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Administrative Welfare Supplementary Payments Discretionary Support Standards of Advice and Assistance Sanctions

Department for Communities
Assembly Report 2020/21

December 2021

Laid before the Northern Ireland Assembly by the Department for Communities in accordance with Article 76 of the Social Security (Northern Ireland) Order 1998 as amended by Article 125(1)(b) and (c) of The Welfare Reform (Northern Ireland) Order 2015 and Article 135(6) of The Welfare Reform (Northern Ireland) Order 2015.

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Contents

1. Introduction	6
2. Benefit Cap	8
3. Changes to Employment and Support Allowance	11
4. Personal Independence Payment	13
5. Social Sector Size Criteria	18
6. Universal Credit	20
7. Discretionary Support	24
8. Standards of Advice and Assistance	26
9. Sanctions	29
10. Forward look	33
Appendix 1	36
Appendix 2	36
Appendix 3	38
Appendix 4	40

1. Introduction

- 1.1. As part of "A Fresh Start, the Stormont Agreement and Implementation Plan" the NI Executive established the Welfare Reform Mitigations Working Group under the leadership of Professor Eileen Evason. This Group was tasked with bringing forward proposals to mitigate the impact of welfare arrangements in Northern Ireland within an agreed financial envelope.
- In January 2016 the Executive 1.2. accepted the recommendations in the Welfare Reform Mitigations Working Group¹ Report and allocated a total of £501 million² to 'top up' the United Kingdom welfare arrangements in Northern Ireland until 31 March 2020. In the 2020/21 budget there was an allocation of £40.3 million to continue with the existing welfare mitigation payments which included an allocation of £4m to cover associated administration costs until 31 March 2021. A breakdown of the £36.3m of welfare mitigation payments is set out at Appendix 1.

Independent Advice Services

 In recognition of the complexity of welfare changes, the Department also committed a further £1.5 million of funding for the provision of additional independent advice services until 31 March 2021. These additional services were to help and support people through the transitional period of change to the welfare system.

Welfare Supplementary Payments

- 1.4. A range of Welfare Supplementary
 Payment Schemes were developed
 to support people who may see their
 benefits reduced or ended following
 the introduction of:
- The Benefit Cap;
- Time Limiting of Contributory
 Employment and Support Allowance;
- Personal Independence Payment which may also affect
- Disability Payments and / or
- Carer Payments;
- Social Sector Size Criteria; and
- Universal Credit.
- 1.5. Depending on their circumstances, people may have been eligible for more than one Welfare Supplementary Payment. People were not required to apply for Welfare Supplementary

https://www.executiveoffice-ni.gov.uk/sites/default/files/publications/ofmdfm/welfare-reform-mitigations-working-group-report.pdf

² The initial allocation in the Fresh Start Agreement was £585 million. This amount was subsequently reduced as planned changes to Tax Credits were not introduced by the UK Government.

- Payments, as the Department for Communities identified all eligible people and made payments to them.
- 1.6. In accordance with the relevant legislation, the statutory provision for Welfare Supplementary Payments ended on 31 March 2020. The Department proposes to bring forward legislation to extend each of the existing statutory welfare mitigation schemes. In the absence of the new legislation, the Department introduced contingency arrangements to ensure that payments continue to be made to eligible people.
- 1.7. Under the contingency arrangements, the Department continues to deliver administrative Welfare Supplementary Payments on the basis of the policy detailed in the legislation which ceased to have effect on 31 March 2020. All payments are made under the sole authority of the relevant Budget Act as approved by the Assembly. This process applied to all welfare mitigation payments made in the 2020/21 financial year.

Reporting requirements

1.8. The legislation set out in Appendix
2 places a requirement on the
Department for Communities to lay
before the Assembly an Annual Report
on the operation of the Discretionary

- Support Scheme, on Standards of Advice and Assistance provided, and on Benefit Sanctions. The Department is also reporting on the administrative Welfare Supplementary Payments made during the financial year.
- 1.9. This is the fifth Annual Report, and it is laid before the Northern Ireland Assembly in accordance with Article 76 of the Social Security (Northern Ireland) Order 1998 as amended by Article 125(1) (b) and (c) of The Welfare Reform (Northern Ireland) Order 2015 and Article 135(6) of The Welfare Reform (Northern Ireland) Order 2015.

Expenditure

- 1.10. The tables at Appendix 3 detail the programme costs for each of the administrative Welfare Supplementary Payment schemes and the Universal Credit Contingency Fund in the 2020/21 financial year.
- 1.11. The figures in this report, unless stated otherwise, are taken from the Department for Communities Annual Report and Accounts for 2020/21 and from Management Information Systems. All figures are rounded to the nearest ten to protect individual records and totals may not sum due to rounding.

2. The Benefit Cap

- 2.1. The Benefit Cap places an upper limit on the total amount of certain benefits a household can receive when a person, or their partner if they have one, is of working age. If a person is affected by the Benefit Cap this will result in a reduction in the amount of Housing Benefit or Universal Credit payable. However, the Benefit Cap will not apply when certain benefits are in payment (for example Disability Living Allowance or Personal Independence Payment).
- 2.2. For the purposes of this section of the report all affected people will have been in receipt of Housing Benefit. As the Benefit Cap is administered through a reduction in Housing Benefit affected people are informed of any reduction in their Housing Benefit by way of a Housing Benefit award notification. This is issued by the Northern Ireland Housing Executive. The Department also publishes Benefit Cap Statistics and these are available at https://www.communities-ni.gov. uk/articles/benefit-cap-statistics

Benefit Cap Limits

- 2.3. With effect from 7 November 2016,the Benefit Cap limits are as follows:
- £384.62 per week (or £20,000 per year) for households made up of either a couple (with or without children) or

- a lone parent (who has children living with them that they are responsible for); and
- £257.69 per week (or £13,400 per year) for a single person (who has no children living with them).

How Benefit Cap is calculated

2.4. Some of the benefits that are received by the person, their partner (if they have one) and any children who live with them for whom they are responsible are added together to determine whether their total benefit income is above the Benefit Cap.

These benefits are listed at Appendix 4. The calculation does not include individuals living in the household for whom the person is not responsible.

