

22nd

**BIENNIAL REPORT ON UNRATIFIED PARTS OF THE
EUROPEAN CODE OF SOCIAL SECURITY**

**made by the
UNITED KINGDOM**

**to the Council of Europe at Strasbourg
for the period 1 July 2012 to 30 June 2014**

The United Kingdom has not ratified Parts VI, VIII, IX and X

United Kingdom

1. Separate, but corresponding, schemes of Social Security are operated in Great Britain and Northern Ireland. Reciprocal arrangements between the two ensure that the schemes effectively operate as a single system. The law governing Social Security in Great Britain was amended during the reference period by the measures listed below. Equivalent legislation came into effect in Northern Ireland. Benefit levels and dates of commencement are maintained in parity with Great Britain and all rates quoted therefore apply equally.

2. Copies of the Acts, Regulations and Orders can be viewed at the Government's website¹. Statutory instruments can be traced by their year of publication and SI Number quoted below. The complete Law on Social Security, as it applies in Great Britain, is published as the "Blue Volumes" and is now available on line via the Department for Work and Pensions' website². Guidance on how to navigate the respective volumes is also available there. Corresponding Social Security legislation that has effect in Northern Ireland can be viewed at the Department for Social Development website³.

PART VI - EMPLOYMENT INJURY BENEFIT

The position remains as previously described. The United Kingdom (UK) is unable to accept Part VI of the Code because UK law and practice are not compatible with the requirements of Article 34 2(b) and (e). These exceptions apart, the requirements of Part VI are met by the provisions in the UK scheme which ensure that all employed workers ('employed earners') are compulsorily protected against employment related injury and disease.

II Laws and Regulations introduced during the reporting period

2012

The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations 2012 SI No 1634

<http://www.legislation.gov.uk/ukxi/2012/1634/contents/made>

2013:

The Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations 2013 SI No 670

<http://www.legislation.gov.uk/ukxi/2013/670/contents/made>

The Pneumoconiosis etc. Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2013 SI No 690

<http://www.legislation.gov.uk/ukxi/2013/690/contents/made>

¹ <http://www.legislation.gov.uk/>

² <http://www.dwp.gov.uk/law-volumes/the-law-relating-to-social-security/>

³ http://www.dsdni.gov.uk/index/law_and_legislation/law_relating_to_social_security.htm

Industrial Injuries Benefit (Employment Training Schemes and Courses)
Regulations 2013 SI No 2540

<http://www.legislation.gov.uk/ukxi/2013/2540/contents/made>

2014:

The Mesothelioma Lump Sum Payments (Conditions and Amounts)
(Amendment) Regulations 2014 SI No 868

<http://www.legislation.gov.uk/ukxi/2014/868/contents/made>

The Pneumoconiosis etc. Workers' Compensation) (Payment of Claims)
(Amendment) Regulations 2014 SI No 869

<http://www.legislation.gov.uk/ukxi/2014/869/contents/made>

The Diffuse Mesothelioma Payment Scheme

1. The Mesothelioma Act 2014:
<http://www.legislation.gov.uk/ukpga/2014/1/contents>
2. The Diffuse Mesothelioma Payment Scheme Regulations 2014:
<http://www.legislation.gov.uk/ukxi/2014/916/contents/made>
3. The Diffuse Mesothelioma Payment Scheme (Amendment) Regulations 2014:
<http://www.legislation.gov.uk/ukxi/2014/917/regulation/2/made>
4. The Social Security (Recovery of Benefits) (Lump Sum Payments)
(Amendment) Regulations 2014:
<http://www.legislation.gov.uk/ukxi/2014/1456/contents/made>

1. *The primary legislation that created the DMPS.*
2. *The regulations that provide for how the DMPS will actually function, who is eligible, the applications procedure etc.*
3. *An amendment to 2 which provides for the updating of the payment tariff table following a minor policy change (that payments would cover 80% of average civil claims rather than 75% as previously planned)*
4. *The regulations that enable any previous lump sums/benefit amounts paid in respect of mesothelioma to be recovered from DMPS payments.*

1 Scope

All employees are protected.

