laid before Parliament less than 3 years before the beginning of the target year, ending 3 years later, and” substitute “ending three years later”; and
 - (g) in subsection (9), omit paragraph (b).
- () In section 10(2) (provision of advice by Commission and consultation with others), omit paragraph (b).”

After Clause 6

THE EARL OF LISTOWEL

49 Insert the following new Clause –

“Child poverty and life chances strategies

- (1) Each responsible local authority must prepare a joint child poverty and life chances strategy in relation to the local authority area.
- (2) The strategy must set out the measures that the responsible local authority and each partner authority propose to take for the purpose of –
 - (a) reducing, and mitigating the effects of, child poverty, and
 - (b) improving children’s life chances,
 in the responsible local authority’s area.
- (3) For the purposes of this section, each of the following is a responsible local authority –
 - (a) a county council in England;
 - (b) a district council in England, other than a council for a district in a county for which there is a county council;
 - (c) a London borough council;
 - (d) the Council of the Isles of Scilly;
 - (e) the Common Council of the City of London in its capacity as a local authority.”

Amendment
No.

Clause 13

LORD PATEL
BARONESS MEACHER
LORD MCKENZIE OF LUTON

50 Page 14, line 24, at end insert –

- “() Subsections (2) and (3) shall not come into force until the Secretary of State has laid before both Houses of Parliament a report giving his or her estimate of the impact of the provisions in those subsections on the –
- (a) physical and mental health,
 - (b) financial situation, and
 - (c) ability to return to work,
- of persons who would otherwise be entitled to start claiming the work-related activity component of employment and support allowance.
- () Regulations bringing subsections (2) and (3) into force shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON
BARONESS MANZOOR

The above-named Lords give notice of their intention to oppose the Question that Clause 13 stand part of the Bill.

After Clause 13

BARONESS HOWE OF IDLICOTE
BARONESS HOLLINS

51 Insert the following new Clause –

“Persons subject to no work-related requirements: persons with a mental and behavioural disorder as a primary medical condition

- (1) Section 11D of the Welfare Reform Act 2007 (persons subject to no work-related requirements) is amended as follows.
- (2) After subsection (2)(d) insert –
 - “(e) the person has a mental and behavioural disorder as a primary medical condition and is in receipt of either the work-related activity component of employment and support allowance or the limited capability for work element of universal credit.””

Amendment
No.

After Clause 13—continued

LORD LAYARD
BARONESS HOLLINS

52 Insert the following new Clause—

“Employment and support allowance: persons with a mental and behavioural disorder as a primary medical condition

The Secretary of State shall ensure that any person awarded employment and support allowance who has a mental and behavioural disorder as a primary medical condition is, on being registered for that allowance, immediately offered assessment and treatment in the local services for Improving Access to Psychological Therapies or in step 4 mental healthcare, as appropriate.”

Clause 14

LORD PATEL
LORD McKENZIE OF LUTON

53 Page 14, line 27, at end insert—

- “() This section shall not come into force until the Secretary of State has laid before both Houses of Parliament a report giving his or her estimate of the impact of the provision in this section on the—
- (a) physical and mental health,
 - (b) financial situation, and
 - (c) ability to return to work,
- of persons who would otherwise be entitled to start claiming the limited capability for work element of universal credit.
- () Regulations bringing this section into force shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

BARONESS SHERLOCK
LORD McKENZIE OF LUTON
BARONESS MANZOOR

The above-named Lords give notice of their intention to oppose the Question that Clause 14 stand part of the Bill.

Amendment
No.

Clause 15

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON
BARONESS MANZOOR

54 Page 14, line 43, at end insert –

“() In section 26 of the Welfare Reform Act 2012 (higher-level sanctions) after subsection (4) insert –

“(4A) A claimant subject to section 22 who is a single parent is exempted from subsection (1) where there is no suitable or affordable childcare available.””

BARONESS MEACHER
BARONESS PITKEATHLEY
BARONESS HOLLINS
BARONESS MANZOOR

55 Page 14, line 43, at end insert –

“() The provisions in this section shall not apply to responsible carers of disabled children aged 3 or 4 unless appropriate childcare for these children can be secured.