Administrative Welfare Supplementary Payments

- 2.5. The Northern Ireland Executive allocated a total of £3.5 million to mitigate the impact of the Benefit Cap on families in the period 2020/21.
- 2.6. Administrative Welfare Supplementary Payments are available for households with children that are affected by the Benefit Cap. Payments are equivalent to the amount of Housing Benefit reduction on the date when the Benefit Cap was first applied. Payments are made, where possible, to the person who receives the Housing Benefit this could be the

- person, their landlord, or a letting agent acting on the landlord's behalf.
- 2.7. To be eligible for an Administrative Welfare Supplementary Payment a household has to have been in receipt of a relevant benefit since the date the lower Benefit Cap limit was applied, i.e. 7 November 2016. If an Administrative Welfare Supplementary payment stops, for whatever reason, it does not recommence.
- 2.8. Any people affected by the Benefit
 Cap who are not eligible for an
 Administrative Welfare Supplementary
 Payment to cover their full loss may
 apply for a Discretionary Housing
 Payment to cover the portion of the
 reduction in their Housing Benefit that
 has not been covered.
- 2.9. The number of people who received an Administrative Welfare Supplementary Payment in 2020/21 increased by 30% from 2019/20. This increase will be the result of a change in personal circumstances meaning that a household is now being affected by the Benefit Cap for the first time. Reasons for this change could include households becoming affected by the Benefit Cap payment if:
- A person has stopped working due to the pandemic and was subsequently

- affected by Benefit Cap for the first time.
- A child or partner joining a household caused benefits to be re-calculated;
- Other change of circumstances that leads to the benefit income of the household increasing over the cap threshold.
- 2.10. If a person has been receiving an Administrative Welfare Supplementary Payment and they cease to be affected by the Benefit Cap the mitigation payment will stop. There will be no further entitlement if the person is subsequently affected by the Benefit Cap at a later date. Some people will have received an Administrative Welfare Supplementary Payment for the first time in 2020/21. However, it is only people who have been continuously in receipt of a relevant benefit from 7 November 2016 who will be eligible to receive an Administrative Welfare Supplementary payment.
- 2.11. Table 1 below shows the total expenditure during the 2020/21 financial year on Administrative Welfare Supplementary Payments for people who were affected by the Benefit Cap³. This equates to an average payment of £560 per person.

Table 1 accounts for those who were affected by Benefit Cap after moving to Universal Credit as they could have received a payment prior to claiming Universal Credit. Figures of those solely in receipt of Universal Credit Administrative Payments in 2020/21 are contained in Table 9.

Table 1: Expenditure in 2020/21 – Benefit Cap

ADMINISTRATIVE WELFARE SUPPLEMENTARY PAYMENT SCHEME	NUMBER OF PEOPLE WHO RECEIVED ADMINISTRATIVE WELFARE SUPPLEMENTARY PAYMENTS	TOTAL AMOUNT PAID
Benefit Cap	1,790	£999,220

3. Changes to Employment and Support Allowance

- 3.1. Time limiting of contribution-based Employment and Support Allowance was introduced in NI with effect from 28 November 2016. This change limited the time for which a person can receive Employment and Support Allowance to 365 days. This applies to people who are in the Work-Related Activity Group and receive Employment and Support Allowance based on National Insurance contributions they have paid.
- 3.2. People who are placed in the Support Group of Employment and Support Allowance are exempt from the limit. Any time spent in the Support Group, or in the assessment phase before moving to the Work-Related Activity Group, will not count towards the 365-day time limit.
- 3.3. People who were in the Work-Related Activity Group when the changes came into effect and had already been receiving contribution-based Employment and Support Allowance for 365 days or more were the first to be affected by this change.

Administrative Welfare Supplementary Payments

- 3.4. The NI Executive allocated a total of £8 million to continue with the existing welfare mitigation schemes for Employment and Support Allowance and Personal Independence Payment in 2020/21. This included mitigation of the time limiting of contribution-based Employment and Support Allowance.
- 3.5. Administrative Welfare Supplementary Payments are paid to people who were in receipt of contribution-based Employment and Support Allowance on the date that time limiting was introduced and who subsequently lost benefit as a result of the change. The amount of the Administrative Welfare Supplementary Payment is equivalent to the actual loss of benefit, and payments are made every four weeks for up to one year.
- 3.6. The number of people who received an Administrative Welfare Supplementary Payment in 2020/21 decreased by 58% from 2019/20. This is due to the timelimited nature of payments under this scheme. Also, there are few new awards of this mitigation payment as to be entitled a person must have

been in receipt of Employment and Support Allowance prior to November 2016 and then be moved from the Support Group to the Work-Related Activity Group. for people who were affected by this change ⁴. This equates to an average payment of £1,590 per person.

3.7. Table 2 below shows the total expenditure during the 2020/21 financial year on Administrative Welfare Supplementary Payments

Table 2: Expenditure in 2020/21 – Employment and Support Allowance

ADMINISTRATIVE WELFARE SUPPLEMENTARY PAYMENT SCHEME	NUMBER OF PEOPLE WHO RECEIVED ADMINISTRATIVE WELFARE SUPPLEMENTARY PAYMENTS	TOTAL AMOUNT PAID
Employment and Support Allowance	80	£127,230

Table 2 accounts for those who were affected by Employment and Support Allowance time limiting after moving to Universal Credit as they could have received a payment prior to claiming Universal Credit. Figures of those solely in receipt of Universal Credit Administrative Payments in 2020/21 are contained in Table 9.

4. Personal Independence Payment

Personal Independence Payment 4.1. was introduced in NI on 20 June 2016. It replaced Disability Living Allowance for people of working age (16-64 years old). All previous working-age people claiming Disability Living Allowance were assessed for Personal Independence Payment by autumn 2019. Existing Disability Living Allowance child claims are invited to claim Personal Independence Payment on their 16th birthday and they also qualify for Administrative Welfare Supplementary Payments in line with Disability Living Allowance adult cases.

Administrative Welfare Supplementary Payments

- 4.2. The NI Executive allocated a total of £8 million to continue with the existing welfare mitigation schemes for Personal Independence Payment and Employment and Support Allowance in 2020/21. This included mitigation payments for those people who are worse off following transition from Disability Living Allowance to Personal Independence Payment.
- 4.3. There are three elements available within this Administrative Welfare Supplementary Payment Scheme. Two

relate to people who are not awarded Personal Independence Payment, and the third is available to people who are awarded Personal Independence Payment but at a reduced rate compared to that which they previously received under Disability Living Allowance.

