

Hi [REDACTED]

As per the email below, its great to see the ADM has been updated, however using it today I noticed a slight inconsistency. I think the example is incorrect as it contradicts the guidance at point 4.

[REDACTED] gave me your details to make you aware.

Thanks

A4130 The relevant change is that the claimant no longer consents to be entitled to receive the benefit, or no longer wishes it to be payable. The date of the change is

- 1. the date specified by the claimant where appropriate **or***
- 2. the first pay day following the date of the application **or***
- 3. the first pay day following the date the decision is made, where benefit continues to be paid after the application is made and is not returned **or***
- 4. for UC cases, the first day of the assessment period that follows the one in which the decision is made.*

Note: *The claimant cannot surrender benefit for a past period.*

Example

*A claimant is in receipt of UC. They start work which has the effect of reducing the amount of UC to £1 for each assessment period. The claimant writes to say that they no longer wish to receive UC. The DM accepts that the relinquishment is genuine. **The decision awarding UC is superseded on a relevant change of circumstances to end entitlement, effective from the first day of the assessment period in which the request for relinquishment was made.***

[REDACTED]
| Universal Credit Customer Assurance team (CAT

[REDACTED]
Your guidance request has been sent to me for response as I'm now the ADM author responsible for supersession issues.

The short answer is that you should still follow the guidance set out in the response that [REDACTED] provided [see datafile attached].

As this issue has just been brought to my attention, I contacted DMA policy who have confirmed that they still agree that ADM A4130.4 should be amended to say that the effective date of supersession is "*the first day of the assessment period that follows the one in which the decision is made.*"

I intend to make some amendments to the ADM next week (or at least within the next few weeks) and so I will include this amendment.

Regards

[REDACTED]
[REDACTED]

From: [REDACTED] STRATEGY DISABILITY BENEFITS, DECISIONS AND APPEALS

Sent: 03 September 2019 17:31

To: [REDACTED] STRATEGY DECISION MAKING AND APPEALS

Subject: RE: Relinquishment and ADM

[REDACTED]

On the basis that, as [REDACTED] says, benefit can only be relinquished prospectively, then the earliest date from which UC can end is the first day of the next AP which in ED terms is para 20 ie when the change is expected to occur. So happy for you to amend as below.

[REDACTED]

[REDACTED]

Decision Making and Appeals | Department for Work & Pensions

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From: [REDACTED] STRATEGY DECISION MAKING AND APPEALS

Sent: 03 September 2019 16:54

To: [REDACTED] STRATEGY DISABILITY BENEFITS, DECISIONS AND APPEALS

Subject: Relinquishment and ADM

[REDACTED],

I've been asked to clarify an issue regarding relinquishment of UC and the guidance in ADM A4130, point 4 (effective date). I've attached the guidance response from [REDACTED] sent in 2017 and to which the DM now refers.

You will see that back in 2017 [REDACTED] advised the DM that the ADM would be updated to reflect the correct guidance. I take it you are still happy for me to take this forward – I don't think this is an issue that needs legal approval as well?

If the amendment can be made, do you agree that I can simply change point ADM A4130, point 4 to read:

“ For UC, the first day of the assessment period that follows the one in which the decision is made.”

Happy for any other suggestions.

Thanks

[REDACTED]

[REDACTED]

Author Team Common Subjects| Decision Making and Appeals (DMA [REDACTED] |
Department for Work and [REDACTED]
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(DMA [REDACTED])