

Benefit Notes

April 2025 – April 2026

Mike Bolton Benefits Training

About these Notes:

There is no point in plebeian people having rights unless we know what they are and we can put them into effect.

These notes are a partial and personal understanding of much of the benefits system in England.

I would love it if they were perfect, but if you spot any errors or omissions, I would be very grateful if you would let me know.

If you want a PDF version you'll find it at www.mikebolton.co.uk

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If you need training on the benefits system I can help.

You could have a traditional training-room day of information, discussion, puzzles and exercises.

Or a zoom equivalent of this spread over two or three sessions.

However it's delivered, I can provide exactly the right content at exactly the right level for you and your colleagues.

You'll find details of lots of course options at www.mikebolton.co.uk

If these don't quite meet your needs, I'll be happy to work with you to devise a session especially for you.

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Contents

Key Ideas	5
1 The Three Types of Benefit: Non-Means-Tested, Means-Tested & One-Off	6
2 Who's Who?	7
4 Care Leavers	10
5 Minimum Wage and Living Wage	11
6 Tax, National Insurance and National Insurance Credits	12
7 Illness, Disability and Work Capability	13
The Work Capability Assessment	19
8 <i>Pension Age</i>	31
9 Coming From Abroad - Residence and Nationality Rules	32
10 The Benefit Cap	49
11 Capital, Tariff Income and Benefits	51
12 Council Tax	53
13 Claims, Decisions, Revisions, Supersessions and Appeals	55
Non-Means-Tested Benefits	57
Benefits for Care and Mobility Needs – DLA, PIP and AA	59
Summary – Who Gets Which One?	60
Shared Rules for DLA, PIP and AA	61
DLA Care and AA Tests – Help and Supervision Needs	64
DLA Mobility Tests	65
DLA and Attendance Allowance Claims	67
PIP Claims	68
The PIP Scoring System	71
Instead of a Wage Benefits	
Ill or Disabled	
Statutory Sick Pay	84
Contribution Based Employment and Support Allowance	85

Caring Responsibilities – Carer’s Allowance	87
<hr/>	
New Child	
Statutory Maternity, Paternity, Parental and Adoption Pay	88
Maternity Allowance	90
<hr/>	
Bereavement	
Bereavement Support Payment	91
Widowed Parent’s Allowance	92
Statutory Parental Bereavement Pay	92
Jobseeking – Contribution Based Jobseeker’s Allowance	93
Retirement – State Pension	94
<hr/>	
Benefits For Children	
Child Benefit	96
Guardian’s Allowance	97
<hr/>	
Disability Caused by Work	
Industrial Injuries Benefits	98
War Pension and Armed Forces Payments	99
<hr/>	
Means-Tested Benefits	101
Which Means-Tested Benefits?	102
Universal Credit Migration	103
Universal Credit	105
Introduction	105
The Basic Conditions	107
In Great Britain	107
Aged 18 or Over	108
Not Receiving Education	109
Accepted a Claimant Commitment	110
The Housing Costs Element	121
The Financial Conditions	128
Claims and Administration	145

Changes of Circumstances	148
Payments, Deductions, Reductions, Third-Party Payments	149
Pension Credit.	152
DWP Legacy Benefits	153
Income Related Employment and Support Allowance	153
Income Support	154
Income Based Jobseeker's Allowance	154
Housing Benefit	155
Administration	158
Calculation	160
The Top-Up Means Test	
Income	163
Needs	167
Calculating Savings Credit	170
The Benefits System on a Single Page	172

Abbreviations

As far as possible I try to avoid using abbreviations, but some benefits language is so long-winded that it's impossible to avoid them. The ones used in these notes are:

AA	Attendance Allowance
cESA	Contributory Employment and Support Allowance
cJSA	Contribution-based Jobseeker's Allowance
DLA	Disability Living Allowance
DWP	Department for Work and Pensions
ESA	Employment and Support Allowance
HMRC	His Majesty's Revenue and Customs
iESA	Income-related Employment and Support Allowance
iJSA	Income-based Jobseeker's Allowance
JSA	Jobseeker's Allowance
LCW	Limited Capability for Work <small>KI-7</small>
LCWRA	Limited Capability for Work-Related-Activity <small>KI-7</small>
nsESA	<i>New-style ESA</i> - Another name for cESA if the claim was made after Universal Credit was introduced
nsJSA	<i>New-style JSA</i> - Another name for cJSA
PIP	Personal Independence Payment
QYP	Qualifying Young Person. <small>KI-2.</small>
SAP	Statutory Adoption Pay
SMP	Statutory Maternity Pay
SPBP	Statutory Parental Bereavement Pay
SPP	Statutory Paternity Pay
SSPP	Statutory Shared Parental Pay
SSP	Statutory Sick Pay

Key Ideas

Key Ideas	5
1 The Three Types of Benefit: Non-Means-Tested, Means-Tested & One-Off	6
2 Who's Who?	7
4 Care Leavers	10
5 Minimum Wage and Living Wage	11
6 Tax, National Insurance and National Insurance Credits	12
7 Illness, Disability and Work Capability	13
The Work Capability Assessment	19
8 <i>Pension Age</i>	31
9 Coming From Abroad - Residence and Nationality Rules	32
10 The Benefit Cap	49
11 Capital, Tariff Income and Benefits	51
12 Council Tax	53
13 Claims, Decisions, Revisions, Supersessions and Appeals	55

Key Ideas 1 – The Three Types of Benefit

Non-Means-Tested Benefits

These are paid at flat rates laid down in the law. Your income does not usually affect your entitlement to these benefits. Non-means-tested benefits are paid to individuals so it will not matter whether you are single or have a partner.

Some non-means-tested benefits are contributory, depending on your National Insurance record. Others are non-contributory where your National Insurance is irrelevant.

Some of the non-means-tested benefits are paid instead of a wage. They are sometimes referred to as *overlapping benefits*. If you meet the rules for more than one of these, only the best one will be paid.

Means-Tested Benefits

Means-Tested Benefits are individually worked out for each claim, taking into account your family circumstances, your health and disabilities, and your income and savings.

If you have a partner, your claim will cover both of you and will include a joint assessment of your joint circumstances.

The most common type of means test, described in these notes as a 'top-up' means test, compares your hypothetical income with a hypothetical figure for the amount of money that you need to live on. If your income is lower than your needs you receive a top-up benefits payment.

This type of means test is used to work out Universal Credit, Guarantee Credit from Pension Credit, Income Related Employment and Support Allowance, Income Support and Income Based Jobseeker's Allowance.

One-Off Benefits

A range of one-off benefits (not detailed in these notes) provides extra support for people on low incomes.

- ◆ Budgeting Loans and Budgeting Advances
- ◆ Sure-Start Maternity Grants
- ◆ Winter Fuel Payments and Cold Weather Payments
- ◆ Funeral Expenses Payments
- ◆ Fares to receive NHS treatments
- ◆ Household Support Fund – from your local council

Key Ideas 2 – Who's Who?

Households

A household is *a domestic establishment containing the essentials of home life*.

To be members of the same household you must normally live together regularly in the same place, apart from temporary absences for work, to visit relatives and friends etc.

There may be more than one household in a single property, for example, a couple who split up may have separate households within a single property.

In benefit law you cannot be a member of more than one household at the same time. If you normally live in more than one place, Decision Makers are told to look at the ownership or tenancies of the homes that you are living in; and the extent to which your rooms and facilities are shared; and the ownership of the furniture.

Couples

Throughout the benefit system, you count as a member of a couple if you are living in the same household with someone and you are married, civil partners or living together as though you are married or civil partners. The DWP's *Advice for Decision Makers* says:

To be treated as a couple, the relationship has to be the same as that of a married couple. Marriage is where two people join together with the intention of sharing the rest of their lives. There is no single template of what the relationship of a married couple is. It is a stable partnership, not just based on economic dependency but also on an emotional relationship of lifetime commitment rather than one of convenience, friendship, companionship or the living together of lovers.

Unless it is more likely than not that the relationship between two people has the emotional quality that characterizes a married couple's partnership, the DM should find that they are not a couple.

The characteristics of the relationship of husband and wife may include mutual love; faithfulness; public acknowledgement; sexual relations; shared surname; children; endurance; stability; interdependence; devotion.

Not all of these characteristics need be present and two people may be treated as a couple even though the relationship is unsatisfactory or unhappy. ADM E4093-E4095

Dependent Children and Qualifying Young Persons

A child is a person under the age of 16.