() The Secretary of State must lay regulations determining what a disabled child is for the purpose of this section and such a determination may include, but need not be limited to –

- (a) children in receipt of an Education, Health and Care Plan,
- (b) children in receipt of a Statement of Special Educational Needs,
- (c) children identified by their local authority as having special educational needs,
- (d) children with child in need status,
- (e) children who meet the definition of “disabled” under the Equality Act 2010.”

BARONESS GREY-THOMPSON
BARONESS MEACHER

56 Page 14, line 43, at end insert –

“() In section 14 of the Welfare Reform Act 2012 (claimant commitment) after subsection (4) insert –

“(4A) If the claimant has a long term health condition or impairment, the claimant commitment must specifically address any reasonable adjustments which need to be made.””

THE EARL OF LISTOWEL

The Earl of Listowel gives notice of his intention to oppose the Question that Clause 15 stand part of the Bill.

Amendment
No.

After Clause 15

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON
THE EARL OF LISTOWEL
BARONESS MANZOOR

57 Insert the following new Clause –

“Review of application of sanctions

- (1) The Secretary of State must, before the end of the financial year ending 31 March 2016, provide for a full and independent review of the sanctions regimes attached to working-age benefits, including but not limited to jobseeker’s allowance, employment and support allowance and income support, to determine whether they are an effective and proportionate means of meeting the Government’s objectives.
- (2) The terms of reference for the review must include consideration of –
 - (a) the application of sanctions to lone parents with dependent children;
 - (b) the application of sanctions to claimants who are disabled;
 - (c) the effectiveness of sanctions in moving claimants into sustained work; and
 - (d) any other matters which the Secretary of State considers relevant.”

LORD LOW OF DALSTON

58 Insert the following new Clause –

“Safeguarding of vulnerable claimants: guidance

- (1) The Secretary of State shall issue statutory guidance for the safeguarding of vulnerable claimants in relation to any sanction, reduction of benefit, or disallowance of benefit (“the guidance”).
- (2) The guidance shall incorporate all relevant provisions and operational protocols contained in the following Departmental operating guidance –
 - (a) procedural guidance within the Labour Market Conditions Guide;
 - (b) universal credit guidance for agents;
 - (c) Employment and Support Allowance (ESA) guidance for Jobcentres;
 - (d) ESA operational guidance for benefit delivery centres;
 - (e) ESA Incapacity Reference Guide;
 - (f) Core Visits Guide;
 - (g) Work Programme guidance;
 - (h) guidance for health professionals.
- (3) The guidance shall specify –
 - (a) indicators of vulnerability and procedures for identification of vulnerable claimants;
 - (b) situations which may demonstrate good cause for inability to participate in a work-focused interview, undertake work-related activity, or attend mandatory Work Programmes or back-to-work schemes;

Amendment
No.

After Clause 15 – continued

- (c) where claimants must be referred for a Core Visit conducted by a Department for Work and Pensions (DWP) Visiting Officer;
 - (d) how to support claimants with additional or complex needs;
 - (e) liaison arrangements with mental health services where claimants are mental health service users;
 - (f) collaborative approaches through which DWP can work with independent advice and support bodies in assisting such claimants;
 - (g) who is responsible for ensuring that the guidance is complied with.
- (4) “Vulnerability” and “vulnerable claimants” shall be taken to refer to individuals who are identified as having complex needs or requiring additional support to enable them to access DWP benefits and use DWP services.
- (5) Complex needs may refer to difficult personal circumstances, life events, or health, disability or incapacity conditions that affect the ability of individuals to access DWP benefits and services.
- (6) In issuing the guidance the Secretary of State shall ensure consistency of definitions, terminology and language in the guidance.
- (7) The Secretary of State shall ensure that consistent principles, good practice and fairness in safeguarding procedures is applied across all types of benefit claims, including Jobseeker’s Allowance claims, and by all agents involved in the assessment and administration of benefits.
- (8) The Secretary of State shall report to Parliament annually on the application of the guidance.”