2 Conditions for entitlement to benefit

Disability benefits

No change

3 Level of benefits

Examples of weekly rates of Disablement Benefit, and associated increases payable during the period under consideration are shown below:

Disablement Benefit

From April (£GB)	2012/13	2013/14	2014/15
Disablement 100%	158.10	161.60	166.00
Disablement 20%	31.62	32.32	33/20
Reduced Earnings Allowance* (maximum rate)	63.24	64.64	66.40
Retirement Allowance	15.81	16.16	16.60
Constant Attendance Allowance (maximum)	126.60	129.40	132.80
Exceptionally Severe Disablement Allowance	63.30	64.70	66.40

*Reduced Earnings Allowance is not payable in respect of accidents or diseases arising on or after 1 October 1990.

- a. No change The levels of benefit for incapacity to work, total loss of earnings capacity (or corresponding lack of faculty) and survivors continue to meet the standards in the Schedule to Part XI of the Code.
- b. No change No account is taken of other resources of the beneficiary and his family, but provisions exist to prevent the duplication of state benefits in certain circumstances.
- c. Minor change Benefits are uprated annually in line with inflation.
- d. No Change

4 Miscellaneous - Decisions and appeals

a) For contested decisions on entitlement to benefit made on or after 28 October 2013 the claimant must usually telephone or write to Department for Work and Pensions (DWP) and ask for an explanation of the decision and for it to be looked at again - this known as a 'mandatory reconsideration'. If the claimant is unhappy the mandatory reconsideration they may then appeal the decision. A claimant may then appeal direct to a First-tier Tribunal against the decision of a decision maker, acting on behalf of the Secretary of State. If the claimant's appeal is unsuccessful, he may appeal from the tribunal to an Upper Tribunal (UT) and from there to the Court of Appeal (Civil Division). Thereafter an appeal lies to the Supreme Court. However, at each stage of the appeal process beyond the First-tier Tribunal, an appeal is only possible on a point of law and leave is required. Further information and guidance can be viewed via the following link:

www.gov.uk/appeal-benefit/decisions-made-on-after-28-october-2013

- b. No change Industrial injuries benefits are financed from general taxation and are non-contributory.
- c. No Change Department for Work and Pensions (DWP) has overall responsibility.

- d. Copies of the new regulations are published (see Part II).

III

- a. No change None.
- b. No change The position remains unchanged. Prescription charges and the costs of dental treatment are borne by recipients of industrial injuries benefits on the same basis as they are borne by people receiving other state benefits. This is at variance with the requirement of Article 34 that persons suffering employment related injury should not contribute to their cost of medical care.
- c. No change The Government has no plans to introduce exemption from such measures; to extend ratification to cover Part VI of the Code; or to ratify the Revised Code.

PART VIII – MATERNITY BENEFIT

I No change Laws and regulations do exist to provide benefit cover for pregnancy. Protection is provided under a compulsory scheme, in addition employers may operate a contractual maternity pay scheme.

II Laws and Regulations introduced during the reporting period

2014 Legislation

The Social Security (Maternity Allowance) (Amendment) Regulations 2014 (SI 2014 No. 884)

<http://www.legislation.gov.uk/en/uksi/2014/606/made>

The Social Security (Maternity Allowance)(Participating Wife or Civil Partner of Self-Employed Earner) Regulations 2014 (SI 2014 No. 606)

www.legislation.gov.uk/en/uksi/2014/606/made

The Children and Families Act, 2014

www.legislation.gov.uk/ukpga/2014/6/contents/enacted

1. Scope

All pregnant working women earning on average at least £30 or more a week are eligible for maternity benefits.

2. Conditions of Entitlement to benefit

3. Levels of benefit

State Maternity Allowance

a) Rates during the reporting period are as follows (£):

	2012/13	2013/14	2014/15
Maternity Allowance (Standard Rate)	£135.45	£136.78	£138.18

Note: The rate of MA is based on a woman's average weekly earnings. MA is paid at the lower of a standard rate or 90% of the woman's average earnings.