You are a Qualifying Young Person if you are:

- Aged 16, from your 16th birthday until the 31 August following it.
- Aged 16-19, and before your 19th birthday you enrolled on a non-advanced course of 12 or more hours of supervised study each week. This is sometimes called *relevant education*. Non-advanced means a course up to A-level or NVQ level 3.
- Aged 16-19, and before your 19th birthday you enrolled on approved training that is not provided under a contract of employment.

When your Qualifying Young Person status ends:

- If you are aged 19, you can count as a Qualifying Young Person only until the 31st August following your 19th birthday.
- If you make a claim for Universal Credit because you come into the categories of people who can claim while *receiving education* you no longer count as a Qualifying Young Person.

Two Child Limit

From 6th April 2017 a two-child limit applies to, Universal Credit and Housing Benefit.

The limit does not apply to Child Benefit, Pension Credit or to Bedroom Tax.

No Universal Credit Child Elements for Housing Benefit Personal Allowances are allowed for a third or subsequent child, born after this date, unless an exception applies.

The exceptions to the two-child limit cover:

- Multiple births – the normal rules apply to the first child of a multiple birth; elements are allowed for all others.
- Adopted children.
- Non-parental caring arrangements – where you care for the child of a family member or friend.
- Children whose mother is under 16 and living with you.
- Children born as a result of rape.
- Children conceived during a coercive or controlling relationship.

The exceptions relating to rape, coercion and control only apply if you are not living with *the other party*.

The non-consensual conception exceptions apply if there has been a conviction or a criminal injuries compensation award for rape or coercive and controlling behaviour.

If there has been no conviction or award, you must get help from a sexual assault referral centre, specified rape charity, registered social worker or healthcare professional, to complete a form NCC1 to say that she believes that your circumstances are *consistent with* a non-consensual conception.

Non-Dependants

A non-dependant is someone who lives in your household on a non-commercial basis.

If you have a non-dependant living with you this may affect the amount of help that you get with your rent.

A non-dependant can stop you qualifying for a *Severe Disability Premium*.

Boarders and lodgers who live with you on a commercial basis do not count as your non-dependants.

A Qualifying Young Person does not count as a non-dependant.

Lodgers and Boarders

If other people live in your household and pay rent to you, they are referred to as lodgers or boarders.

Under HMRCs *Rent a Room* scheme, if you make less than £7,500 per year from renting out furnished accommodation in your own home, the rent that you receive is not taxable.

The rent that you receive will have no effect on your Universal Credit.

The rent that boarders and lodgers pay to you, may have an effect on your legacy means-tested benefits.

Extended Benefit Unit

A Universal Credit *Housing Costs Element* covers everyone in your *Extended Benefit Unit*. This is you, your partner, any children or Qualifying Young Persons that you are *responsible* for, and your non-dependants; but not foster children, boarders and lodgers.

Key Ideas 4 – 16 and 17 Year-Old Care Leavers

The Children Leaving Care Act 2000, places responsibility for care leavers upon the Local Authority's Social Services Department.

If you are a 16 or 17 year-old care leaver you cannot claim Universal Credit, Income Support, income-based JSA, or Housing Benefit unless an exception applies.

You count as a care leaver if you are:

- An **eligible child** – you are aged 16 or 17, and in the time since your 14th birthday you have been looked after by Social Services for a total of at least 13 weeks, that ended after you reached the age of 16.
Children Act 1989. Schedule 2. Paragraph 19B.
- A **relevant child** - you are aged 16 or 17; you were in custody or hospital on reaching the age of 16; immediately before you went into custody or hospital you were being looked after by Social Services; and in the time since your 14th birthday, you have been looked after by Social Services for a total of at least 13 weeks.
Children Act 1989. s23A.

When counting the period that you have been looked after, short term placements of less than four weeks where you then returned to your family home are ignored.

Exceptions

You can claim Universal Credit if you, or your partner if you have one, are responsible for a child; but you cannot get UC's Housing Costs Element.

You can claim Universal Credit if you have Limited Capability for Work; but you cannot get UC's Housing Costs Element.

Key Ideas 5 – National Minimum Wage and Living Wage

- Aged 21 or over - £12.21 per hour
- Aged 18 - 20 – £10.00 per hour
- Aged 16 - 17 – £7.55 per hour
- Apprentices – £7.55 per hour

Key Ideas 6 – Tax, National Insurance and NI Credits

Some non-means-tested benefits are *contributory* or *contribution-based*.

To get these you, or sometimes your spouse, must have paid, or been *credited* with National Insurance Contributions.

The rules for each benefit are outlined in the relevant sections.

If you are an employee earning more than £242 per week, part of your wage is deducted to pay *Class 1* National Insurance contributions. Your employer also makes additional contributions on your behalf.

If you are an employee earning between £125 and £242 per week, you pay a 0% contribution but this still counts towards your NI record.

If you are self-employed, you pay weekly *Class 2* and annual *Class 4* contributions. The *Class 2* contributions count towards your record.

If you are not working, but are claiming Universal Credit, ESA, JSA, IS, Carer's Allowance, Child Benefit for a child under 12, or several other benefits, you can get *National Insurance Credits* to count towards your record so that you can later claim contributory State Pension.

Sometimes, you may not meet the rules of entitlement to get payments of a particular benefit, but may still be allowed to make a *credits-only claim*.

If you are a carer, but you do not get Carer's Allowance you may be able to get *Carer's Credit*.

Tax and NI Rates and Thresholds

You pay no tax or National Insurance on income under:

- £242 per week
- £1,048 per month
- £12,270 per year

You pay 20% tax on income over this level.

You pay 10% National Insurance on earnings over this level.

Different rates of tax and NI apply to earnings over £50,270 per year.

Key Ideas 7 – Illness, Disability and Work Capability

Limited Capability for Work and Incapable of Work

If your illness or disability affects your ability to work, you may be able to claim benefits from either, or both, the non-means-tested and means-tested groups. Different people claim different combinations of benefits that depend upon their circumstances.

Benefit law uses two different phrases in relation to a condition that affects your work capability: *Limited Capability for Work* and *Incapable of Work*.

You may be able to *self-certificate* your condition; or you may have to provide a *Healthcare Professional's Statement*, also known as a *sick-note* or *medical certificate*. Healthcare Professional's Statements are called *fit-notes* by DWP.

- You must be *Incapable of Work* to claim Statutory Sick Pay. For the first seven days of your illness, you complete a self-certificate form. After this you must provide a *sick-note*.
- You must have *Limited Capability for Work* to claim Universal Credit on the grounds of ill-health. You should tell the DWP that you are unwell in writing, then you must provide a *sick-note* until you pass a *Work Capability Assessment*.
- You must have *Limited Capability for Work* to claim Employment and Support Allowance. You must provide a *sick-note* until you pass a *Work Capability Assessment*.

The Work Capability Assessment

The Work Capability Assessment is used to assess whether you have:

- Limited Capability for Work, and
- Limited Capability for Work-Related Activity.

If you have Limited Capability for Work but can manage Work-Related Activity you are said to be in the *Work-Related Activity Group*.

If you have both Limited Capability for Work and Limited Capability for Work-Related Activity you are said to be in the *Support Group* or the *No Work-Related Activity Group*.

The DWP refers to the Work Capability Assessment process as a *Health-Journey*.

Why You Might Want a Work Capability Assessment

Employment and Support Allowance is a benefit only for people who have Limited Capability for Work.

You must have a Work Capability Assessment to claim ESA

Universal Credit is a benefit for all adults under pension age.

- If you have Limited Capability for Work:
 - You cannot be required to job-seek, so there is no danger of an inappropriate sanction.
 - If you do work, or if your partner works, you are allowed a *Work Allowance*. This means that part of your wage will be ignored in the Universal Credit calculation.
- If you have both Limited Capability for Work and Limited Capability for Work-Related Activity:
 - You get an extra *LCWRA element* included in the Universal Credit award.
 - You are exempt from the Benefit Cap KI-10

Even if you do not qualify for ESA or Universal Credit you might make a claim for National Insurance credits on the basis of Limited Capability for Work. This is often known as a *credits-only* claim for ESA.

Migrating from ESA to Universal Credit

If you were getting old-style-ESA and you make a claim for Universal Credit, you may be told that you have to have a new Work Capability Assessment.

This is incorrect. The Work Capability Assessment that you had for ESA carries through to your Universal Credit claim.

If you refer to *Regulation 19 of the Transitional Provisions Regulations*, or *Paragraph M6192 of Advice for Decision Making* this will often sort the problem out.

Moving from a Credits-Only claim to Universal Credit

If you have had a Work Capability Assessment as part of your credits-only claim, and then you claim Universal Credit, your old credits-only Work Capability Assessment carries through to the Universal Credit claim.