Element 1 – Payment during Appeal

- People who are assessed for Personal Independence Payment and do not qualify, and subsequently appeal the decision, will receive Administrative Welfare Supplementary Payments equal to the weekly rate of their previous Disability Living Allowance payments until the Department is notified of the outcome of their appeal. Additionally, in cases where leave is granted to appeal to the Social Security Commissioners, Administrative Welfare Supplementary Payments will resume and continue until the Department has been notified of the outcome decision or until the scheme ends.
- 4.5. Table 3 below shows the total expenditure during the 2020/21 financial year on Welfare Supplementary Payments under Element 1 of the Loss of Disability

Living Allowance scheme. This equates to an average payment of £2,870 per person.

4.6. The number of people who received an Administrative Welfare Supplementary Payment in 2020/21 decreased by 60% from 2019/20. The decrease will be due to individual appeals being

finalised and entitlement coming to an end. Also, with re-assessment of all adult Disability Living Allowance claims now complete new awards of Administrative Welfare Supplementary Payment will normally only be made to young people assessed for Personal Independence Payment after reaching their 16th birthday.

Table 3: Expenditure in 2020/21 – Loss of DLA, Element 1

ADMINISTRATIVE WELFARE SUPPLEMENTARY PAYMENT SCHEME	NUMBER OF PEOPLE WHO RECEIVED ADMINISTRATIVE WELFARE SUPPLEMENTARY PAYMENTS	TOTAL AMOUNT PAID
Loss of DLA – Element 1	2,450	£7,023,600

Element 2 – Lower Award

- 4.7. People who are assessed for Personal Independence Payment and do qualify, but at a reduced rate, and whose weekly loss is £10 or more, will receive Administrative Welfare Supplementary Payments equal to 75% of their loss of benefit for up to one year.
- 4.8. The number of people who received a Welfare Supplementary Payment in 2020/21 decreased by 84% from 2019/20. The decrease will likely be due to the time-limited nature of payments under this scheme.

 Also, with re-assessment of all adult

- Disability Living Allowance claims now complete the only new people receiving an Administrative Welfare Supplementary Payment will be young people being assessed for Personal Independence Payment after reaching their 16th birthday.
- 4.9. Table 4 below shows the total expenditure during the 2020/21 financial year on Administrative Welfare Supplementary Payments under Element 2 of the Loss of Disability Living Allowance scheme. This equates to an average payment of £260 per person.

Table 4: Expenditure in 2020/21 – Loss of DLA, Element 2

ADMINISTRATIVE WELFARE SUPPLEMENTARY PAYMENT SCHEME	NUMBER OF PEOPLE WHO RECEIVED ADMINISTRATIVE WELFARE SUPPLEMENTARY PAYMENTS	TOTAL AMOUNT PAID
Loss of DLA – Element 2	2,040	£527,920

Element 3 - Conflict-related Injury

4.10. People who are assessed for Personal Independence Payment and do not qualify but have received at least four points in their Personal Independence Payment assessment and can show that their disability or illness is as a result of a NI conflict-related injury may be entitled to Administrative Welfare Supplementary Payments. These payments are equal to the

- standard rate of the relevant Personal Independence Payment component and are paid for up to one year.
- 4.11. Table 5 below shows the total expenditure during the 2020/21 financial year on Administrative Welfare Supplementary Payments under Element 3 of the Loss of Disability Living Allowance scheme.

Table 5: Expenditure in 2020/21 – Loss of DLA, Element 3

ADMINISTRATIVE WELFARE SUPPLEMENTARY PAYMENT SCHEME	NUMBER OF PEOPLE WHO RECEIVED ADMINISTRATIVE WELFARE SUPPLEMENTARY PAYMENTS	TOTAL AMOUNT PAID
Loss of DLA – Element 3	*	£1,520

^{*} Total has been suppressed due to very small numbers

Loss of Disability-Related Payments

- 4.12. People who receive an income-related benefit, or Working Tax Credit, and also received Disability Living Allowance, may have automatically received additions to their benefit. These additions are known as Disability Premiums (or Disability Elements in
- Tax Credits), and the amount payable depends on the rate of Disability Living Allowance in payment.
- 4.13. People who transitioned from
 Disability Living Allowance to Personal
 Independence Payment may have
 seen a reduction in, or total loss of,

the disability additions they receive.
This may have occurred where a person receives no award of Personal Independence Payment or is awarded a rate of Personal Independence Payment that is lower than their previous Disability Living Allowance award.

Administrative Welfare Supplementary Payments

4.14. The NI Executive allocated a total of £0.5 million to continue with disability-related welfare mitigation payments in 2020/21. This included mitigation payments for people who are receiving an income-related benefit and lose any combination of Disability Premium, Enhanced Disability Premium or Severe Disability Premium. They are also available to people claiming Working Tax Credit who lose the Severe Disability Element.

- 4.15. Payments are equivalent to the rate of the disability-related payments that have been lost and are paid for a maximum period of one year.
- 4.16. The number of people who received an Administrative Welfare Supplementary Payment in 2020/21 decreased by 84% from 2019/20. The decrease will likely be due to the time-limited nature of payments under this scheme.

 Also, with re-assessment of all adult Disability Living Allowance claims now complete there should be no new awards of this Administrative Welfare Supplementary Payment.
- 4.17. Table 6 below shows the total expenditure during the 2020/21 financial year on Administrative Welfare Supplementary Payments for loss of disability-related payments. This equates to an average payment of £1,040 per person.

Table 6: Expenditure in 2020/21 – PIP, Loss of Disability-related Payments

ADMINISTRATIVE WELFARE SUPPLEMENTARY PAYMENT SCHEME	NUMBER OF PEOPLE WHO RECEIVED ADMINISTRATIVE WELFARE SUPPLEMENTARY PAYMENTS	TOTAL AMOUNT PAID
PIP – Loss of Disability-related Pay- ments	300	£268,440*

^{*} This figure represents the total amount paid for this welfare mitigation scheme during 2020/21. There was also £856k of new debt raised during 2020/21, which results in a year-end position of -£588,020.

Loss of Carer Payments

- 4.19. The NI Executive allocated a total of £1 million to mitigate this change in the period 2020/21.
- 4.20. Administrative Welfare Supplementary Payments are made to people who lose entitlement to Carer's Allowance and to those who lose entitlement to a Carer Premium received on the following income-related benefits:
- Income-based Jobseeker's Allowance;
- Income-related Employment and Support Allowance;
- Income Support (also awarded on the basis of being a carer); and
- State Pension Credit.
- 4.21. The number of people who received an Administrative Welfare Supplementary Payment in 2020/21 decreased by

- 72% from 2019/20. The decrease is likely due to the time-limited nature of payments under this scheme.