Statutory Maternity Pay (SMP)

SMP is earnings related for the first six weeks and set at 90% of average weekly earnings with no upper limit.

	2012/13	2013/14	2014/15
Week 7 onwards			
Standard weekly rate	£124.88	£136.78	£138.18

- b. **No Change** Other resources are not taken into account
- c. **No change** Levels of benefit are reviewed annually

4. Miscellaneous

a) Maternity allowance

To fully comply with EU Directive 2010/41, The Social Security (Maternity Allowance)(Participating Wife or Civil Partner of Self-Employed Earner) Regulations 2014 which came into effect from 1 April 2014, introduced MA payments for pregnant women who are neither employed nor self-employed, but regularly take part in activities related to the business of their self-employed spouse or civil partner. This change applies to women with an expected date of childbirth on or after 27 July 2014.

These women must not be a partner or an employee of the business. The payment will be for 14 weeks and will enable them to take time out from the activities they perform around the end of their pregnancy and following childbirth. Therefore the qualifying conditions are not based on earnings or employment but on regularly taking part in activities relating to the business of their self-employed spouse or civil partner for which they receive no income.

This is funded by the Government.

Statutory Maternity Pay

No change

b) Maternity Allowance

MA is financed from employer and employee contributions to the National Insurance Fund.

Statutory Maternity Pay

c) **No change**

d) **No change**

III

The Children and Families Act, 2014 introduces a new system of Shared Parental Leave and Pay from April 2015. This will enable a woman to bring her maternity leave, Maternity Allowance or Statutory Maternity Pay to an end early to allow the woman and her partner/the other parent to access the new system of shared parental leave and pay. The balance of untaken maternity leave and pay/allowance will be available to eligible parents to be taken as shared parental leave and pay. This new policy will also apply to adopting parents.

The UK has made considerable improvements to the scope and level of maternity benefits over the past few years, extending coverage to as many working women as is considered possible. This is of particular importance for working women on low pay, with earnings below the Lower Earnings Limit and, therefore, unable to qualify for Statutory Maternity Pay. The UK's maternity benefits provisions cover more or less all gainfully occupied working women, including part-time and low earning women, as all women earning £30 a week or more are covered.

In the past, before the improvements were introduced, protection tended to be weighted in favour of the higher earning woman. Consequently, as the benefit is now related directly to the woman's past earnings, and not to the average wage of a standard beneficiary, it is difficult to conclude that all recipients of the benefit would receive an amount that would be compliant with the replacement level suggested by the Code.

PART IX INVALIDITY BENEFIT

I No change Protection is provided under a compulsory insurance scheme.

II Laws and Regulations introduced during the reporting period

Welfare Reform Act 2012

www.legislation.gov.uk/ukpga/2012/5/contents/enacted

1. Scope

The position on scope of persons covered remains as previously described.

2 Conditions for entitlement to benefit

As the UK's previous Report explained, the contingencies of Part III and IX of the Code are now covered by Employment and Support Allowance (ESA). ESA replaced Incapacity Benefit (IB) and Income Support (IS), paid on grounds of incapacity, for new claimants from 27 October 2008. All existing IB and IS claims are to be reassessed for ESA.

Employment and Support Allowance (ESA(C)) - update

Incapacity Benefit Reassessment

The Department for Work and Pensions (DWP) is continuing the reassessment of Incapacity Benefit claimants to identify eligibility for Employment and Support Allowance or fitness for work.

The DWP expected to re-assess around 1.5 million cases by April 2014. Official figures for April 2014 are not yet available but it is expected that they will show that almost 1.5 million cases had started the reassessment process by then. It is now known that more than the originally envisaged 1.5 million claimants will need to be reassessed and it will therefore take longer to complete this exercise in order to ensure that those who can work do so.

Work Capability Assessment

The Government remains committed to continuously improving the Work Capability Assessment (WCA) to ensure that it is as fair and accurate as possible. As part of this process, the Government has a statutory commitment to independently review the WCA annually for the first five years of its operation.

Employment and Support Allowance (ESA) claimants must have limited capability for work or limited capability for work-related activity as a result of the functional impact of their health condition or disability.

