Dear Amber

On 1 May the Committee took evidence from the Department on “natural” migration to Universal Credit. During that session, we discussed the forthcoming regulations relating to the pilot of “managed” migration to Universal Credit. We also discussed regulations that will ensure that former recipients of the Severe Disability Premium (SDP) who migrated “naturally” prior to January 2019 (and therefore lost their SDP) receive backdated payments, and transitional protection, for that benefit.

At present, both provisions are contained in the same set of regulations, the draft Universal Credit (Managed Migration Pilot and Miscellaneous Amendments) Regulations 2019. The Regulations are subject to affirmative resolution, meaning they must be expressly approved by both Houses of Parliament. This means that former SDP recipients—who the Department now acknowledges are entitled to additional support under Universal Credit—cannot receive that support unless Parliament also approves the Regulations for the managed migration pilot. As the Minister for Employment explained: “the only way they will get that [additional support] is if we collectively in the House support the regulations”.

You are aware that we—and others outside Parliament—have grave concerns about the Department’s preparations and readiness for the pilot, most recently highlighted in our report on Tests for managed migration. The Department is asking Parliament to make a choice: accept a proposal that may be flawed, or prolong the suffering of disabled people who have been left without vital financial support (support that DWP now accepts should never have been withdrawn in the first place). It is difficult to escape the impression that parliamentarians are effectively being blackmailed into voting for the regulations, but I simply cannot believe that this was your intention.

As far as we can tell, there is absolutely no need for these provisions to be combined in the same statutory instrument. We were hugely grateful earlier this year when you agreed to separate the provisions for the managed migration pilot from the powers the Government will need when it moves to managed migration “at scale”. I wonder whether you would now consider further splitting the regulations, to spare severely disabled people from further suffering.

We can see no reason why the Department could not bring forward two instruments, as follows:
1. An instrument subject to negative resolution, to make provision for people previously entitled to a severe disability premium; and
2. An instrument subject to affirmative resolution, with the provisions for the pilot of managed migration.

If this would not, in fact, be possible, we would very much appreciate a clear and detailed explanation of why not—and an alternative proposal to ensure that severely disabled people can quickly receive the payments which they so desperately need.

I would be very grateful to receive your response by Tuesday 4 June.

With very best wishes and I look forward to hearing from you,

Rt Hon Frank Field MP
Chair, Work and Pensions Committee