



Department
for Work &
Pensions

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18th April 2021

Dear Stephen,

Thank you for your letter of 24th February about the timetable, particularly in relation to the consultation, for the Remedial Order to extend eligibility for Widowed Parent's Allowance and Bereavement Support Payment to cohabittees with children. I am replying as the Minister responsible for bereavement benefits.

While progress has not been as fast as we would have wished, given the considerable pressures on the Department over the last year, I can assure you that significant work is going on behind the scenes and we have made considerable progress. There have been and still are some challenging policy areas to navigate into legislation, for example regarding polyamorous relationships. My officials have started drafting the Order and the formal liaison with service design, delivery and digital colleagues that is required with a change of this nature is taking place.

We hope to lay a proposal for a draft Order before Parliament before Summer Recess. Parliament will then have 60 days (not including recess) to consider the proposal. The Joint Committee on Human Rights also scrutinise the proposal. At the end of the 60-day period, the minister must lay a draft remedial order for a further 60 days, in which the Joint Committee has to report on whether the draft order should be approved. The minister has to report details of any representations made during the first 60 days and any changes made to the proposal in the light of these representations. The Order is then debated in both Houses of Parliament before it can be approved. There will therefore be ample opportunity for colleagues and stakeholders to give their views.

I will update you once we have a confirmed laying date.

Your Sincerely

BARONESS STEDMAN-SCOTT
MINISTER FOR WORK AND PENSIONS (LORDS)



Work and Pensions Committee

House of Commons, London, SW1A 0AA
Tel 020 7219 8976 Email workpencom@parliament.uk

From the Chair

Will Quince MP
Minister for Welfare Delivery

24 February 2021

Dear Will,

I wrote to you in April last year after the High Court in England found that the conditions for Bereavement Support Payment are incompatible with human rights law, because payments are not made to bereaved partners who were living with, but not married to—or in a civil partnership with—their partner. We were pleased to hear then that the DWP did not plan to appeal the High Court judgement.

Since then, the Government has said that it plans to bring forward a Remedial Order to extend eligibility for Widowed Parent's Allowance and Bereavement Support Payment to cohabitants with children. In a letter in November 2020, the Permanent Secretary told us that:

“The Order will also be subject to detailed consultation and Parliamentary Scrutiny before it becomes law. More detail will be set out in the Remedial Order, which will be laid before the House in due course.”

Could I ask you please to set out in more detail the planned timetable for this work? In particular, it would be helpful to know when you expect consultation to begin.

Yours sincerely,

Rt Hon Stephen Timms MP

Chair, Work and Pensions Committee



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23rd June 2020

Dear Stephen,

Thank you for your letter of 2nd April about the Court judgments on Widowed Parent's Allowance and Bereavement Support Payment (the McLaughlin and Jackson cases). I am replying as the Minister responsible for bereavement benefits and I am sorry for the delay.

Losing a loved one is devastating. We do recognise that there is incompatible legislation on the statute books in respect of both these cases and we are actively considering the position in response. One option would be to develop a remedial order to cover both cases. Remedial Orders can be retrospective. A new Bill would be another option. Both these options would allow us to change the existing primary legislation so it is compliant with the ECHR, and would be subject to both consultation and Parliamentary scrutiny. Although we are unable, at this stage, to give you more details I can assure you that we have made progress in considering our response to the two Court judgments.

We are aware that we still need to respond to your report and will do so in due course.

Best wishes

BARONESS STEDMAN-SCOTT
MINISTER FOR WORK AND PENSIONS (LORDS)



Work and Pensions Committee

House of Commons, London, SW1A 0AA

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From the Chair

Will Quince MP

Minister for Welfare Delivery

April 2020

Dear Will,

As you know, last month the High Court in England found that the conditions for Bereavement Support Payment are incompatible with human rights law, because payments are not made to bereaved partners who were living with but not married to, or in a civil partnership with, their partner. We were pleased to hear that the DWP will not appeal the High Court judgement.

The previous Work and Pensions Committee looked into DWP's support for the bereaved in 2017, with a follow up inquiry in 2019. You will remember that, in 2019, the previous Committee recommended that the Department run a consultation on options for reform to both Widowed Parent's Allowance and Bereavement Support Payment. That recommendation followed the evidence you gave our predecessor Committee about the complexity of making the necessary changes while avoiding unintended negative consequences.

Following the announcement that DWP have accepted the High Court judgement, might you please let the Committee know:

- 1) What changes will you now make to Bereavement Support Payment to bring it into compliance with human rights law? Given the enormous pressure the Department is currently under, when do you expect to be able to make progress with this work?
- 2) Will you also now respond to the similar 2018 Supreme Court judgement on Widowed Parent's Allowance?
- 3) Will the Department backdate payments for people who have missed out on bereavement benefits because they were cohabiting?
- 4) How will the Department involve key stakeholders—including charities, support organisations and bereaved people themselves—in your consideration of how the rules should be changed?
- 5) When can the Committee expect a response to our predecessor's 2019 report which gave detailed recommendations to improve bereavement support for claimants? In particular, do you now plan to consult on how the court's ruling should be implemented, as that report recommended?

I look forward to your reply, recognising that the impact on DWP of the coronavirus outbreak may well mean that you are not able to reply as quickly as usual



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With all best wishes,

Yours sincerely

A handwritten signature in black ink that reads "Stephen Timms".

Rt Hon Stephen Timms MP

Chair, Work and Pensions Committee



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