 Also, with re-assessment of all adult Disability Living Allowance claims now complete the only new people receiving an Administrative Welfare Supplementary Payment will be people who were providing care for children who have been assessed for Personal Independence Payment after reaching their 16th birthday.
- 4.22. Table 7 below shows the total expenditure during the 2020/21 financial year on Administrative Welfare Supplementary Payments for loss of carer payments⁵. This equates to an average payment of £840 per person.

Table 7: Expenditure in 2020/21 – PIP, Loss of Carer Payments

ADMINISTRATIVE WELFARE SUPPLEMENTARY PAYMENT SCHEME	NUMBER OF PEOPLE WHO RECEIVED ADMINISTRATIVE WELFARE SUPPLEMENTARY PAYMENTS	TOTAL AMOUNT PAID
PIP – Loss of Carer Payments	480	£404,730

⁵ Table 7 accounts for those who were affected by loss of carer payments after moving to Universal Credit as they could have received a payment prior to claiming Universal Credit. Figures of those solely in receipt of Universal Credit Administrative Payments in 2020/21 are contained in Table 9.

5. Social Sector Size Criteria

- 5.1. As part of the changes to the welfare system, an amendment to the Housing Benefit Regulations (Northern Ireland) 2006⁶ introduced size criteria into Housing Benefit for people of workingage in the social rented sector with effect from 20 February 2017. This means that Housing Benefit is now restricted and is based on the number of bedrooms a household requires.
- 5.2. For those Housing Executive and Housing Association tenants who are under-occupying their properties, an appropriate percentage reduction will be made to the eligible rent when calculating entitlement to Housing Benefit.

Households not affected by the Social Sector Size Criteria

- 5.3. People will not be affected by the Social Sector Size Criteria if:
- they, or their partner, have reached state pension age;
- they live in supported accommodation;
- they live in non-mainstream accommodation, for example, houseboats, caravans or mobile homes;
- they live in a shared co-ownership scheme; or

• they live in temporary accommodation.

Rates of Reduction

- 5.4. Households that are considered to be under-occupying their accommodation will see a reduction in their Housing Benefit of:
- 14% of the total eligible rent for under-occupation by one bedroom; or
- 25% of the total eligible rent for under-occupation by two or more bedrooms.

Administrative Welfare Supplementary Payments

- 5.5. The NI Executive allocated a total of £23.3 million to mitigate the impact of Social Sector Size Criteria in the period 2020/21.
- 5.6. An Administrative Welfare
 Supplementary Payment is available to
 anyone affected by the Social Sector
 Size Criteria. Payments are equal to
 the amount of the deduction.
- 5.7. The number of people who received an Administrative Welfare Supplementary Payment in 2020/21 decreased by 3% from 2019/20.

⁶ The Housing Benefit Regulations (Northern Ireland) 2006 were amended by Article 137(A) of the Welfare Reform (Northern Ireland) Order 2015.

5.8. Table 8 below shows the total expenditure during the 2020/21 financial year on Administrative
Welfare Supplementary Payments for people affected by the Social Sector

Size Criteria ⁷. This equates to an average payment of £480 per person.

Table 8: Expenditure in 2020/21 – Social Sector Size Criteria

ADMINISTRATIVE WELFARE SUPPLEMENTARY PAYMENT SCHEME	NUMBER OF PEOPLE WHO RECEIVED ADMINISTRATIVE WELFARE SUPPLEMENTARY PAYMENTS	TOTAL AMOUNT PAID
Social Sector Size Criteria	36,400	£17,405,570

- 5.9. Entitlement to a Welfare
 Supplementary Payment will end if a person moves property and continues to under-occupy by at least the same number of bedrooms. This restriction does not apply where a property is allocated to a person under one of the management transfer scheme categories, commonly referred to as "Management Transfer Status".
- 5.10. On 17 February 2020 the Minister for Communities, Deirdre Hargey MLA, announced that she intended to change this policy so that Welfare Supplementary Payments will continue to be paid when a person moves house regardless of the level of under-occupation. This change in policy will require an amendment to the Housing Benefit (Welfare Supplementary Payment) Regulations

- (Northern Ireland) 2017, which must be approved by the Assembly.
- 5.11. In the absence of a change to the legislation the Department continued to apply this policy when determining entitlement to Administrative Welfare Supplementary Payments.

⁷ Table 8 accounts for those who were affected by the social Sector Size Criteria after moving to Universal Credit as they could have received a payment prior to claiming Universal Credit. Figures of those solely in receipt of Universal Credit Administrative Payments in 2020/21 are contained in Table 9.

6. Universal Credit

- 6.1 Universal Credit was introduced in NI for new claims with effect from 27 September 2017. It was rolled out on a phased geographical basis to all front-office locations across NI by December 2018.
- 6.2 People in receipt of existing benefits, who have a change of circumstances that would have previously led to a new claim to a different benefit, now make a claim to Universal Credit.

 Universal Credit replaces the following:
- Jobseeker's Allowance (Incomebased)
- Employment and Support Allowance (Income-related)
- Income Support
- Working Tax Credit
- Child Tax Credit
- Housing Benefit (Rental)
- 6.3 People on existing benefits who do not have a relevant change of circumstances will 'Move to UC'. It had originally been planned that this would take place between 2021 and 2024. Global events, related to the COVID-19 emergency and the need to divert resources to delivering essential benefit delivery services mean that planning for the Move to UC phase has been temporarily suspended. The

impact on the timing of this phase is unclear at present.

Administrative Welfare Supplementary Payments

- 6.4 The Welfare Reform Mitigations
 Working Group did not recommend
 mitigation for people who migrate to
 Universal Credit. This means that any
 person who experiences a financial
 loss as a direct result of their move
 from an existing benefit to Universal
 Credit will not receive mitigation
 payments to cover their loss of benefit.
- 6.5 Those people who were already in receipt of (Administrative) Welfare Supplementary Payments (before migrating to Universal Credit) because they had been affected by other welfare reforms, will continue to receive mitigation payments after they migrate to Universal Credit.
- forward legislation to provide for
 Welfare Supplementary Payments
 for people receiving Universal Credit.
 However, prior to this, during the
 2019/20 financial year, to ensure that
 mitigation payments were made to
 people eligible for Universal Credit,
 the Department issued administrative
 payments during this reporting period
 under the authority of the Northern
 Ireland Budget Act 2019 and the
 Budget Act (Northern Ireland) 2020.