The Work Capability Assessment Process

As part of your Work Capability Assessment, you are usually asked to complete a UC50 questionnaire, and then take part in a medical examination with a Health Professional who works for a private contractor.

The medical examination can be done in person, by video, or by phone

The health professional writes a report which is sent, along with any other evidence, to a Decision Maker at the Department for Work and Pensions.

Starting the Work Capability Assessment Process

To start the process, you must tell the DWP that you are ill or disabled. To do this, you should submit a sick-note.

With a new claim for Universal Credit, you should be immediately referred for an assessment if you are:

- Terminally ill, which means that your death can *reasonably be expected within twelve months* because of a *progressive disease*.
- Pregnant and there is a serious risk of damage to your health, or to the health of your unborn child.
- Receiving, or are about to receive, or recovering from treatment for cancer by way of chemotherapy or radiotherapy.
- In hospital or similar institution for 24 hours or longer.
- Legally prevented from working because of an infectious disease.
- Receiving or recovering from treatment such as dialysis, plasmapheresis or total parenteral nutrition.

If you do not come into one of these categories you should be referred for an assessment on day 29 of the claim.

If you are already getting Universal Credit when you become ill, you should tell DWP and then provide a sick-note. If you have signed a Claimant Commitment agreeing to job-seek, your *employment officer* should suspend your Work Search and Work Availability requirements.

If you are in work and getting Universal Credit when you become ill you should notify the DWP that you have stopped work because of illness. If you have a sick-note, upload a photo of this to your Universal Credit journal.

If you are in work and not getting Universal Credit when you become ill, you can make a claim for UC and tell the DWP that you are unwell.

The UC50 Questionnaire

Your sick-notes may tell the Decision Maker everything that s/he needs to know to complete your assessment, but usually you will be asked to complete a questionnaire about the activities that are covered by the scoring system.

You have four weeks to complete the questionnaire. If you do not return it within three weeks a further request for information must be sent to you. You must reply to this within one week.

If you fail to return your questionnaire and you do not have a *good reason* for this failure, you will be treated as fit-for-work.

The Medical Examination

Your sick-notes and questionnaire may tell the Health Professional everything that they need to know to write their report for the Decision Maker, but usually you will be asked to take part in a medical examination. You must be given seven days' notice of the medical examination unless you accept a shorter period.

Before Covid the examination took place during a face-to-face meeting. Usually at a *Medical Examination Centre*; but sometimes at your home.

Since Covid, many medical examinations have been carried out by phone or video-call.

If you fail to *attend or submit to* your medical and you do not have a *good reason* for this failure, you will be treated as fit-for-work.

During the medical examination you must use or wear any aid or appliance that you normally use. The examination is usually verbal but can include a short physical check-up.

The assessment of how you manage the activities in the scoring system should look at *the majority of the time or the majority of the occasions on which you undertake the activity*.

Decisions, Reconsiderations and Appeals

After the medical examination, the Health Professional writes a detailed report that is passed to a Decision Maker at the Department for Work and Pensions. The Decision Maker considers this along with any other evidence.

You must be notified of the decision in writing.

If you disagree with most DWP decisions you must first ask for an internal *revision*. If you are still dissatisfied after this *Mandatory Reconsideration* you can appeal to an independent tribunal ^{KI-13}.

ESA Work Capability Assessment decisions are an exception to this rule.

If your ESA Work Capability Assessment has been completed and it was decided that you are fit-for-work, you can appeal directly to a tribunal without going through the revision stage.

If you failed your Work Capability Assessment because you did not return the form or did not participate in a medical you must go through the mandatory reconsideration stage before appealing to a tribunal.

If you are getting ESA when you are found to be fit-for-work your benefit will usually be stopped, but it can be reinstated if you provide sick-notes and appeal to the tribunal. You will be able to stay on ESA until the tribunal makes a decision.

For Universal Credit Work Capability Assessments, you must ask for the Mandatory Reconsideration before appealing to the tribunal.

Your Universal Credit claim can continue while you wait for the reconsideration or appeal but you may have to meet Work-Related Requirements.

Whether you ask for a revision or appeal, you must give reasons. It is not enough to say that you think the decision is wrong. You must identify the parts of the assessment that apply to you, and you should provide evidence of the points that you score if this is possible.

Linking Rules

For ESA, if you become ill within 12 weeks of an earlier period when you had Limited Capability for Work the two periods will be counted together.

Reassessments

If you have already had a Work Capability Assessment and been found to have Limited Capability for Work the DWP can refer you for a reassessment whenever they wish to do so.

If you have already had a decision that you are fit-for-work you cannot have another Work Capability Assessment unless:

- the earlier decision made in ignorance of, or was based on a mistake as to, some material fact; or,
- there has been a relevant change of circumstances in relation to your physical or mental condition.

Working While you Have Limited Capability for Work.

ESA - Permitted Work

If you are claiming ESA, you can get permission to do part-time work.

You can do voluntary work; or paid work of less than 16 hours a week, earning £195.50pw or less.

The £195.50 threshold is the weekly amount you earn if you work for 16 hours earning National Minimum Wage, rounded up to the next 50 pence

Wages from permitted work have no effect on any of your benefit entitlements.

Universal Credit

You do not have to get permission to work if you are claiming Universal Credit on the grounds that you have Limited Capability Work.

If you start work the DWP may decide to reassess you, if your work suggests that your capability has improved since the last assessment.

Because you have Limited Capability for Work you will be allowed a *Work Allowance* of either £411pcm or £684pcm.

Earnings below this level will not affect your Universal Credit.

Earnings above this level will cause an *earnings deduction*.

If, at the time of your assessment, you earn more than £846.56, you will be automatically treated as not having Limited Capability for Work unless:

- you get Personal Independence Payment, Disability Living Allowance or Attendance Allowance, or,
- you get an automatic pass on the Work Capability Assessment.

The threshold of £846.56 is the monthly amount you earn if you work for 16 hours each, week earning National Minimum Wage for a person aged 25 or over.

The Work Capability Assessment

Limited Capability for Work-Related Activity

You are automatically treated as having Limited Capability for Work-Related Activity if you are:

- Terminally ill – your death would not be a surprise within 12 months
- Pregnant, and there is a serious risk of damage to your health or the health of your unborn child
- Receiving or recovering from radiotherapy or chemotherapy, or likely to receive it within 6 months.
- For UC - Over Pension Age and you get AA, high-rate DLA Care or enhanced-rate PIP Daily Living.

If you do not come into the automatic passes, you will be found to have LCWRA if you:

1(a)	Cannot mobilise more than 50 metres on level ground without stopping in order to avoid significant discomfort or exhaustion.
1(b)	Cannot repeatedly mobilise 50 metres within a reasonable timescale because of significant discomfort or exhaustion.
2	Cannot move between one seated position and another seated position which are located next to one another without receiving physical assistance from another person.
3	Cannot raise either arm as if to put something in the top pocket of a coat or jacket.
4	Cannot pick up and move a 0.5 litre carton full of liquid.
5	Cannot press a button (such as a telephone keypad) with either hand or cannot turn the pages of a book with either hand.
6	Cannot convey a simple message such as the presence of a hazard.
7	Cannot understand a simple message, such as the location of a fire escape, due to sensory impairment.
8(a)	At least once a week experiences loss of control leading to extensive evacuation to the bowel and/or voiding of the bladder.
8(b)	At least once a week experiences substantial leakage of the contents of a collecting device sufficient to require the individual to clean themselves and change clothing.
9	Cannot learn how to complete a simple task, such as setting an alarm clock, due to cognitive impairment or mental disorder.

10	Reduced awareness of the risks of everyday hazards due to cognitive impairment or mental disorder, leads to a significant risk of injury to self or others; or damage to property or possessions, such that the claimant requires supervision for the majority of the time to maintain safety.
11	Cannot, due to impaired mental function, reliably initiate or complete at least two sequential personal actions.
12	Cannot cope with any change due to cognitive impairment or mental disorder, to the extent that day to day life cannot be managed.
13	Engagement in social contact is always precluded due to difficulty relating to others or significant distress experienced by the claimant.
14	Has on a daily basis, uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace.
15(a)	Cannot convey food or drink to the claimant’s own mouth without receiving physical assistance from someone else.
15(b)	(b) Cannot convey food or drink to the claimant’s own mouth without repeatedly stopping or experiencing breathlessness or severe discomfort.
15(c)	(c) Cannot convey food or drink to the claimant’s own mouth without receiving regular prompting given by someone else in the claimant’s presence.
15(d)	Owing to a severe disorder of mood or behaviour, fails to convey food or drink to the claimant’s own mouth without receiving physical assistance from someone else or regular prompting given by someone else in the claimant’s presence.
16(a)	Cannot chew or swallow food or drink.
16(b)	Cannot chew or swallow food or drink without repeatedly stopping or experiencing breathlessness or severe discomfort.
16(c)	Cannot chew or swallow food or drink without repeatedly receiving regular prompting given by someone else in the claimant’s presence
16(d)	Owing to a severe disorder of mood or behaviour, fails to chew or swallow food or drink; or fails to chew or swallow food or drink without regular prompting given by someone else in the claimant’s presence.