BARONESS MANZOOR

59 Insert the following new Clause –

“Universal Credit (Work Allowance)

The Universal Credit (Work Allowance) Amendment Regulations 2015 are repealed.”

60 Insert the following new Clause –

“Housing benefit: age of entitlement

In section 130 of the Social Security Contributions and Benefits Act 1992 after subsection (1)(a) insert –

“(aa) he is aged 16 or over”.”

BARONESS DONAGHY

61 Insert the following new Clause –

“Self-employment and minimum income floor

In Schedule 1 to the Welfare Reform Act 2012 (universal credit: supplementary regulation-making powers), in paragraph 4, at end of subparagraph (4) insert “, and may prescribe modifications of such provisions in respect of particular persons or classes of persons”.”

Amendment
No.

After Clause 15 – continued

LORD LOW OF DALSTON
THE EARL OF LISTOWEL

62 Insert the following new Clause –

“Universal Credit Local Support Services Framework

- (1) The Secretary of State shall –
 - (a) lay a report before Parliament annually on the operation of the Universal Credit Local Support Services Framework; and
 - (b) publish guidance for local authorities about their role in developing schemes to support benefits processing for working-age claimants, especially for claimants with additional needs or indicators of vulnerability.
- (2) Guidance published under subsection (1) shall specify –
 - (a) the role of local authorities in identifying, leading, facilitating and commissioning partnerships to deliver support;
 - (b) the role of local authorities in working with the voluntary sector and social housing providers in particular to identify who needs help and in what form;
 - (c) a priority role in the development of schemes to support benefits processing for working-age claimants for independent local advice agencies which deliver advice and support on social welfare law matters; and
 - (d) models for developing support schemes which integrate the availability of support under the Universal Credit Local Support Services Framework with support for troubled families pursuant to section 3 of this Act and other relevant programmes funded under the powers contained in section 31 of the Local Government Act 2003 (power to pay grant).
- (3) In this section “social welfare law matters” shall be taken to mean any matter engaging legal rights or entitlements concerning social security, debt, employment, housing, immigration and asylum, and community care.
- (4) The Secretary of State shall ensure the Universal Credit Local Support Services Framework is appropriately resourced to enable it to be rolled out to all local authority areas.”

Clause 1

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON

63 Page 1, line 4, leave out from “employment” to end of line 6 and insert –

- “() A report under subsection (1) must set out the progress that has been made towards lowering the disability employment gap.
- () In this section “full employment” means that 80 per cent of the working age population are in employment.”

Amendment
No.

Clause 1 – continued

BARONESS PITKEATHLEY
BARONESS LISTER OF BURTERSETT

64 Page 1, line 6, at end insert –

- “() The Secretary of State must include in a report under subsection (1) information about –
- (a) employment support provided to former carers; and
 - (b) the number of former carers of working age who have returned to employment following the end of their caring role.”

BARONESS DRAKE

64A Page 1, line 6, at end insert –

- “() The report under subsection (1) must contain information on –
- (a) how many persons are self-employed;
 - (b) how many young people are not in education, employment or training;
 - (c) the incidence of non-guaranteed hours contracts;
 - (d) the incidence of quantitative and qualitative underemployment.”

After Clause 1

BARONESS MANZOOR

65 Insert the following new Clause –

“Disability employment gap: reporting obligation

- (1) The Secretary of State must lay a report before Parliament annually on the progress which has been made towards halving the disability employment gap, and the report must set out how the Secretary of State has interpreted “disability employment gap” for these purposes.
- (2) The report under subsection (1) must include –
 - (a) an assessment of the sectors in which disabled people have primarily secured jobs,
 - (b) an assessment of the type and level of jobs primarily secured by disabled people, and
 - (c) an assessment of the progression of disabled people within the job market.”

BARONESS DONAGHY

66 Insert the following new Clause –

“Self-employment: reporting obligation

- (1) The Secretary of State must lay a report before Parliament annually on self-employment.
- (2) The report under subsection (1) must contain information on –
 - (a) how many persons are self-employed;

Amendment
No.

After Clause 1 – continued

- (b) how many self-employed persons claim social security benefits or universal credit;
- (c) the impact of the minimum income floor on self-employed persons who are claiming social security benefits or universal credit.”