- Payments may also be made to people newly entitled to Universal Credit if they are subsequently affected by the Benefit Cap and/or the Social Sector Size Criteria. These payments are made to eligible people as the mitigation of these welfare changes was recommended by the Working Group.
- 6.8 In each case, people will be advised as to how long they will continue to receive Administrative Welfare Supplementary Payments.
- 6.9 During 2020/21 a total of 9,450
 Universal Credit recipients
 received Administrative Welfare

- Supplementary Payments. This includes people who were previously in receipt of (Administrative) Welfare Supplementary Payments in respect of Social Sector Size Criteria before they moved to Universal Credit and also includes Employment and Support Allowance, Benefit Cap and Carers.
- 6.10 Table 9 below shows the total expenditure during the 2020/21 financial year on Administrative Welfare Supplementary Payments for people receiving Universal Credit. This equates to an average payment of £640 per person.

Table 9: Expenditure in 2020/21 – People in receipt of Universal Credit*

MITIGATION SCHEME	NUMBER OF PEOPLE WHO RECEIVED ADMINISTRATIVE PAYMENTS	TOTAL AMOUNT PAID
Benefit Cap	1,050	£1,210,820
Carers	10	£6,850
Employment and Support Allowance Time-Limiting	10	£11,980
Social Sector Size Criteria	8,390	£4,808,860
Total	9,450	£6,038,510

^{*}Persons who received more than one Administrative Welfare Supplementary Payments were counted as a unique recipient against each type of payment they received. The total of unique Universal Credit recipients across all Administrative Welfare Supplementary Payments was 9,420.

- 6.11 Entitlement to an Administrative
 Welfare Supplementary Payment
 in respect of the Social Sector Size
 Criteria will end if a person moves
 property and continues to underoccupy by at least the same number
 of bedrooms. This restriction does
 not apply where a property is
 allocated to a person under one of
 the management transfer scheme
 categories, commonly referred to as
 "Management Transfer Status".
- 6.12 On 17 February 2020 the Minister for Communities, Deirdre Hargey MLA, announced that she intended to change this policy so that Welfare Supplementary Payments will continue to be paid when a person moves house regardless of the level of under-occupation. This change will be included in new legislation, which must be approved by the Assembly.

Universal Credit Contingency Fund

6.13 The Welfare Reform Mitigations
Working Group recommended
that £2 million per year be made
available for the provision of a
Universal Credit Contingency Fund
to 'make emergency payments
where hardship occurs as a result of
difficulties which are not due to any
fault on the part of the claimant'.
These emergency payments provide
financial support to people new to
claiming Universal Credit who continue
to experience financial difficulties and
are awaiting their first full payment of
Universal Credit.

- 6.14 The Universal Credit Contingency Fund Scheme was introduced with effect from 1 November 2017 and payments are made through the Discretionary Support Scheme in the form of non-repayable grants.
- 6.15 In order to receive a Universal Credit
 Contingency Fund payment, a person
 must be able to demonstrate that they
 are experiencing financial difficulties.
 A person is not required to have made
 a claim for a Universal Credit Advance
 Payment prior to making their
 application. A Discretionary Support
 grant should not have been awarded
 to the person claiming Universal Credit
 within the previous 12 months.
- 6.16 A Universal Credit Contingency Fund payment is a grant and as such does not need to be repaid. The period of the payment is from the date of application to the day before the person's next income is due, provided that income, or any subsequent income, is deemed sufficiently adequate to meet the person's needs up to the first or second (only if the person is paid Universal Credit twice monthly) Universal Credit payday.
- 6.17 Table 10 below shows the total expenditure during the 2020/21financial year from the Universal Credit Contingency Fund. This equates to an average payment of £300 per person.

Table 10: Expenditure in 2020/21 – Universal Credit Contingency Fund

UNIVERSAL CREDIT CONTINGENCY FUND	NUMBER OF PEOPLE WHO RECEIVED PAYMENTS	TOTAL AMOUNT PAID
	4,800	£1,442,720

7. Discretionary Support

- 7.1. The Department for Communities is committed to ensuring that the most vulnerable in society can access appropriate help and support in times of emergency or crisis. In support of this aim, the Finance Support Service was introduced in NI in November 2016 to provide a fast, responsive and effective quality service that ensures people receive immediate shortterm financial support in times of emergency or crisis.
- 7.2. Those on low incomes (working and non-working) may access this form of quick, short-term financial support in the form of a loan or grant by making an application for Discretionary Support when an extreme, exceptional or crisis situation arises which presents a significant risk to the health, safety or well-being of either the person making the claim or of their immediate family.
- 7.3. In direct response to the COVID-19 pandemic the Department introduced a number of emergency measures to provide additional financial assistance to those people who find themselves in a crisis situation as a result of COVID-19. This included the

- introduction of a new grant specifically for those impacted by COVID-19.
- 7.4. On 24 March 2020 the NI Assembly approved The Discretionary Support (Amendment) (COVID-19) Regulations (Northern Ireland) 2020. These regulations amend the Discretionary Support Regulations (Northern Ireland) 2016 to include provision for a new Discretionary Support Self-Isolation grant to specifically to help people during this crisis. The new payments are non-repayable grants and are available to people where they or a member of their immediate family find themselves with no means of meeting short-term living expenses as a result of being diagnosed with COVID-19, or being advised to self-isolate in accordance with guidance published by the Regional Agency for Public Health and Social Well-being. The regulations came into operation on 25 March 2020.

Statistics

7.5. The figures below represent
Discretionary Support performance
and expenditure during the 2020/21
financial year.

Table 11: Performance and Expenditure in 2020/21 – Discretionary Support

DISCRETIONARY SUPPORT	
Total number of claims processed	109,463
Total number of awards made	77,314
Total number of disallowances	32,149
Total amount awarded	£19.5m
Average award	£252
Claims cleared within 1-2 days	Not reported*
Total loan recovery	£2.229m
Total review requests	2,597
Total number of awards changed following review	769

^{*}Not reported in 2020-21 due to volume of clerically processed claims and the clearance times were not captured.