Safety net rule: You can be treated as having LCWRA if you have an illness or disability that would cause a *substantial risk to the health of any person* if you were not passed – but only if you have been assessed and not met the usual rules listed above.

Limited Capability for Work

For Both UC and ESA, you are automatically treated as having Limited Capability for Work if you are:

- Over Pension Age and you get Disability Living Allowance or a Personal Independence Payment
- Legally prevented from work because of an infectious disease
- In hospital
- In a residential programme for the treatment of drug or alcohol dependency.
- Recovering from hospital treatment, and the Secretary of State is satisfied that you should be treated as having Limited Capability for Work.
- Receiving regular weekly haemodialysis for chronic renal failure; treatment by plasmapheresis; regular weekly treatment by total parenteral nutrition for gross impairment of enteric function; or, recovering from these treatments, and the Secretary of State is satisfied that you should be treated as having Limited Capability for Work.

For ESA only, you are automatically treated as having Limited Capability for Work if you are:

- Waiting for a Work Capability Assessment decision, and have provided sick-notes.
- Waiting for an appeal decision (but not a reconsideration decision) about your Work Capability Assessment and have provided sick-notes.
- You are pregnant, from six weeks before your due date or have given birth in the last 14 days
- You are not a Qualifying Young Person but you are in education and you can get iESA because you are also getting DLA or PIP.
- You cannot eat or drink without help – See activities 15 and 16 in the LCWRA Checklist above

If you are not automatically treated as having Limited Capability for Work, a scoring system is used.

You are scored on your ability to manage ten physical activities and seven mental, cognitive and intellectual activities. You are scored on how you manage these activities most of the time.

You get one score from each activity. If more than one *descriptor* in any activity applies, you get the points from the highest scoring one.

If your total score from all 17 activities comes to 15 points or more you have *Limited Capability for Work*.

Safety net rule: If you have been scored and not met the points threshold, you are treated as having Limited Capability for Work If you are:

- Suffering from an uncontrolled or uncontrollable life-threatening disease.
- Suffering from a condition that would cause a *substantial risk to the health of any person* if you were not treated as having Limited Capability for Work

Physical Disabilities

1 Mobilising		
Mobilising unaided by another person, with or without a stick, manual wheelchair or other aid if such aid is or could reasonably be worn or used.		
a (i)	Cannot mobilise more than 50 metres on level ground without stopping in order to avoid significant discomfort or exhaustion.	15
a (ii)	Cannot repeatedly mobilise 50 metres within a reasonable timescale because of significant discomfort or exhaustion.	15
b	Cannot mount or descend two steps even with the support of a handrail.	9
c (i)	Cannot mobilise more than 100 metres on level ground without stopping in order to avoid significant discomfort or exhaustion.	9
c (ii)	Cannot repeatedly mobilise 100 metres within a reasonable timescale because of significant discomfort or exhaustion.	9
d (i)	Cannot mobilise more than 200 metres on level ground without stopping in order to avoid significant discomfort or exhaustion.	6
d (ii)	Cannot repeatedly mobilise 200 metres within a reasonable timescale because of significant discomfort or exhaustion.	6
e	None of the above applies.	0

2 Standing and sitting		
a	Cannot move between one seated position and another seated position which are located next to one another without receiving physical assistance from another person.	15
b	Cannot, for the majority of the time, remain at a work station (i) standing unassisted by another person (even if free to move around); (ii) sitting (even in an adjustable chair); or (iii) a combination of paragraphs (i) and (ii), for more than 30 minutes, before needing to move away in order to avoid significant discomfort or exhaustion.	9
c	Cannot, for the majority of the time, remain at a work station (i) standing unassisted by another person (even if free to move around); (ii) sitting (even in an adjustable chair); or (iii) a combination of paragraphs (i) and (ii), for more than one hour, before needing to move away in order to avoid significant discomfort or exhaustion.	6
d	None of the above applies.	0

3 Reaching		
a	Cannot raise either arm as if to put something in the top pocket of a coat or jacket.	15
b	Cannot raise either arm above head height as if to put on a hat.	9
c	Cannot raise either arm above head height as if to reach for something.	6
d	None of the above applies.	0

4 Picking up and moving or transferring by use of the upper body and arms		
a	Cannot pick up and move a 0.5 litre carton full of liquid.	15
b	Cannot pick up and move a one litre carton full of liquid.	9
c	Cannot transfer a light but bulky object such as an empty cardboard box.	6
d	None of the above applies.	0

5 Manual dexterity		
a	Cannot press a button (such as a telephone keypad) with either hand or cannot turn the pages of a book with either hand.	15
b	Cannot pick up a £1 coin or equivalent with either hand.	15
c	Cannot use a pen or pencil to make a meaningful mark with either hand	9
d	Cannot single-handedly use a suitable keyboard or mouse.	9
e	None of the above applies.	0

6 Making yourself understood		
Making self understood through speaking, writing, typing or other means which are normally or could reasonably be used unaided by another person		
a	Cannot convey a simple message such as the presence of a hazard.	15
b	Has significant difficulty conveying a simple message to strangers.	15
c	Has some difficulty conveying a simple message to strangers.	6
d	None of the above applies.	0

7 Understanding communication

Understanding communication by verbal means such as hearing or lip reading; by non-verbal means such as reading 16pt print or Braille; or by a combination of these methods; using any aid that is normally or could reasonably be used, unaided by another person.

a	Cannot understand a simple message, such as the location of a fire escape, due to sensory impairment.	15
b	Has significant difficulty understanding a simple message from a stranger due to sensory impairment.	15
c	Has some difficulty understanding a simple message from a stranger due to sensory impairment.	6
d	None of the above applies.	0

8 Navigation

Navigation and maintaining safety using a guide dog or other aid if either or both are normally used or could reasonably be used

a	Unable to navigate around familiar surroundings without being accompanied by another person, due to sensory impairment.	15
b	Cannot safely complete a potentially hazardous task such as crossing the road, without being accompanied by another person, due to sensory impairment.	15
c	Unable to navigate around unfamiliar surroundings, without being accompanied by another person, due to sensory impairment.	9
d	None of the above applies.	0

9 Bowel and bladder control

Absence or loss of control whilst conscious leading to extensive evacuation of the bowel and/or bladder, other than enuresis (bed-wetting) despite the wearing or use of any aids or adaptations which are normally or could reasonably be worn or used

a (i)	At least once a month experiences loss of control leading to extensive evacuation to the bowel and/or voiding of the bladder sufficient to require cleaning and a change in clothing.	15
a (ii)	At least once a month experiences substantial leakage of the contents of a collecting device sufficient to require cleaning and a change in clothing.	15
b	The majority of the time is at risk of loss of control leading to extensive evacuation of the bowel and/or voiding of the bladder, sufficient to require cleaning and change in clothing, if not able to reach a toilet quickly.	6
c	None of the above applies.	0

10 Consciousness during waking moments

a	At least once a week, has an involuntary episode of lost or altered consciousness, resulting in significantly disrupted awareness or concentration.	15
b	At least once a month, has an involuntary episode of lost or altered consciousness, resulting in significantly disrupted awareness or concentration.	6
c	Neither of the above applies.	0

Mental, Cognitive and Intellectual Function

11 Learning tasks

a	Cannot learn how to complete a simple task, such as setting an alarm clock.	15
b	Cannot learn anything beyond a simple task, such as setting an alarm clock.	9
c	Cannot learn anything beyond a moderately complex task, such as the steps involved in operating a washing machine to clean clothes.	6
d	None of the above applies.	0

12 Awareness of everyday hazards - such as boiling water or sharp objects

a	Reduced awareness of the risks of everyday hazards leads to a significant risk of injury to self or others; or damage to property or possessions, such that the claimant requires supervision for the majority of the time to maintain safety.	15
b	Reduced awareness of the risks of everyday hazards leads to a significant risk of injury to self or others; or damage to property or possessions, such that the claimant frequently requires supervision to maintain safety.	9
c	Reduced awareness of the risks of everyday hazards leads to a significant risk of injury to self or others; or damage to property or possessions, such that the claimant occasionally requires supervision to maintain safety.	6
d	None of the above applies.	0