BARONESS CAMPBELL OF SURBITON
BARONESS DOOCEY
LORD LOW OF DALSTON
BARONESS HOLLINS

67 Insert the following new Clause –

“Disability employment gap: reporting obligation (No. 2)

- (1) The Secretary of State must lay a report before Parliament annually on the progress which has been made towards meeting the commitment to halve the disability employment gap.
- (2) The report under subsection (1) must set out –
 - (a) how the Secretary of State has interpreted “halving the disability employment gap”;
 - (b) the factors that the Secretary of State has used to determine whether progress has been sufficient, including the extent and speed at which progress has been made; and
 - (c) if progress under subsection (1) has been insufficient, what remedial steps will be taken.
- (3) The report under subsection (1) must contain data on –
 - (a) the overall rate of employment, and
 - (b) the progress of the rate of employment of people at working age with –
 - (i) a learning disability;
 - (ii) autism;
 - (iii) mental health problems;
 - (iv) visual impairments; and
 - (v) any other disability as the Secretary of State may by regulation specify on the grounds that the people with the disability are marginalised from the labour force and require a specific focus.”

Clause 2

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON
BARONESS MANZOOR
LORD YOUNG OF NORWOOD GREEN

68 Page 1, line 16, after “target,” insert –

- “() information about the uptake of apprenticeships broken down by region, age, ethnicity, disability, sector, qualification and level,

Amendment
No.

Clause 2 – *continued*

- () a report by the UK Commission on Employment and Skills on the quality of apprenticeships being provided,”

BARONESS NYE

68A★ Page 1, line 16, after “target,” insert –

- “() information on the numbers of apprentices disaggregated by the protected characteristics as defined by the Equality Act 2010,
() destinations data for those completing apprenticeships,”

BARONESS CAMPBELL OF SURBITON
LORD ADDINGTON
LORD LOW OF DALSTON
BARONESS GREY-THOMPSON

69 Page 2, line 2, at end insert –

- “() No later than nine months after the end of each reporting period, the Secretary of State must publish and lay before Parliament a report setting out –
- (a) data on the number of disabled people under the age of 25 who are recorded as seeking apprenticeships, including those who have not successfully acquired an apprenticeship;
- (b) information on how any barriers to disabled people acquiring apprenticeships, such as the application process or the entry or assessment requirements, could be addressed; and
- (c) information on examples of good practice by employers and apprenticeship providers in the provision of apprenticeships for disabled people.”

Clause 3

BARONESS SHERLOCK
LORD McKENZIE OF LUTON
THE EARL OF LISTOWEL

70 Page 3, line 10, at end insert –

- “() A report prepared under this section must include information regarding the adequacy of resources given to local authorities to fund the support provided for troubled families.”

BARONESS MANZOOR

71 Page 3, line 12, at end insert –

- “() A report prepared under this section must include an assessment of –
- (a) the types of interventions provided by local authorities in the previous financial year, and

**Amendment
No.**

Clause 3 – continued

- (b) the success or failure of the types of interventions provided by local authorities in the previous financial year.”

Clause 7

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON

72 Page 8, line 22, leave out subsection (2)

LORD BEST
THE EARL OF LISTOWEL

73 Page 8, line 37, at end insert –

“(5C) Regulations under this section shall provide for an exception to the benefit cap for a person or couple who have been placed in temporary accommodation by a local housing authority in pursuance of its duties under section 188, 190, 193 or 195 of the Housing Act 1996.

(5D) The period for which the exception in subsection (5C) applies shall not exceed 39 weeks beginning with the date on which accommodation was first provided under any of the duties specified.”

BARONESS LISTER OF BURTERSETT
LORD KIRKWOOD OF KIRKHOPE

74 Page 8, line 38, at end insert –

“() In subsection (9) at end insert –

“(d) provision for which would result in a breach of a person’s convention rights (within the meaning of the Human Rights Act 1998).”