This is usually determined initially by a medical certificate supplied by the claimant's doctor, a questionnaire filled in by the claimant and a face-to-face assessment conducted by a healthcare professional contracted by the Government. A DWP Decision Maker makes the final decision on benefit entitlement.

The WCA is a functional assessment which looks at what people can do, as well as what they cannot, to identify people for the correct benefit and give them the support they need to get back to work and avoid ending up on long-term sickness benefits. This approach is based on the principle that a health condition or disability should not automatically be regarded as a barrier to work. There is strong evidence that work is good for physical and mental well-being, and that being out of work can contribute to poorer health and other negative outcomes.

Dr Paul Litchfield was appointed on 26th February 2013 to carry out the fourth independent review of the WCA, following three previous independent reviews carried out by Professor Malcolm Harrington. Dr Litchfield is Chief Medical Officer and Director of Health, Safety and Wellbeing for BT, a Fellow of the Royal College of Physicians and the Faculty of Occupational Medicine. Dr Litchfield's Independent Review of the Work Capability Assessment¹ was published in December 2013.

This fourth Independent Review made 32 recommendations to the DWP to improve the WCA, and 5 further recommendations to the Department for Social Development in Northern Ireland. The recommendations focused predominantly on: the effectiveness of the WCA; simplifying the process; improving decision-making; and mental health.

The Government's response was published on 27 March 2014² - in this the Government accepts, or accepts with certain caveats, all but one of the thirty two recommendations falling within the scope of DWP.

Dr Litchfield will continue in his role as Independent Reviewer for the fifth and final statutory review of the WCA. On 10th June 2014, as part of the fifth review, the Department published a formal call for evidence³ which will run until 15th August 2014.

This year's call for evidence focuses on the impact of previous reviews, seeks new evidence about the ESA Work-Related Activity Group and Support Group, and individuals' experience of the Work Capability Assessment process. There is also a focus on people who have mental health conditions or learning disabilities.

¹ <https://www.gov.uk/government/publications/work-capability-assessment-independent-review-year-4>

² <https://www.gov.uk/government/publications/government-response-to-the-work-capability-assessment-independent-review-year-4>

³ <https://www.gov.uk/government/consultations/work-capability-assessment-year-5-call-for-evidence>

Dr Litchfield will present his report to the Department before the end of 2014.

Employment and Support Allowance Pilots

The Government is testing different approaches to supporting Employment and Support Allowance claimants in the Work Related Activity Group (WRAG) with a prognosis of 18 months or more, to move closer to the labour market, to help the Department to understand what works for this claimant group.

The pilots will test the following three variants:

- Health Care Professional (HCP) – work and health related focus;
- Enhanced Jobcentre (JCP) Support – increased employment focus; and
- Work Programme (WP) – flexible support model, determined by the provider.

The pilots will run from 25 November 2013 to 26 August 2016. Claimants will spend two years on the pilot following recruitment.

The overarching intent of the pilots is to test whether an increase in health and work related support for ESA WRAG claimants, with a prognosis of 18 months or more, can deliver better outcomes than the WP and the standard Jobcentre support. Success will be measured through improvements in health and/or perception of individual's health and off flows into employment.

The evaluation will measure the outcomes of all three pilots. Evaluation methods will include qualitative and quantitative survey research with claimants, suppliers and JCP staff. This research will gather evidence on a wide range of topics including details of the support received, delivery challenges, claimant's perceptions of their health conditions and perceptions of readiness to work.

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3 Level of benefit

a. Both ESA and Long-term Incapacity Benefit are flat-rate benefits. Rates payable during the period under consideration are shown below:

Amounts in £GB	2012/13	2013/14	2014/15
Long-term Incapacity Benefit (basic amount)	£99.15	£101.35	£104.10
<i>Increase of Long-term Incapacity Benefit for age</i>			
Higher rate	11.70	10.70	11.00
Lower rate	5.90	6.00	6.15
Invalidity Allowance (Transitional)			
Higher rate	11.70	10.70	11.00
Lower rate	5.90	6.00	6.15
Employment and Support Allowance			