13 Personal action

Initiating and completing personal actions (which means planning, organisation, problem solving, prioritising or switching tasks).

a	Cannot, due to impaired mental function, reliably initiate or complete at least two sequential personal actions.	15
b	Cannot, due to impaired mental function, reliably initiate or complete at least two sequential personal actions for the majority of the time.	9
c	Frequently cannot, due to impaired mental function, reliably initiate or complete at least two sequential personal actions.	6
d	None of the above applies.	0

14 Coping with change

a	Cannot cope with any changes to the extent that day to day life cannot be managed.	15
b	Cannot cope with minor planned change (such as a pre-arranged change to the routine time scheduled for a lunch break), to the extent that overall day to day life is made significantly more difficult.	9
c	Cannot cope with minor, unplanned change (such as the timing of an appointment on the day it is due to occur), to the extent that overall, day to day life is made significantly more difficult.	6
d	None of the above applies.	0

15 Getting about		
a	Cannot get to any place outside the claimant’s home with which the claimant is familiar.	15
b	Is unable to get to a specified place with which the claimant is familiar, without being accompanied by another person.	9
c	Is unable to get to a specified place with which the claimant is unfamiliar, without being accompanied by another person.	6
d	None of the above applies.	0

16 Social engagement		
Coping with social engagement due to cognitive impairment or mental disorder.		
a	Engagement in social contact is always precluded due to difficulty relating to others or significant distress experienced by the claimant.	15
b	Engagement in social contact with someone unfamiliar to the claimant is always precluded due to difficulty relating to others or significant distress experienced by the claimant.	9
c	Engagement in social contact with someone unfamiliar to the claimant is not possible for the majority of the time due to difficulty relating to others or significant distress experienced by the claimant.	6
d	None of the above applies.	0

17 Appropriateness of behaviour

Appropriateness of behaviour with other people, due to cognitive impairment or mental disorder.

a	Has on a daily basis, uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace.	15
b	Frequently has uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace.	15
c	Occasionally has uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace.	9
d	None of the above applies.	0

Key Ideas 8 - Pension Age

Pension Age is currently 66 years. This applies if you were born before 6th April 1960.

If you were born between 6th April 1960 and 5th March 1961, you reach pension age at some time between your 66th birthday and the age of 66 years and 11 months.

If you were born between 6th March 1961 and 5th April 1977, you reach Pension Age on your 67th birthday. This will apply from 6th March 2028.

If you were born after 6th April 1977, you reach Pension Age on your 68th birthday. This will apply from 6th April 2045.

Pension Age is the lower age limit for State Pension.

Pension Credit Age is the lower age limit for many older persons' benefits.

Pension Credit Age and Pension Age used to be different, but are now the same.

Even though they are legally different things, these notes just use the words Pension Age to refer to both.

Key Ideas 9 - Coming From Abroad

Social security and immigration law restricts your entitlement to many benefits according to whether you:

- Are a *Person Subject to Immigration Control*
- Have a *Right to Reside*
- Are *Habitually Resident*
- Are *Present* or *Ordinarily Resident* in Great Britain or the United Kingdom.

Different combinations of rules apply to different benefits.

The effect of these rules is different according to your nationality.

British Citizens - The United Kingdom consists of Scotland, England, Wales and Northern Ireland.

Common Travel Area - The United Kingdom, the Republic of Ireland, the Channel Islands and the Isle of Man have a long-standing agreement allowing citizens to move freely between these countries. Together they are known as the Common Travel Area

EEA Nationals - The European Union (EU) consists of Austria, Belgium, Bulgaria, Cyprus, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Spain, Slovakia, Slovenia and Sweden.

The European Economic Area (EEA) includes all of the EU states and Iceland, Liechtenstein and Norway.

Switzerland is not part of the EU or the EEA but since 1 June 2002 Swiss nationals have had the same rights as EU and EEA nationals.

Leave - Permission to be in the United Kingdom

British citizens, Irish citizens, Manx citizens and Channel Islanders have a legal right to live in the UK. Anyone else needs permission, called *leave*.

Limited Leave is a temporary status, given for a fixed period. It is allowed to visitors, spouses, fiancées, workers and students.

Immigration law may say that you may not have *recourse to public funds* while you have limited leave. Public funds are the benefits listed on the next page, plus homelessness assistance and council housing. If you take public funds, you could be deported, have further leave refused, and be prosecuted.

If your limited leave has a public funds restriction, no-one else must get any extra benefit because of you. If they do so, you could be deported, or have further leave refused.

Pre-settled status under the EU Settlement Scheme is a form of limited leave that does not have a public funds restriction

Indefinite Leave is permanent permission to stay in the UK, often known as settlement.

Some people must have a *sponsor* to get indefinite leave. A sponsor must promise to support and house you while you are in the UK. Sponsorship is officially called a *maintenance undertaking*.

Settled status under the EU settlement scheme is a form of indefinite leave.

Other Types of Leave include:

- Refugee Leave, Humanitarian Protection and Temporary Protection
- Discretionary Leave and Leave Outside the Rules.
- Leave under the *Migrant Victims of Domestic Abuse Concession* – formerly called the *Destitute Domestic Violence Concession* - if you came to the UK on a family visa as a spouse, civil partner or unmarried partner.

Variations and Extensions - If you request a variation or extension of your leave before the period of leave expires, your old leave status continues until the Home Office makes a decision on your application. If your application is refused your leave continues for 28 days after the unfavourable decision and may be extended while you are waiting for a review or appeal.

Person Subject to Immigration Control

Benefits law calls you a Person Subject to Immigration Control if you:

- Need leave to be in the United Kingdom but do not have it.
- Have leave with a public funds restriction.
- Have indefinite leave that was given because someone sponsored you by giving a *maintenance undertaking*.
- Have leave solely because you are waiting for a review or appeal of a decision about your leave; although this is sometimes challengeable.

If you are a Person Subject to Immigration Control you may not claim:

- Attendance Allowance
- Disability Living Allowance
- Personal Independence Payments
- Carer's Allowance
- Child Benefit
- Pension Credit
- Income Related Employment and Support Allowance
- Income Support
- Income Based Jobseeker's Allowance
- Housing Benefit
- Universal Credit
- Council Tax Reduction
- Social Fund Payments
- Local Welfare Assistance Payments

unless you come into the exceptions detailed below.

Exceptions to the PSIC Restrictions

Even if you are a Person Subject to Immigration Control, you can claim:

Non-Means-Tested Benefits if:

- You are a (family member of a) national Albania, Algeria, Morocco, San Marino, Tunisia or Turkey, and you are lawfully working in the UK; or you previously worked and this has now stopped because of a reason such as pregnancy, childcare, illness, accident or retirement.

Algerian nationals must have made the claim before 1st January 2021.

For Albanian nationals this rule works only for Child Benefit.

- You have Indefinite Leave, given because someone sponsored you.
- For DLA, PIP, AA and Child Benefit, you are a national of a country with a reciprocal agreement – not detailed in these notes.

Means-Tested Benefits if:

- You have Indefinite Leave, given because someone sponsored you, and your sponsor has died; or you have lived in the UK for five years since the sponsorship undertaking was signed.
- You are North-Macedonian or Turkish, or a national of some European nations, and you are lawfully present in the UK. This rule only relates to some existing awards and will not allow new claims.

If Your Partner Has a Public Funds Restriction

Pension Credit - You claim as a single person. Your partner's income and savings do not count in the calculation. Your claim cannot breach your partner's Public Funds Restriction. Your partner might stop you getting a Severe Disability Premium since this is usually allowed only if you live alone.

Universal Credit – You claim as a single person. Your partner's income and savings count. You do not breach your partner's restriction.

Housing Benefit – If you claim Housing Benefit you get the couple rate personal allowance and the couple rates of any relevant premiums. This may mean that you breach your partner's public funds restriction.

Council Tax Reduction – Claiming Council Tax Reduction can breach your partner's public funds restriction.

If Your Child Has a Public Funds Restriction

If you claim Child Benefit for a child who has no recourse to public funds this breaches their public funds restriction.

If you claim Universal Credit or Housing Benefit, amounts will be included for your children, regardless of their immigration status. This breaches their public funds restriction.

A child with a disability can claim DLA. Legally the claim belongs to the child, not the parent. A DLA claim would breach their public funds restriction.

If Other People in Your Household Have a Public Funds Restriction

Housing Benefit and UC Housing Costs Element include allowances for non-dependants such as grown-up children, parents or friends. If one of these people has a Public Funds Restriction you may breach this if you get extra Housing Benefit because of them.