BARONESS MEACHER
BARONESS PITKEATHLEY
BARONESS LISTER OF BURTERSETT

75 Page 9, leave out lines 1 and 2

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON
BARONESS PITKEATHLEY
BARONESS LISTER OF BURTERSETT

76 Page 9, leave out lines 3 and 4

77 Page 9, leave out lines 5 and 6

BARONESS MEACHER

78 Page 9, leave out lines 7 to 10

Amendment
No.

Clause 7 – continued

BARONESS SHERLOCK
LORD McKENZIE OF LUTON
BARONESS PITKEATHLEY
BARONESS LISTER OF BURTERSETT

79 Page 9, leave out lines 11 and 12

BARONESS MEACHER

80 Page 9, leave out lines 15 and 16

81 Page 9, leave out lines 17 and 18

BARONESS SHERLOCK
LORD McKENZIE OF LUTON
BARONESS PITKEATHLEY
BARONESS LISTER OF BURTERSETT

82 Page 9, leave out lines 23 and 24

BARONESS MEACHER

83 Page 9, leave out lines 25 and 26

BARONESS SHERLOCK
LORD McKENZIE OF LUTON
BARONESS PITKEATHLEY
BARONESS LISTER OF BURTERSETT

84 Page 9, leave out lines 30 and 31

85 Page 9, leave out lines 32 and 33

86 Page 9, line 35, at end insert –

“() After subsection (11) insert –

“() Persons who have been placed in temporary accommodation by a local authority which has found them to be in priority need as defined in section 189(2) of the Housing Act 1996 (priority need for accommodation) are exempted from the benefit cap.””

87 Page 9, line 35, at end insert –

“() After subsection (11) insert –

“() Persons in receipt of carer’s allowance as defined in section 70 of the Social Security Contributions and Benefits Act 1992 (carer’s allowance) are exempted from the benefit cap.””

**Amendment
No.**

Clause 7 – continued

- 88** Page 9, line 35, at end insert –
- “() After subsection (11) insert –
- “() Persons in receipt of universal credit who are not subject to all work-related requirements as defined in section 22 of the Welfare Reform Act 2012 (claimants subject to all work-related requirements) are exempted from the benefit cap.””

BARONESS SHERLOCK
LORD McKENZIE OF LUTON

- 89** Page 9, line 35, at end insert –
- “() After subsection (11) insert –
- “() Persons in receipt of employment and support allowance as defined in section 1 of the Welfare Reform Act 2007 (employment and support allowance).””

- 90** Page 9, line 35, at end insert –
- “() After subsection (11) insert –
- “() Persons in receipt of income support as defined in section 124 of the Social Security Contributions and Benefits Act 1992 (income support).””

LORD KERSLAKE

- 90A** Page 9, line 35, at end insert –
- “() After subsection (11) insert –
- “() Regulations under this section must provide for an exemption from the application of the benefit cap for individuals or couples owed a duty to be provided with interim or temporary accommodation under sections 188, 190, 193 or 200 of the Housing Act 1996.””

Clause 8

BARONESS MEACHER

- 91** Page 10, line 14, at end insert –
- “() The Secretary of State shall assess the impact of the benefit cap on disabled people, their families and carers.”

BARONESS SHERLOCK
LORD McKENZIE OF LUTON

- 92** Page 10, line 25, after “situation,” insert –
- “() the relationship between the level of the benefit cap and median household income,
() the impact on households affected by the benefit cap,

Amendment
No.

Clause 8 – *continued*

- () the financial impact of the benefit cap on public authorities, local authorities and registered social landlords,”

BARONESS LISTER OF BURTERSETT
LORD KIRKWOOD OF KIRKHOPE
THE EARL OF LISTOWEL

- 93 Page 10, line 25, after “situation,” insert –
“() the need to safeguard and promote the welfare of children in the United Kingdom,”

BARONESS MEACHER
BARONESS PITKEATHLEY
BARONESS LISTER OF BURTERSETT

- 94 Page 10, line 26, at end insert –
“(c) the impact of the benefit cap on disabled people, their families and carers”

Clause 9

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON

- 95 Page 11, line 30, leave out from “to” to end of line 31 and insert “be reviewed annually by the Secretary of State having given regard to –
“(a) the rate of inflation, and
(b) the national economic situation.”