- 7.6. The total amount awarded in 2020/21 breaks down as follows –
- Discretionary Support Loans £6.392 million
- Discretionary Support Grants £13.104
 million (of this £13.104 million, £1.443

- million relates to Universal Credit Contingency Fund payments
- 7.7. The figures below represent the
 Discretionary Support Self-Isolation
 Grant performance and expenditure
 during the 2020/21 financial year.
 These figures are included in Table 11.

Table 11A: Performance and Expenditure in 2020/21 - Discretionary Support Self-Isolation Grant

Number of awards made	16,724
Total amount awarded	£2.389 million

8. Standards of Advice and Assistance

- 8.1. The Welfare Reform Mitigations Working Group Report recommended that additional independent advice services should be put in place to help and support people through the transitional period of changes to the welfare system. The Executive made a commitment to provide a total of £8 million of funding over four years, from 2016 until 31 March 2020 for these additional services. A further £2.7m was provided (to cover the same four year period) to target food poverty and to equip citizens with financial capability skills.
- 8.2. The Welfare Reform Support Project which provides the free Independent Welfare Changes Helpline (0800 915 4604), additional face-to-face front-line services and legal adviser services in the Law Centre NI went live from 1 November 2016.
- 8.3. A 12-month review carried out in February 2018 clearly showed, both from the customer survey and from feedback supplied by the Advice Sector (via Management Information statistics), that the Project had met its objectives. The Department was therefore provided with the assurance and justification to continue the delivery model for the additional face to face advice service and telephony

- helpline until 2020. Key information from the review demonstrated that 17% of people availed of the free Independent Welfare Changes Helpline and 83% visited their local advice office with 95% of participants satisfied with service delivery.
- 8.4. Contracts to continue delivery of the additional independent advice service were in place until 31 March 2021. During the COVID-19 pandemic, government guidance resulted in the temporary closure of the frontline community advice offices. The Independent Welfare Changes Helpline was also used as the contact number for the COVID-19 Community Helpline for Northern Ireland during this time. These factors impacted on the data that was collected throughout the year for the Welfare Reform related callers and therefore the Department is exploring with the sector how to capture this information.

Standards of Advice

8.5. The Department in collaboration with its co-funders the 11 NI Councils as well as the regional advice support organisation, Advice NI, are continuing to work to ensure that all front line advice providers will eventually achieve accreditation of the NI Advice

Quality Standard (NIAQS). Councils and the Department are in agreement that this accreditation will ultimately become a condition of funding for any front line provider bidding for funding from councils for generalist advice provision. Attainment of NIAQS will provide assurances that providers are operating at a level which meets industry quality standards in relation to the advice provided and following the Quality of Advice assurance procedure set out. For those providers who have already attained the standard, this will be verified by the completion of an independent audit.

Furthermore, regional organisations have individual quality standards and processes in place as follows:

- Advice NI has achieved Investors in People gold accreditation, which lasts for three years and is reviewed every 18 months. It has also received the Advice NI Money and Debt Advice Standard, which is accredited by the Money Advice Service Quality Framework.
- Law Centre NI is required to meet
 Lexcel, which is the Law Society's legal
 practice quality mark for excellence in
 client care. This is audited annually.

In addition to the above, each organisation has internal processes in place to check the standards of advice being provided, which includes daily case-checking by senior supervisors

and case-file reviews. Despite these actions having been paused due to the COVID-19 pandemic, the NIAQS assessment will be resumed from 2021/22.

Review of Independent Advice Service

8.6. The Department commissioned the Strategic Investment Board to conduct a high level independent review of the additional advice element of the Welfare Reform Support Project to inform decisions for overall advice services beyond March 2020.

The high level review covered three distinct stages:

- Delivery of the additional welfare reform independent advice funding (2016-2019) with a clear focus on value for money;
- Relationship between the additional welfare reform specific advice and existing generalist advice, and
- Recommendations for future independent advice provision from April 2020 to March 2023.

This review has now been completed and Minister Hargey considered the options available. As a result, the decision was made to continue from April 2020, the existing welfare reform face-to-face advice provision with the same investment as 2019/20, which was £1.8 million.

Tackling Food Poverty Social Supermarket Pilot Programme

8.7. The Welfare Reform Mitigations
Working Group recommended

- improving access to affordable food through a network of community food shops and social stores / supermarkets.
- 8.8. A Social Supermarket pilot programme commenced on 1 October 2017 at five sites across NI. Access to this support requires payment of a small membership fee which provides access to food on the condition of the uptake of a wraparound of bespoke support such as advice, money management, training etc. based on a client's needs.
- 8.9. An evaluation of activity up to 31
 March 2020 when the pilot period
 formally concluded shows positive
 impacts with 1,119 individuals
 accessing the service and suggests
 that the model of combining access
 to affordable food with wraparound
 support is helping to positively
 change the life circumstances of
 members and their families. At a

- minimum, it has given members the confidence to embark on a path to transition out of food poverty and improve their circumstances, as reflected by the 'distance travelled' by members in terms of resilience and self-efficacy. Many others have progressed further to actually improve their circumstances (e.g. secure employment, improve family finances / reduce debt). In addition the pilot resulted in excess of 148 tonnes of surplus food being redistributed.
- 8.10. On the basis of the positive evaluation it was the intention to roll the model out across Northern Ireland during 2020/21 whilst the five pilots were extended in the interim. Due to the onset of the COVID pandemic this work did not however progress and will now be taken forward during 2021/22 with the existing pilots once again extended.