Right to Reside

You must have a *right to reside* in the Common Travel Area (or UK) to claim:

- Universal Credit
- Pension Credit
- Housing Benefit
- Child Benefit - UK
- Council Tax Reduction
- Income Support
- Income Based Jobseeker's Allowance
- Income Related Employment and Support Allowance

There are several ways that you might have a legal right to live in the Common Travel Area, but not all of these work for the benefits system's right to reside test.

To pass the right to reside test for benefits you must be:

- A British citizen.
- An Irish citizen.
- A Commonwealth citizen with *right of abode*.
- Someone who has leave to be in the UK – although some types of leave will mean that you have already been excluded from many benefits under the *Person Subject to Immigration Control* rule.
- Someone who has *settled status* – which is a form of indefinite leave granted under the EU settlement scheme.
- Someone who has *pre-settled status* or who has applied to the EU settlement scheme, who has a pre-Brexit *EEA right of residence*.
- Someone who has *pre-settled status* or who has applied to the EU settlement scheme, who does not have a pre-Brexit *EEA right of residence*; if not allowing UC would breach the EU charter of fundamental rights by denying you the basic necessities needed to live in conditions compatible with human dignity.

The EU Settlement Scheme

The EU settlement scheme gives EEA and Swiss nationals, their family members and people with derivative rights of residence, permission to live in the UK.

The scheme comes under *the immigration rules* and so it is unlawful to offer advice on it unless you are a registered adviser.

To apply, you must:

- have been living in the United Kingdom before 31st December 2020, or,
- be a family member, joining someone who was living in the United Kingdom before 31st December 2020.

You get:

- Indefinite leave known as *settled status*, if you can show that you:
 - have lived in the UK for at least six months of each year for five continuous years; or,
 - qualify for an EEA right of permanent residence – which might be after a shorter period than five years.
- Limited leave for five years, known as *pre-settled status*, if you can show that you have lived in the UK for less than five years.

If you get pre-settled status you must apply for settled status before your pre-settled status expires.

Any time that you have been living in the United Kingdom counts, even if you did not have an EEA right of residence at that time.

Any continuous period of five years counts. It does not have to be the five years running up to 31 December 2020.

Some breaks are allowed in counting how long you have been living in the United Kingdom.

Deadlines

For someone living in the United Kingdom before 31st December 2020 the usual deadline for applying to the EU Settlement Scheme was 30 June 2021.

If you are a family member who joins someone who was living in the United Kingdom before 31st December 2020 you must apply to the EU Settlement Scheme within three months of arriving.

You can make a late application if there are *reasonable grounds* for missing the deadline and you apply within a *reasonable* time.

Home Office Guidance says that reasonable grounds might relate to:

- Applicants who were children at the time of the deadline
- People with physical or mental health problems
- Medical problems or medical treatment
- Victims of trafficking or modern slavery
- Abusive or controlling relationships or situations
- Situations where applicants had other forms of leave or were exempt from immigration controls
- Any other practical or compassionate reasons

This guidance says that you must include details of the reason for the delay in applying when you make your application.

Applications

You normally apply online.

Each member of your family must apply separately.

Children's applications are linked to their parents'.

A smartphone app is used to check your identity and to scan and upload your passport or national identity card.

If you do not have a passport or ID card you must call the Home Office's Settlement Resolution Centre on 0300 123 7379 to ask for a paper form.

If you:

- are making a late application, or
 - are a non-EEA national, or
 - have a criminal conviction, or
 - if you have been subject to a deportation or removal decision,
- you should get advice before applying to the scheme.

Proving Your Status

You do not usually get a document to show your status. Instead, the Home Office will email the decision to you and will provide you with a *share code* to allow benefits staff to check your status.

While your application is being considered your share code will show a *Certificate of Application*

If you cannot provide the benefits staff with a share code you can provide a copy of the email acknowledging your application or notifying you of the decision. This will enable them to verify your status with the Home Office.

EU Settlement Scheme Reviews and Appeals

If you disagree with the decision you can apply for an administrative review at a cost of £80 or you can appeal.

Get advice before doing either of these.

Protected Groups

You are in a *protected group* and can continue to pass the right to reside test using the Pre-Brexit EEA rights of residence if:

- You have been awarded pre-settled status under the EU Settlement Scheme
- You have made an application under the EU settlement scheme that has not yet been finally determined, or withdrawn, or abandoned. DWP guidance says that this should be accepted once you have a certificate of application.

Pre-Brexit EEA Rights of Residence

Before Brexit there were many ways that a European national and their family members could have a right to live in the UK. These rules were mostly scrapped at the end of June 2021, but if you are in a protected group, you can pass the right to reside test if:

- You are an EEA worker
- You are an EEA retained worker
- You are an EEA Jobseeker
- You are an EEA student
- You have a permanent right of residence
- You have a derivative right of residence
- You are an EEA self-sufficient person
- You are a family member of someone with a right of residence

The categories of EEA worker, retained worker and derivative residence are described below, along with information about family members

For more information about the other Pre-Brexit rights of residence download the guide *Pre-Brexit Rights of Residence* from the resources page of www.mikebolton.co.uk.

Pre-Brexit EEA Worker

You can be an EEA worker in employment or self-employment. A two-stage process is used to establish whether you are an EEA worker:

The Minimum Earnings Threshold Test. DWP guidance says that you should be automatically treated as a worker if you can show that for the three months before you claim benefit your average gross earnings from work in the UK were more than £242pw/£1,048 pcm.

The Genuine and Effective Test. The law says that even if you do not meet the Minimum Earnings Threshold, you should be treated as a worker whether you are doing paid full-time or part-time work, so long as your work is *genuine and effective* and is not on such a small scale that it is *marginal and ancillary*. The Decision Maker will consider:

- o Is the work is regular or intermittent?
- o The period of employment.
- o Was the work is intended to be short-term or long-term at the outset?
- o The number of hours worked.
- o The level of earnings.

Pre-Brexit EEA Retained Worker

If you stop work you can sometimes keep your worker status and the right to reside that goes with it. This is known as retained worker status.

EEA Workers on Maternity Leave – You are still an EEA worker while you are on maternity leave from your employment, so long as you intend to return to work. It does not matter whether you are paid during your leave or not.

If you have stopped work because of your pregnancy and you are not covered by a contract of employment you retain your worker status for a period from eleven weeks before you are due, until fifteen weeks after your pregnancy ends; so long as you intend to resume work or jobseeking once the 15-week period is over.

Retained Employed Worker Status While You Are Unemployed – If you are an employee and you become involuntarily unemployed, you can retain

your worker status by *registering as a jobseeker with the relevant employment office*.

You should claim as soon as possible after stopping work, but short gaps should not affect your retained worker status so long as you have not 'withdrawn from the labour market'.

If you were employed for less than a year your retained workers status lasts for six months.

If you employed for a year or more your retained worker status can continue for more than six months if (according to UK law) you can *provide compelling evidence that you are continuing to seek employment and have a genuine chance of being engaged*. This is known as the *Genuine Prospect of Work Test*.

Retained Worker Status While You Ill – You retain your worker status if you are temporarily incapable of work because of an illness or accident.

Retained Worker Status While You Are In Vocational Training – In some circumstances you can retain your employed worker status if you are in vocational training.

Pre-Brexit Derivative Right of Residence.

You have a derivative right of residence, that will allow you to pass the right to reside test, if you are in a protected group and:

- You are a child of someone who counted as an EEA worker at some time while you were living in the UK and you are receiving education.
- You are the primary carer of a child in the bullet point above, if the child would be unable to continue their education if you had to leave the UK
- You are the primary carer of a self-sufficient child who is an EEA national, if the child would be unable to stay in the UK without you.
- You are the dependent child of a primary carer from the two bullet points above.

You can only count as a primary carer if you are a "direct relative or legal guardian".

Family Members and Pre-Brexit Rights of Residence

If you are a *family member* of an EEA national you have the same right of residence as the EEA national.

If you are a Person Subject to Immigration Control and also a family member of an EEA national, your status as an EEA family member overrides the Person Subject to Immigration Control Restrictions.

A family member is a:

- Spouse or civil partner
- Child or grandchild up to the age of 21
- Child or grandchild aged 21 or over who is dependent on the EEA national
- Dependent parents or (great) grandparents. A dependant relative must receive *material support* from you towards their *basic necessities*.

UK law says that you and your family members do not have an EEA right of residence in your home country unless you have genuinely lived together with a right of residence in another EEA state and then returned home.