BARONESS MEACHER

- 96 Page 11, line 31, at end insert –
“() Notwithstanding subsection (1), for each of the tax years ending with 5 April 2017, 5 April 2018, 5 April 2019 and 5 April 2020, the amount of each of the relevant sums claimable by persons with a disability, as defined by the Equality Act 2010, is to increase in line with inflation.”

BARONESS PITKEATHLEY

- 97 Page 11, line 31, at end insert –
“() Notwithstanding subsection (1), for each of the tax years ending with 5 April 2017, 5 April 2018, 5 April 2019 and 5 April 2020, the amount of each of the relevant sums claimable by persons regularly and substantially engaged in caring is to increase in line with inflation.”

BARONESS LISTER OF BURTERSETT

- 98 Page 11, line 32, leave out subsections (2) to (4)

**Amendment
No.**

Clause 9 – continued

BARONESS LISTER OF BURTERSETT
LORD KIRKWOOD OF KIRKHOPE

- 99** Page 11, line 32, leave out subsections (2) to (4) and insert –
- “() For each of the tax years ending with 5 April 2017, 5 April 2018, 5 April 2019 and 5 April 2020, the rates of child benefit are to rise in line with prices or earnings or by 2.5 per cent, whichever is the highest.”

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON

- 100** Page 11, line 33, leave out from “to” to end of line 34 and insert “be reviewed annually by the Secretary of State having given regard to –
- (a) the rate of inflation, and
- (b) the national economic situation.”

LORD MACKENZIE OF CULKEIN

- 101** Page 11, line 34, at end insert –
- “() For each of the tax years ending with 5 April 2017, 5 April 2018, 5 April 2019 and 5 April 2020, the amount of the support group component of employment and support allowance is to be up-rated in accordance with Part X of the Social Security Administration Act 1992 (review and alteration of benefits) plus an additional sum equal to the difference between the value of the basic allowance of employment and support allowance as subject to subsection (1) and what the value of the basic allowance of employment and support allowance would have been had it been adjusted for inflation.”

Clause 10

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON

- 102** Page 12, line 21, leave out from “to” to end of line 22 and insert “be reviewed annually by the Secretary of State having given regard to –
- (a) the rate of inflation, and
- (b) the national economic situation.”

BARONESS MEACHER

- 103** Page 12, line 22, at end insert –
- “() Notwithstanding subsection (1), for each of the tax years ending with 5 April 2017, 5 April 2018, 5 April 2019 and 5 April 2020, the amount of each of the relevant amounts claimable by persons with a disability, as defined by the Equality Act 2010, is to increase in line with inflation.”

Amendment
No.

Clause 16

BARONESS MANZOOR
LORD MCKENZIE OF LUTON

104 Page 15, line 28, at end insert –

- “() The regulations must provide that where –
- (a) repayment of the loan is to be made based on the proceeds of sale of the person’s home; and
 - (b) the person has an outstanding deferred payment agreement under section 34 of the Care Act 2014 (deferred payment agreements and loans),
- the repayment of the loan may not be settled until any amounts payable to the local authority under the deferred payment agreement has been settled.”

LORD CURRY OF KIRKHARLE

104A★ Page 15, line 31, at end insert –

- “() Regulations under this section may not be made in connection with persons who receive disability allowance.”

After Clause 20

EARL CATHCART
LORD BEST

104B Insert the following new Clause –

“Power to supply relevant social security information to accommodation provider

- (1) The Secretary of State, or a person providing services to the Secretary of State, shall have power to supply information relating to any relevant social security benefit to a person who provides accommodation to the claimant for the relevant benefit so long as the claimant has given written authority for the provider of the accommodation to receive such information.
- (2) “Relevant social security benefit” has the same meaning as in section 121DA(7) of the Social Security Administration Act 1992 (interpretation of Part VI).”

Clause 21

LORD KERSLAKE

104C★ Page 20, line 36, leave out “, second or third” and insert “or second”

104D★ Page 20, line 38, leave out “, 1 April 2018” or 1 April 2019” and insert “or 1 April 2018”

Amendment
No.