9. Sanctions

- 9.1. A sanction is a penalty imposed by a decision-maker where a person fails, without good reason, to fulfil all of their responsibilities in order to continue to receive their benefit.
- 9.2. Given the potential to cause hardship, the Department for Communities believes that any decision to reduce or stop a person's benefit should be an option of last resort. The Department is therefore committed to a preventative approach which is rooted in a desire to avoid hardship whilst promoting work and well-being.
- 9.3. The Welfare Reform (Northern Ireland) Order 2015 ("the 2015 Order") provided for the introduction of new benefit sanction legislation in NI with effect from 27 September 2017.
- 9.4. In advance of implementing the sanction elements of the 2015
 Order, the Department undertook a review of existing processes and communications. Additional steps were introduced with the aim of reducing the risk of people facing sanctions.
- 9.5. This approach, which includes additional personal touch points, was implemented with effect from 29 January 2018 in respect of Jobseeker's

- Allowance, Employment and Support Allowance and Income Support. This was implemented for Universal Credit from the date it was introduced in NI, 27 September 2017.
- 9.6. From 27th November 2019, the Jobseeker's Allowance and Universal Credit (Higher-level Sanctions) (Amendment) Regulations (Northern Ireland) 2019 amended the Jobseeker's Allowance Regulations (Northern Ireland) 1996, the Universal Credit Regulations (Northern Ireland) 2016 and the Jobseeker's Allowance Regulations (Northern Ireland) 2016 to reduce the duration for the maximum length of a higher-level sanction from 546 days or 78 weeks to 182 days or 26 weeks.
- 9.7. Higher-level sanctions are imposed for the most serious failures such as not taking up an offer of paid work, or losing or ceasing paid work voluntarily and for no good reason, or through misconduct. If sanctioned for eighteen months, it was felt that there was a risk that people may decide to disengage entirely from the employment support on offer. This increases the likelihood of financial hardship for these people, for the duration of the sanction and afterwards.

- 9.8. Article 125 of the 2015 Order amended Article 76(1) of the Social Security (Northern Ireland) Order 1998 to require the Department to report on sanctions either annually or at such times or intervals as may be prescribed. This legislation defines a sanction as the loss of, or reduction in the amount of, any sanctionable benefit under the Social Security Fraud Act (Northern Ireland) 2001. The Department is required to report on the following:
- a) the number of people affected by sanctions;
 - b) the periods for which such people are affected;
- c) the reasons for which sanctions are imposed; and
- d) the benefits or allowances which are reduced or lost.
- 9.9. As part of the wider publication on Universal Credit the Department publishes data on Universal Credit sanctions and these are available at https://www.communities-ni.gov.uk/articles/universal-credit-statistics
 Data on JSA, ESA and Income Support sanctions are published in this report.
- 9.10. References below to "ongoing sanctions" refer to a sanction that has been imposed throughout 2020/21 for an open ended duration and the person has yet to fulfil their

- conditionality responsibilities to have the sanction closed.
- 9.11. Please note that all sanctions figures in this report are rounded to the nearest ten and therefore may not sum due to rounding.

COVID-19 Impact

- 9.12. In response to the COVID-19
 pandemic the Department amended
 legislation to provide that work search
 and work availability requirements
 must not be imposed on people
 receiving Universal Credit (UC) or
 contribution-based Jobseeker's
 Allowance (JSA) and treating those in
 receipt of income-based JSA as being
 available for work and actively seeking
 work. This amendment applied for a
 period of three months and expired
 on 30 June 2020. As a result, from 30
 March 2020, new claims did not agree
 a claimant commitment.
- 9.13. The Department saw the resumption of claimant commitments, on a phased basis from 8 July 2020, as a welcome opportunity to engage with newly unemployed individuals to offer support in a labour market environment that continues to be challenging. However, due to operational challenges the approach that was taken was measured. In addition, the content of claimant commitments and subsequent follow up contact was also tailored to suit individual circumstances. Work search activities were agreed in partnership

and reflected any continuing COVID-19 constraints.

9.14. The measures introduced by the Department to support people during the pandemic has impacted on the number of sanctions imposed.

Jobseeker's Allowance

9.15. During the 2020/21 financial year there were no sanctions imposed.

Income Support

9.16. During the 2020/21 financial year there were no sanctions imposed.

Employment and Support Allowance

9.17. During the 2020/21 financial year, fewer than 10 sanctions were imposed.

Period of Employment and Support Allowance sanctions 2020/21

9.18. The table below details the period of sanctions imposed in Employment and Support Allowance during 2020/21

1-5 WEEKS	6-10 WEEKS	11-15 WEEKS	ONGOING
<10	0	0	0

Reason for Employment and Support Allowance sanctions during 2020/21

9.19. Due to the small number of sanctions imposed a breakdown of the reason for the sanctions is not provided.

Universal Credit

9.20. During the 2020/201financial year, a total of 645 sanctions were imposed on 546 recipients of Universal Credit.

Period of Universal Credit sanctions 2020/21

9.21. The table below details the period of sanctions imposed in Universal Credit during 2020/2021.

1-5 WEEKS	6-10 WEEKS	11-15 WEEKS	16-20 WEEKS	21-25 WEEKS	OVER 25 WEEKS	ONGOING
330	40	70	30	20	40	110

Total figures may not sum as figures have been rounded to the nearest ten

Reason for Universal Credit sanctions during 2020/21

9.22. The reason for Universal Credit sanctions being imposed during 2020/21 is detailed in the table below

REASONS FOR APPLYING SANCTIONS	NUMBER OF SANCTIONS IMPOSED
Failure to comply with work focused interview requirements	510
Failure to comply with availability for work	90
Failure to comply with employment programmes	30
Failure to comply with previous employment	*
Other	20

Total figures may not sum as figures have been rounded to the nearest ten. Figures under 5 have been suppressed and represented by *

9.23. No new sanctions were imposed on Universal Credit claims during the period March to December 2020. However, some claims continued to have open-ended sanctions in place as the person claiming Universal Credit did not engage with the Department to enable the sanction to be ended.

Many attempts have been and
continue to be made to encourage the
person claiming Universal Credit to get
in touch with the Department so that
the sanction can be ended.

10. Forward Look

- 10.1. The statutory authority for Welfare
 Supplementary Payments ended on
 31 March 2020. As agreed in the New
 Decade, New Approach deal that
 was published in January 2020 there
 was an Executive commitment to
 extend the existing welfare mitigation
 measures. This extension will require
 new primary and secondary legislation
 to be approved by the Assembly.
- 10.2. While the necessary legislation has been drafted it has not yet been possible for the Department to secure passage through the Assembly. In the absence of the new legislation the Department has continued to use contingency arrangements to ensure that payments continue to be made to eligible people in accordance with the policy detailed in the Welfare Supplementary Payment legislation.
- 10.3. The Department also proposes to bring forward legislation to change entitlement to Welfare Supplementary Payments for people affected by the Benefit Cap and the Social Sector Size Criteria policy. Once introduced the changes will offer greater protection by ensuring that any person affected by Social Sector Size Criteria policy will be entitled to a payment equivalent to the loss of benefit. Similarly, all households with children who are

- affected by the Benefit Cap will be entitled to a mitigation payment equivalent to the capped amount. These changes will take effect from the date the new legislation comes into operation.
- 10.4. The Minister for Communities is committed to progressing the legislation to extend and strengthen the existing welfare mitigation schemes at the earliest opportunity.
- 10.5. As agreed in the New Decade,
 New Approach deal a review of
 welfare mitigation measures will be
 completed. Unfortunately the review
 was delayed as the Department
 prioritised the response to issues
 arising from the COVID-19 pandemic.
 However, it was announced on
 16 November 2021 that an
 independent Advisory Panel would
 take forward the review of mitigation
 measures.
- 10.6. The Advisory Panel will be led
 by Mr Les Allamby, former Chief
 Commissioner of the Northern Ireland
 Human Rights Commission and he
 will be supported by a panel with
 expertise in the field of social security
 or experience of dealing with people
 who access social security benefits.