Family members' rights can, in some circumstances continue after divorce separation or death

Pre-Settled Status – If there is no pre-Brexit Right-of-Residence

If you have pre-settled status but you do not have a pre-Brexit right of residence it may be possible to argue that you can still claim, if not claiming would lead to you *without the basic necessities necessary for you to live in conditions of human dignity*.

Habitual Residence

You must be Habitually Resident in the Common Travel Area to get:

- Carer's Allowance
- Disability Living Allowance, Personal Independence Payments or Attendance Allowance
- Pension Credit
- Income Related Employment and Support Allowance
- Income Support
- Income Based Jobseeker's Allowance
- Housing Benefit
- Universal Credit
- Local CT Reduction

In some circumstances you may get an automatic pass on the Habitual Residence test for means-tested benefits, including if you are:

- Someone who Refugee Status, Humanitarian Protection or Temporary Protection
- Someone who has Exceptional Leave, Discretionary Leave or Leave outside the Rules.
- Someone who has leave under the *Migrant Victims of Domestic Abuse Concession*.
- Someone who has leave under the *Afghan Relocation and Assistance Policy* or *Afghan Citizens Resettlement Scheme*.
- Someone who left Ukraine and you have leave or right of abode
- An EEA worker/retained worker in a protected group.
- Someone who has been deported, expelled or compulsorily removed from another country to the UK – unless you are also a Person Subject to Immigration Control.

What *Habitual Residence* Means

The term habitually resident is not defined in the benefit regulations but it has been the subject of a lot of case law.

You must have a 'settled intention' to reside in the UK, making your home here for a temporary or permanent period. There is no absolute list of factors that should be examined in deciding whether you are Habitually Resident. Some factors commonly arise:

- How did you manage your move to the UK?
- Did you travel on a one-way ticket?
- Did you sell or surrender your home in your former country?
- Did you secure accommodation in the UK before your arrival?
- Did you bring some or all of your possessions?
- Are you accompanied by your family?
- Do you have a Right of Abode in the UK?
- Do you have family, social or other ties with the UK?
- Have you severed your links with your former country?

Case law suggests that, unless you are resuming your habitual residence after a time abroad, you must live in the UK for an 'appreciable period of time' before you can pass the test.

What counts as an 'appreciable period of time' depends on the fact of your case. It could be as little as two weeks although in case number CIS 4474/2003 a commissioner held that it would normally be between one and three months, and that cogent reasons would be needed to support a requirement for a significantly longer period.

Resuming Your Habitual Residence – Returning To The UK

If you go abroad temporarily and you keep ties and contacts at home while you are away, you may continue to be habitually resident – even though you are staying elsewhere. This means that so long as you intend to resettle at home you can pass the Habitual Residence Test from the day of your return.

The length of your stay abroad will be taken into account. If you were absent for longer than you intended because of unexpected circumstances or factors beyond your control you must make this clear.

Present and Ordinarily Resident

Many benefits have rules to restrict entitlement to those who are present and ordinarily resident in Great Britain or the United Kingdom.

Often the rules allow periods of temporary absence.

You are usually resident in the country where you have your home, and ordinarily resident if there is a degree of continuity about your circumstances so that you could be described as settled.

Many benefits that require you to be ordinarily resident have rules that treat you as though you are living in Great Britain when you are not. Different benefits have exceptions for diplomats, members of the armed forces, ship's crew, offshore oil-rig workers, and people who are abroad to receive medical treatment.

DLA

You must usually be present in Great Britain and have been present in Great Britain for:

- 13 weeks for a baby under six months
- 26 weeks out of the last 156 weeks for a child aged 6 – 36 months
- 26 weeks out of the last 52 weeks for a child aged 3 -16

PIP, AA and Carer's Allowance

You must usually be present in Great Britain and have been present in Great Britain for 104 weeks out of the last 156 weeks, unless:

- You are terminally ill
- You have refugee status or humanitarian protection

Child Benefit

You must usually be present in the United Kingdom for three months to claim Child Benefit.

PSIC, R2R and HR: Common Situations	
Person Subject to Immigration Control, Right to Reside and Habitual Residence	
British Citizens	You must show <i>habitual residence</i> .
Irish Citizens Manx Citizens Channel Islanders	You have a legal right to live in the UK, so you pass the <i>PSIC</i> and <i>R2R</i> tests. You might have to show <i>habitual residence</i> .
<i>Indefinite Leave: no maintenance undertaking</i>	You pass the <i>PSIC</i> and <i>R2R</i> tests, but you must show <i>habitual residence</i> .
<i>Indefinite Leave: with maintenance undertaking</i>	You count as a PSIC but even so, you can claim: <ul style="list-style-type: none"> ○ non-means-tested benefits, at any time. ○ means-tested benefits, after five years living in the UK or earlier if your sponsor has died.
<i>Limited Leave: with no recourse to public funds</i>	You are probably excluded from most benefits by the <i>PSIC</i> rule; but there are many exceptions. Nobody must get extra public funds because of you.
<i>Refugee Leave</i> <i>Humanitarian Protection</i> <i>Discretionary Leave</i>	You pass the <i>PSIC</i> , <i>HR</i> and <i>R2R</i> tests.
<i>Migrant Victims of Domestic Abuse Concession</i>	You pass the <i>PSIC</i> , <i>HR</i> and <i>R2R</i> tests.
EEA national, and family, with <i>Settled Status</i>	You pass the <i>PSIC</i> , <i>R2R</i> tests. You might have to show <i>habitual residence</i> .
EEA national, and family, with <i>Pre-Settled Status</i>	You pass the <i>PSIC</i> test. Your pre-settled status means that you are in a <i>protected group</i> of people who can still use the pre-Brexit rules to pass the <i>R2R</i> and <i>HR</i> tests. If you do not come under the pre-Brexit rules you may be able to pass the <i>R2R</i> and <i>HR</i> rules for Universal Credit if you can show that you would be unable to live in dignity without UC.
No leave	You are excluded from benefits by the <i>PSIC</i> rule and the <i>R2R</i> rule.

Key Ideas 10 – The Benefit Cap

The Benefit Cap limits the total amount of social security benefits that can be paid in:

- Child Benefit
- Employment and Support Allowance
- Jobseeker’s Allowance
- Maternity Allowance
- Universal Credit
- Widowed Parent’s Allowance
- Widow’s Pension
- Housing Benefit
- Incapacity Benefit
- Income Support
- Severe Disablement Allowance

If the cap applies to you, and your total entitlement exceeds the cap figure, your Housing Benefit or Universal Credit is reduced accordingly. Your Housing Benefit cannot be reduced to less than £0.50 per week.

		Week	Month	Year
Not	Couple or Lone Parent	£423.46	£1,835.00	£22,020
London	Single	£283.71	£1,229.42	£14,753
London	Couple or Lone Parent	£486.98	£2,110.25	£25,323
	Single	£326.29	£1,413.92	£16,967

If you are claiming Universal Credit while you are living in *Specified Accommodation or Temporary Homelessness Accommodation* the Housing Benefit that you get to pay your rent is not counted in working out whether your Universal Credit should be capped.

Specified Accommodation and Temporary Homelessness Accommodation is detailed in the section about Universal Credit Housing Costs Element.

The benefit cap does not apply to you if:

- You are over Pension Age
- You and/or your partner are claiming Universal Credit while you are in work and you earn at least £793pcm
- You or your partner get ESA with a Support Component.
- You or your partner get Universal Credit with a Limited Capability for Work-Related Activity Element.
- You or your partner get an Industrial Injuries Benefit or War Pension.
- You or your partner get Attendance Allowance.
- You, your partner, your child or Qualifying Young Person get Disability Living Allowance, Personal Independence Payment or Armed forces Independence Payment.
- You, your partner, or your Qualifying Young Person get Carer's Allowance or a Universal Credit Carer Element.
- You, your partner, or your Qualifying Young Person get Guardian's Allowance.

For Housing Benefit, the benefit cap cannot apply to a period of 39 weeks after stopping work if you or your partner have spent at least 50 out of the last 52 weeks in paid work; and while you were working you were not entitled to Income Support, JSA or ESA. Periods of maternity, paternity, parental or adoption leave; or periods where you were getting Statutory Sick Pay, count as time in work.

For Universal Credit, the benefit cap cannot apply to for a period of nine months after stopping work if you and/or your partner have been earning at least £793pcm for the last 12 months and your pay has now dropped below this level.

Key Ideas 11 – Capital, Tariff Income and Benefits

Savings and capital do not affect your non-means-tested benefits, but may affect your means-tested benefits

If you are under Pension Age,

- You cannot claim UC, iESA, IS, iJSA, or HB if you have savings of more than £16,000.
- Savings between £6,000 and £16,000 give you a *tariff income* of £1 per week or £4.35 per month for each extra £250.
- Your savings are always rounded up to the next £250.