Personal allowance under 25	56.25	56.80	57.35
Personal allowance 25 and over	71.00	85.80	86.65
Premiums			
Enhanced disability	14.80	15.15	15.55
Severe disability	58.20	59.50	61.10
Components			
Work related activity	28.15	28.45	28.75
Support	34.05	34.80	35.75

(b) to (d) – No change

4 Miscellaneous

(a) to (d) - No change

III

The Welfare Reform Act, 2012 introduced a 52 week time limitation to entitlement to contributory Employment Support Allowance (ESA) for those in the Work Related Activity Group. This change had immediate effect, from 30 April 2012 for people currently claiming contributory ESA as well as for those making new claims.

People in the Support Group will not have their benefit time limited because they have the most severe health conditions or impairments and are the least likely to move into work.

People receiving income-related ESA (whether in the Work Related Activity group or the Support group) will not have their benefit time limited.

People moving off contributory ESA as a result of the time limit will be able to apply for income-related ESA, if they are eligible.

The Government would point out that the time limitation on claims for contributory ESA, for those in the Work Related Activity Group, is not compatible with the requirement of Article 58 of the Code for the benefit to be granted throughout the contingency, or until an old age benefit becomes payable. This is an additional reason as to why the UK cannot accept to be bound by the provisions of Part IX of the Code. The Government has no plans to extend ratification to cover Part IX in future.

PART X SURVIVOR'S BENEFIT

Parts I & II Apart from annual increases in the rates of the respective benefits there has been no change to the position as described in previous Reports.

The current Bereavement benefit caseload is about 100,000 of which 68,000 cases began after April 2001.

The current amount of the award for Bereavement Payment is £GB 2,000

The average award for Bereavement Allowance is £GB 89

The average award for Widowed Parent's Allowance is £GB 109

Part III

The position remains as previously described, the UK is in the unusual position of having accepted the corresponding Part X of ILO Convention No 102, which it ratified in April 1954, but not having accepted Part X of the Code, which it subsequently ratified in January 1968. The difference in approach stemmed from the reform of UK widow's benefit provision in 1965 with the introduction of the new Widow's Mother's Allowance and Widow's Pension, with revised qualifying contribution conditions. As a result of the change in the qualifying contribution conditions the UK could no longer guarantee that in all cases benefit would be payable where the deceased has five reckonable years of insurance (contributions). The UK has not denounced Part X of ILO Convention No. 102 and continues to include information on it in its Article 22 Reports, whilst acknowledging that because of this technicality we cannot guarantee payment of benefit in all cases, as is required by the Convention.

A copy of the extract from the UK's 2011 Article 22 Report to the ILO in respect of Part X Survivor's Benefits is set out in **Annex A** below for information.

The percentage replacement of the breadwinner's earnings, in accordance with Article 66 of the Convention was 53%.

Bereavement Support Payment

As part of the UK's welfare reform, a new Bereavement Support Payment will replace the existing suite of Bereavement benefits from April 2017.

The aim of Bereavement Support Payment is to focus the payment on the period immediately following bereavement and to provide fast direct help to meet the immediate financial needs caused by bereavement for those of working age.

Bereavement Support Payment will remain a contributory benefit but the contribution condition has been simplified making it easier to administer and for claimants to understand. The condition will be that the deceased will have had to have paid Class 1 or 2 contributions the equivalent of 25 times the Lower Earnings Limit in any one tax year in their working life.

The age of the surviving spouse/civil partner will no longer be a barrier to receiving additional support as those now under age 45 will be eligible to claim and the upper age limit will align to the state pension age.

The Government's view is that there needs to be a balance between providing appropriate support at a critical time and encouraging people of working age to support themselves and their families, through employment.

The Government therefore proposes to concentrate support on the period immediately after bereavement, by paying an initial lump sum payment followed by monthly installments for a period up to 12 months.

Bereavement Support Payment is a recognition that bereaved spouses/civil partners with dependant children have additional financial needs following bereavement. Widowed parents in receipt of Child Benefit will therefore receive a higher amount.

Continuing income replacement will be provided by other benefits in the welfare system. This will ensure that those less well off will be better off with Bereavement Support Payment than those who are in receipt of the current bereavement benefits.