- 10.7. The objective for the Advisory Panel will be to complete a comprehensive review of existing welfare mitigation measures and to identify the need for a future welfare mitigation package.

 The panel will also be expected to produce a report detailing their recommendations for consideration by the Executive.
- 10.8. The implementation of any recommendations will be a matter for the Department for Communities after considering the budgetary, legislative and operational impact of each specific recommendation.



Mitigation Scheme Funding 2020/21

WELFARE SUPPLEMENTARY PAYMENT SCHEME	ALLOCATION £'000S
Benefit Cap Social Sector Size Criteria	510
 ESA and PIP including: ESA Time-Limiting PIP Disallowed PIP Reduction Adult Disability Premium Carers 	8,000 500 1,000
Total	36,300*

^{*}The 2020/21 allocation was £40.3m which included £4m to cover associated administrative costs of the Welfare Supplementary Payment schemes.

REPORTS REQUIRED UNDER THE SOCIAL SECURITY (NORTHERN IRELAND) ORDER 1998				
ARTICLE 76 (AS AMENDED BY ARTICLE 125 OF THE WELFARE REFORM (NORTHERN IRELAND) ORDER 2015)	SCHEME COVERED			
(1) The Department shall prepare, either annually or at such times or intervals as may be prescribed, a report on -(b) the standards of advice and assistance provided under Article 138 of the Welfare Reform (Northern Ireland) Order 2015;	Standard of advice and assistance for people making a claim under the order in connection with that claim.			
 (c) The operation of sanctions. (1A) For the purposes of paragraph (1)(c) a sanction is - (a) the reduction in the amount of an award of universal credit, a jobseeker's allowance, income support or an employment and support allowance on account of a failure by a person to comply with any requirement or any other conduct of a person; (b) The loss of, or reduction in the amount of, any sanctionable benefit under the Social Security Fraud Act (Northern Ireland) 2001. (1B) A report under paragraph (1)(c) must contain details of - (a) the number of people affected by sanctions; (b) the periods for which such people are affected; (c) the reasons for which sanctions are imposed; (d) the benefits or allowances which are reduced or lost. 	Operation of sanctions			
REPORTS REQUIRED UNDER THE WELFARE REFORM (NORTHERN IRELAND) ORDER 2015				
Article 135	SCHEME COVERED			
(6) The Department shall, in respect of each financial year, prepare and lay before the Assembly a report on the operation of regulations made under this Article.	Discretionary Support – operation of regulations			

Programme costs for each Welfare Supplementary Payment Scheme in the 2020/21 financial year $\!^8\!.$

WELFARE SUPPLEMENTARY PAYMENT SCHEME	NUMBER OF PEOPLE WHO RECEIVED WELFARE SUPPLEMENTARY PAYMENTS2020/21	UC RELATED PAYMENTS	NON UC RELATED PAYMENTS	TOTAL AMOUNT PAID 2020/21
Benefit Cap	1,790	£1,210,820	£999,220	£2,210,040
Contributory Employment and Support Allowance	80	£11,980	£127,230	£139,210
Personal Independence Payment	4,490	NIL	£7,553,030	£7,553,030
Loss of Disability- Related Payments	300	NIL	-£588,020	-£588,020
Loss of Carer Payments	480	£6,850	£404,730	£411,580
Social Sector Size Criteria	36,400	£4,808,860	£17,405,570	£22,214,430
TOTAL	43,530	£6,038,510	£25,901,760	£31,940,270

Figures are rounded to the nearest ten to protect individual records and totals may not sum due to rounding.

Universal Credit Contingency Fund costs in the 2020/21 financial year

UNIVERSAL CREDIT CONTINGENCY FUND	NUMBER OF PEOPLE WHO RECEIVED PAYMENTS	TOTAL AMOUNT PAID
	4,800	£1,442,720

^{*}The Universal Credit Contingency Fund was implemented in November 2017

Benefits included in the Benefit Cap calculation

The Benefit Cap will apply to the combined income from the following benefits:

- Bereavement Allowance(BAllce) / Widowed Parent's Allowance (WPA);
- Child Benefit (ChB);
- Child Tax Credit (CTC);
- Employment and Support Allowance (ESA) (contribution-based and incomerelated) except where the Support Component has been awarded;
- Housing Benefit (HB);
- Incapacity Benefit (IB);

- Income Support (IS);
- Jobseeker's Allowance (JSA) (contribution-based and incomebased)
- Maternity Allowance (MA);
- Severe Disablement Allowance (SDA);
- Widowed Mother's Allowance (WMA);
- Widow's Pension (WP); and
- Widow's Pension (age-related).

Households not affected by the Benefit Cap

The Benefit Cap does not apply to households living in Supported Exempt Accommodation.

It does not apply if the person or their partner qualify for Working Tax Credit or if the person, partner or any children they are responsible for, and who live with them, receive one of the following benefits:

- Attendance Allowance;
- Carer's Allowance;
- Disability Living Allowance;
- Personal Independence Payment;
- Employment and Support Allowance (where the Support component has been awarded);
- Guardian's Allowance;
- Industrial Injuries Benefit;
- Armed Forces Compensation Scheme (Guaranteed Income Payments);

- Armed Forces Independence Payment;
 and
- War Pensions (this includes the War Widow's/Widower's pension and War Disablement Pension).

Payments including Bereavement Support payments, Cold Weather Winter Fuel payments and Discretionary Support Scheme payments are not included the calculation.

This list is not exhaustive.

Available in alternative formats.

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