Clause 21 – continued

104E Page 20, line 43, at end insert –

- “() From 1 April 2020 registered providers will increase rents by CPI plus 1 per cent each year, and the Secretary of State will review the impact of this section to determine flexibility for registered providers to increase social rents by an additional amount above the increase in formula rent.”

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON
THE EARL OF LISTOWEL
BARONESS MANZOOR

105 Page 20, line 46, at end insert –

- “() The Secretary of State must, within 12 months of this section coming into force, produce a plan to offset the impact of lower social rents on housing associations and local government.”

After Clause 21

EARL CATHCART

106 Insert the following new Clause –

“Payments in respect of qualifying arrears

- (1) Regulations made by the Secretary of State under section 5 of the Social Security Administration Act 1992 (claims and payments regulations) must provide for the payment from an award of universal credit to the landlord where there are qualifying arrears.
- (2) Qualifying arrears are arrears of rent in respect of which the housing costs element of universal credit has been paid (whether or not such element represents the whole or only part of the rent payable) where the claimant has failed to pay rent to the landlord, notwithstanding that the claimant is no longer in occupation of the premises in respect of which such arrears of rent have accrued.
- (3) The regulations must provide for payment to the landlord from any current award of universal credit in or towards satisfaction of the qualifying arrears.
- (4) In this section –
 - “landlord” means the person who is entitled to the payment of rent for the occupation of the property previously occupied by the claimant as his or her home;
 - “rent” includes the licence or similar payment for the use and occupation of the accommodation.”

Amendment
No.

Clause 22

BARONESS SHERLOCK
LORD McKENZIE OF LUTON

- 107 Page 21, line 6, at end insert—
“(c) the accommodation is specified accommodation, as defined in The Housing Benefit and Universal Credit (Supported Accommodation) (Amendment) Regulations 2014 (S.I. 2014/771).”

LORD BEST

- 108 Page 21, line 6, at end insert—
“(c) the accommodation is owned by a fully mutual housing co-operative within the meaning of paragraph 12(1)(h) of Schedule 1 to the Housing Act 1988 (local authority tenancies etc).”

LORD KERSLAKE

- 108A Page 21, line 6, at end insert—
“(c) the accommodation is excepted from Right to Buy as a dwelling specific to the needs of the disabled or elderly (with reference to paragraphs 7 to 11 of Schedule 5 to the Housing Act 1985)”

LORD BEST
LORD KERSLAKE
THE LORD BISHOP OF ROCHESTER
LORD SHIPLEY

- 109 Page 21, line 33, at end insert—
“() Section 21 does not apply to social housing which meets the definition of supported housing as defined in The Housing Benefit and Universal Credit (Supported Accommodation) (Amendment) Regulations 2014 (S.I. 2014/771).”

After Clause 23

BARONESS SHERLOCK
LORD McKENZIE OF LUTON
THE EARL OF LISTOWEL

- 110 Insert the following new Clause—
“Housing costs in the private rented sector
(1) The Secretary of State must, at a time no later than the end of the financial year of April 2016 and at least once during the course of each of the subsequent four financial years, review the relationship between housing costs in the private rented sector and levels of local housing allowance.

**Amendment
No.**

After Clause 23 – continued

- (2) Where a review under subsection (1) shows that less than 30 per cent of private rented properties in each locality are not affordable to persons in receipt of local housing allowance, the Secretary of State must by regulations under section 130A of the Social Security Contributions and Benefits Act 1992 (appropriate maximum housing benefit) amend the rates of local housing allowance.”

Schedule 2

LORD KERSLAKE

110A Page 32, line 16, at end insert –

“() The registered provider must have regard to rent standard guidance in calculating social rents for new properties and shall retain discretion to adjust those rents to reflect appropriately local factors.”

110B Page 33, line 10, at end insert –

“() The registered provider must have regard to rent standard guidance in calculating affordable rents for new properties and shall retain discretion to adjust those rents to reflect appropriately local factors.”

Clause 31

LORD PATEL

111 Page 28, line 2, at end insert “, subject to sections 13(7A) and (7B), and 14(1A) and (1B)”

Welfare Reform and Work Bill

REVISED
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE

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