Bereavement Support Payment unlike the current bereavement benefits will be disregarded from other income related welfare benefits, such as the new Universal Credit, since the payment is designed to help the bereaved with the additional costs of bereavement.

Receipt of the Bereavement Support Payment will not affect access to contributory Jobseeker's Allowance or Employment and Support Allowance, so that bereaved spouses and civil partners can access tailored employment support at the appropriate time.

It is acknowledged that the period of readjustment varies for each individual and this is why bereaved claimants on Universal Credit will not be subject to conditionality for 6 months and that after that period it will be tailored to the individual's circumstances.

Payments made under the War Pensions Scheme or Armed Forces Compensation Scheme will not be affected; neither will it impact those already in receipt of bereavement benefits at the point at which a new scheme is introduced.

Although the simplification of the qualifying contribution conditions might go some way to alleviating the current incompatibility with Part X of both the Code and ILO Convention No 102, the proposed changes, once implemented, would of course raise questions as to compatibility with the requirements of Article 62 and 64 of the Code as far as periodical payments throughout the contingency are concerned.

UK 2011 Article 22 Report on ILO Convention No 102 – Social Security (Minimum Standards) - Extract

Part X: SURVIVORS BENEFITS

The position remains as previously described.

The provisions relating to Bereavement Benefits are to be found in Part II of the Social Security Contributions and Benefits Act 1992¹ as follows:

- **Bereavement Payment:** section 36. See also Schedule 3 para 4 for the contribution conditions;
- **Widowed Mother's Allowance and Widow's Pension:** See sections 36A to 39, which apply only to cases where the death occurred before 9 April 2001;
- **Widowed Parent's Allowance and Bereavement Allowance:** sections 39A to 39C, for deaths occurring on or after 9 April 2001. The contribution conditions are detailed in para 5 of Schedule 3.

Article 61

Question C (ii)

TITLE II (Article 76)

A. Number of economically active persons protected -

i. Under general scheme	29,390,000	(including Northern Ireland)
ii. Under special schemes	nil	
TOTAL	29,390,000	

B. Total number of residents 61,792,000

C. Percentage A/B 47.56%

Sources: A. & B. – Contributions and Qualifying Years for Retirement Pension and The Office for National Statistics

¹ <http://www.dwp.gov.uk/docs/a2-2501.pdf>

Article 62

Question A (ii)

TITLE I (Article 66)

B. £302

TITLE IV (Article 66) (2010/11 rates)

C. £97.65

D. £132.40

E. £132.40

F. 53%

The weekly rate of widow's benefit at C is £97.65 basic Widowed Parent's Allowance. The weekly rate of family benefit at D and E comprises £20.30 Child Benefit for the eldest qualifying child, £13.40 for the second qualifying child and Child Tax Credit of £98.70, in respect of both children.

TITLE V (Article 66)

C. £97.65

F. 32%

Question C

TITLE VI (Article 65)

Period under review (closest published figures)	Cost of living index (RPI) (*)	Index of earnings (**)
A. March 2006	100	100
B. March 2011	119.2	110.7(***)
C. A/B per cent	83.9%	90.3%

(*) Retail Price Index (RPI) All items

(**) Annual Survey of Hours and Earnings

(***) Latest available data on earnings by occupation is for 2010

Over the period of the report, weekly rates of bereavement benefits changed as follows:-

Table 1

	April 2006	April 2011*	Increase %
Widowed Mothers/Parent's Allowance	84.25	100.70	19.5
Widow's Pension	84.25	100.70	19.5

* 2011/12 rates

Average amounts of benefits in payment at the beginning of the reporting period and latest available figures are set out in Tables 2 and 3 below.

Table 2

Widow's Benefits Average Weekly amount of benefit by age of claimant

May 2006

Average weekly amount of benefit £GB	Total Claims	Unknown age	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64
Type of WB										
Total Claims	78.93	60.56	89.31	104.94	114.56	120.56	95.86	66.69	71.32	90.69
WP not age related	104.90	71.49	.	.	.	.	.	85.61	96.95	109.45
WP age related	64.79	49.54	.	.	.	34.31	41.17	52.81	67.51	76.74
WMA with dependants	123.79	.	92.47.	105.95	116.30	125.00	129.82	124.35	117.11	110.46
WMA without dependants	50.49	.	.	61.68	50.61	52.71	53.95	49.64	44.05	40.01

DEFINITIONS AND CONVENTIONS: "-" Nil or Negligible; "." Not applicable; Caseload figures are rounded to the nearest ten; Some additional disclosure control has also been applied. Average amounts are shown as pounds per week and rounded to the nearest penny. Totals may not sum due to rounding.

SOURCE: DWP Information Directorate: Work and Pensions Longitudinal Study.

Notes: WP – Widow's Pension; WMA – Widowed Mother's Allowance

Table 3

Bereavement Benefits Average Weekly amount of benefit by age of claimant

November 2010

Average weekly amount of benefit £GB	Total Claims	18-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64
Type of BB										
Total Claims	93.66	86.55	89.01	90.50	94.42	99.06	94.84	92.68	93.65	82.17
BA not age related	86.41	.	.	.	.	.	.	.	89.97	78.97
BA age related	62.74	.	.	.	.	.	39.77	69.33	83.17	.
WPA with dependants	101.13	86.60	89.07	90.68	94.53	99.27	103.67	105.33	104.06	100.69
WPA without dependants	64.91	.	82.97	71.27	72.15	66.00	63.79	67.57	49.95	.

DEFINITIONS AND CONVENTIONS: "-" Nil or Negligible; "." Not applicable; Caseload figures are rounded to the nearest ten; Some additional disclosure control has also been applied. Average amounts are shown as pounds per week and rounded to the nearest penny. Totals may not sum due to rounding.

SOURCE: DWP Information Directorate: Work and Pensions Longitudinal Study.

STATE PENSION AGE: The age at which women reach State Pension age will gradually increase from 60 to 65 between April 2010 and April 2020. This will introduce a small increase to the number of working age benefit recipients and a small reduction to the number of pension age recipients. Figures from May 2010 onwards reflect this change. For more information see <http://statistics.dwp.gov.uk/asd/espa.pdf>

Notes: BA – Bereavement Allowance; WPA – Widowed Parent's Allowance

Average weekly amount of benefit The amount of Bereavement Benefit is affected by the introduction in April 2003 of Child Tax Credit. From that date no new child dependency increases were awarded to BB claimants, although existing CDIs were transitionally protected.

Response to the Committee of Experts' Observations (2008/79th Session) on the UK's previous Report on Convention No 102 and their Conclusions on the UK's 42nd Report of 2010 on the European Code of Social Security.

Part X: Survivor's Benefits

The Committee, in its previous Observations, also asked the Government to show in its next report, on the basis of the updated calculations, that in all cases covered by the Convention, the protection offered to a standard beneficiary by the WPA and other relevant benefits will not be less than the minimum replacement level of 40 per cent fixed by the Convention.

The Committee will note from the calculation in respect of Article 62 Title IV, set out in Part X of the Report above, that the replacement level based on the Standard Rate of basic Widowed Parent's Allowance of £97.65 per week (C) taking into account the family benefits element of £132.40 per week (D) has been calculated as 53% for the purpose of the Schedule to Article 66. In cases where the Standard Rate of benefit falls to be reduced to 75%; 50% or 25% of the maximum payable rate, the respective replacement levels achieved would be: 47.3%; 41.7% and 36.1%. The Government would respectfully submit that the 36.1% replacement level achieved, based on the minimum reduced basic rate of benefit payable (25%), should be considered in light of the provision of Article 63(3) of the Convention whereby the 40% level fixed by the Convention can be reduced by a further ten points in cases where only the minimum qualifying conditions are satisfied. The Government is of the view that the 40% replacement level was not intended to, and should not apply in all cases irrespective of the qualifying conditions.

However, in the example quoted by the Committee, in which the length of the deceased person's working life is such that the requisite number of qualifying years required to yield an award of benefit at the 100% rate is 25, then in such circumstances a record of only five qualifying years would result in no award being made. This is likely to be the case where the requisite number of working life years is 21 or more and there are gaps of 16 years or more. As UK resident workers are likely to be awarded credited contributions for periods of interruption of their employment or gainful occupation e.g. in respect of the contingent risks of sickness, invalidity or unemployment, such lengthy gaps in a worker's record of paid and credited contributions are likely to arise in limited situations as a result of say a term of imprisonment or periods of absence abroad from the UK for which credits are not appropriate. UK residents who are not liable to pay contributions as an employed or self-employed person and who are not entitled to be awarded credited contributions would be entitled to pay contributions voluntarily (Class 3 contribution) to fill in non-reckonable gaps in their insurance record. Similarly, UK residents who leave the UK to live and or work abroad and who are not liable to pay contributions are permitted pay contributions voluntarily for the period of their absence abroad.

Although the Government is not in a position to guarantee payment of WPA or WP in every case where the deceased person has only 5 reckonable years of contributions, in any cases where gaps of periods of 16 years or more occur in the deceased person's contribution record, there is adequate protection available to the survivors through the UK's social assistance benefits as described above and that are intended to be eventually replaced by the proposed new Universal Credit.

Summary of UK issues of incompatibility**Part VI – Employment Injury Benefit**

Cost sharing in medical care (as is provided for in Part II Health Care, Article 10, para 2) is not permitted under Part VI, Article 34, para 2. The UK does comply with Article 34, para 2(a) in respect of free GP service, inpatient and outpatient care and home visits, but does not comply with Article 34, para 2(b) and (e) – in respect of cost-sharing for dental care and pharmaceutical and other medical supplies, for which charges may be made.

Part VIII – Maternity Benefit

The UK's maternity benefits provisions cover more or less all gainfully occupied working women, including part-time and low earning women. Maternity Allowance is a system designed to replace former earnings and is not based on an arbitrary level of benefit. Whilst in a high proportion of cases the level of MA paid would reach or exceed that of the standard beneficiary, in many other cases, such as where the previous work was part time, the level of previous wages being replaced, and thus the amount of MA paid could be well below that of the standard beneficiary. In fact the minimum rate of MA could be factored as a percentage of weekly earnings of as little as £30 a week. Consequently it would not be possible, in regard to MA, to guarantee compliance with the Code in this respect.

Part IX – Invalidity Benefit

Historically, the UK's approach has been incompatible with the Article 58 requirement to provide invalidity benefit until the end of the contingency, or until it is replaced by old-age benefit. The contribution conditions for entitlement to invalidity benefit can be satisfied within a relatively short space of time, i.e. three tax years or so. There could be no guarantee that a person who satisfied the qualifying contribution conditions for invalidity benefit would have worked for a sufficient length of time in the UK to have established a long enough record to establish entitlement to State Retirement Pension. Incapacity Benefit and later Employment and Support Allowance are not generally payable beyond a person's state pension age.

Part X – Survivors' Benefit

By way of historical background, the UK accepted Part X on Survivors Benefits when ratifying the ILO Convention No. 102 in 1954, but did not accept to be bound by the corresponding Part X of the Code, which we subsequently ratified in 1968. The difference in approach was a consequence of changes introduced to our Widow's Benefits scheme by the National Insurance Act of 1965.

The UK remains bound by Part X of Convention 102 and the protection offered to the standard beneficiary is above the minimum 40% replacement

level required. However, the UK is technically in breach of its obligations, in that we are not in a position to guarantee that the survivors of all workers who have five reckonable years of insurance (contributions) would be protected. This involves workers with a working life of 21 years or more.

More recently, as part of the UK's welfare reform, a new Bereavement Support Payment will replace the existing suite of Bereavement benefits from April 2017. The Government proposes to concentrate support in the 12 month period immediately following bereavement, by making an initial lump sum payment followed by a short period of monthly installments. Such instalments are not likely to be considered to be 'periodical payments' for the purposes of Article 62 of the Code and is therefore likely to be a further obstacle to the UK extending acceptance to this Part of the Code.