If you are over Pension Age,

- Pension Credit has no savings limit.
- You cannot claim Housing Benefit if you have savings of more than £16,000 unless you get also Guarantee Credit from Pension Credit.
- Savings over £10,000 are assumed to give you a *tariff income* of £1pw for each £500. Your savings are always rounded up to the next £500.

Your capital might be money, property or other savings or investments but it does not include the value of your personal property.

For couples the limits apply jointly.

If you jointly own capital with someone other than your partner you are treated as owning an equal share with the other person(s) unless there is evidence to show that is not the case.

If you have money in a discretionary trust fund, where you can only access it with the permission of your trustees, this does not count as part of your capital.

If you have a non-discretionary trust, where you have access to the money, this will be taken into account, unless it's money from a personal injury compensation payment.

If you *deprive yourself* of capital to get benefit you will be treated as though you still have it. This is known as *notional capital*.

The law of Universal Credit says that this should not apply if:

- You use your capital to reduce or pay your debts, or,
- You buy goods or services if the spending is 'reasonable in the circumstances'

Other benefits have less clear-cut rules about spending your savings.

Disregarded Capital

In assessing your capital some things are *disregarded*. Different benefits have different rules but the effects are generally similar.

The examples below are taken from the law of Universal Credit.

- Capital over £16,000 for one year, if you have moved from Tax Credit to Universal Credit under *managed migration*.
- Your home.
- The home of a close relative who is over Pension Age or who has Limited Capability for Work.
- A property that you intend to live in:
 - That you have bought within the last six months, or,
 - Where you have taken legal advice or begun proceedings *to obtain possession* of the property within the last six months, or,
 - You are carrying out essential repairs to make the property fit for occupation that began within the last six months
- A property that you used to live in with your ex-partner where your ex-partner who is a lone parent still lives in it.
- A property that you used to live in with your ex-partner that you have left within the last six months.
- A property that you are taking *reasonable steps to dispose of*, where you began those steps in the last six months.
- Proceeds of the sale of a property within the last six months, that you intend to use to buy another property.
- An insurance payout received in the last six months for loss or damage to your home or possessions.
- A backdated payment of some benefits made within the last 12 months.
- Payments that you get because you are the holder of a Victoria Cross.
- A personal injury compensation payment that is held in trust, or administered by the court, or that can only be *disposed of by direction of the court*.
- Any other personal injury compensation payment made within the last 12 months – unless it has been used to buy an annuity.
- Compensation from schemes for historical injustices such as Windrush.

Where these rules include a time limit, this can often be extended where it is *reasonable*.

Key Ideas 12 – Council Tax

Council Tax is a tax charged by local councils on the *dwellings* in their area.

All dwellings are given a notional value and put into one of eight bands from A to H.

Each year, the council sets a charge level for band D and the charge for each other band is set as a proportion of this.

There are several ways of reducing the Council Tax that you must pay including:

- Property exemption
- Disability reduction
- Care leavers’ exemptions or discounts
- Single person discounts
- Council Tax reduction
- Second adult rebate

Exemption

The council tax bill for an exempt property is zero. These include:

- Properties where all the occupiers have a *severe mental impairment* .
- Properties where all the occupiers are students or school or college leavers.
- Properties where all the occupiers are aged under 18.
- Some unoccupied properties where the usual resident is in care, hospital, prison, or away from home providing care.

Disability Reduction

The bill is reduced by one band, or the equivalent for band A properties, if your home has:

- Enough floor space to use a wheelchair.
- A room, not including the only kitchen bathroom or lavatory, especially for a person with a disability.
- An additional bathroom or kitchen for a person with a disability.

Care Leavers

Many councils offer a special deal for care leavers but each has their own scheme

Single Person Discount

Council Tax assumes that two adults live in each property. If only one adult lives in the dwelling, a 25% discount is allowed. In counting the number of adults some people are *invisible* including if:

- You are a student.
- You have a *severe mental impairment*.
- You are an apprentice.

Council Tax Reduction - Formerly known as Council Tax Benefit,

Council Tax Reduction is a local scheme in which different councils make up their own rules. All schemes must meet minimum standards in which:

- The reduction is means-tested.
- There will be a savings limit.
- You must make a claim to get the reduction.
- If you get Guarantee Credit or Pension Credit the reduction will cover the full bill.

Second-Adult Rebate

You do not get a single person discount if a second adult lives in your home.

If that person either gets means-tested benefit, or is on a low income, you may be able to claim a second adult rebate of up to 25% of the bill.

Not all councils provide second-adult rebate

Severe Mental Impairment

A severe mental impairment is an impairment of intelligence and social functioning that appears to be permanent.

You must have a *certificate of confirmation* that is provided free by your doctor.

You must be eligible for one of a range of benefits including PIP Daily Living, DLA Care Component and Attendance Allowance; or Universal Credit with a LCW or LCWRA element.

Key Ideas 13 - Claims, Decisions, Revisions, Supersessions and Appeals

To get benefit, you must make a claim.

A Decision Maker at the DWP, HMRC or council uses legal rules to award an amount of benefit, or not.

You must be notified of all decisions in writing.

If a decision is not fully explained, you can ask for a *written statement of reasons* for it. This is a full explanation of what information and law was used to make the decision.

You must ask for a written statement of reasons within one month of getting the decision. It should normally be sent to you within fourteen days.

Once a decision has been made, this will stand until another legal decision is made to change it.

There are three ways that a decision can be changed:

- A revision – sometimes called a mandatory reconsideration
- A supersession
- An appeal – where an independent *tribunal* makes a new decision.

Revisions, aka Mandatory Reconsiderations - a revision changes a decision from the date it was originally made – in effect this says that the original decision was wrong and should be replaced.

For most DWP and HMRC decisions you must ask for a revision before you can appeal to a tribunal. This is why DWP calls them *mandatory reconsiderations* – mandatory means compulsory.

ESA Work Capability Assessment decisions are an exception to this general rule.

If your ESA Work Capability Assessment has been completed and it had been decided that you are fit-for-work you can appeal directly to a tribunal without going through the revision stage.

If you are getting ESA when you are found to be fit-for-work your benefit will usually be stopped, but it can be reinstated if you provide sick-notes and appeal to the tribunal. You will be able to stay on ESA until the tribunal makes a decision.

If you want the DWP or council to look at a decision again you must normally ask them to do so within one month of the date that you were notified of the decision.

If you asked for a written statement of reasons, the time limit is extended. For Housing Benefit decisions, the days between your request and the council sending the statement are not counted. For other benefits the time limit is extended by 14 days.

If you miss the one-month deadline for a revision you may still be able to get the decision re-examined if:

- *Special circumstances* caused the delay - maximum 13 months.
- There was an *official error* in the original decision.
- There was a *mistake about, or ignorance of the facts* in the original decision.
- You have been awarded a *qualifying benefit* since the original decision.
- You already have an outstanding appeal against the decision.

If you ask for a revision, you must explain why you think the decision is wrong, rather than just saying that you believe it is incorrect.

If you ask for a revision and are unhappy with the revised decision you can then appeal against this within one month of the revised decision.

Supersessions – A supersession changes a decision from some later date – It says that the original decision was correct at that time, but it no longer applies because of a change in your circumstances

You must usually notify the DWP or council about a change in your circumstances. Do this in writing if you can.

A supersession that decreases your benefit usually takes effect when your circumstances changed.

A supersession that increases your benefit usually takes effect from when you notify DWP of the change.

Appeals - If you are unhappy with a benefit decision you can appeal to an independent tribunal; using form SSCS1 or online.

For most DWP or HMRC decisions you must apply for a revision and provide a copy of the *mandatory reconsideration notice* before you can appeal.

The time limits for appeals are similar to those for revisions.

Non Means Tested Benefits

Non-means-tested benefits are paid at flat rates laid down in the law. Your income does not usually affect your entitlement to these benefits.

Non-means-tested benefits are paid to individuals so it does not matter whether you are single or have a partner.

Some non-means-tested benefits are contributory – depending on your National Insurance record. Others are non-contributory where your National Insurance is irrelevant.

Some of the non-means-tested benefits are paid instead of a wage. Except Bereavement Support Payment, if you meet the rules for more than one of these, only the one which is best will be paid.

Non-Means-Tested Benefits

Care Needs	Under 16	DLA Care Component	59
	16 – 64	PIP Daily Living Component	59
	65+	Attendance Allowance	59
Mobility Needs	Under 16	DLA Mobility Component.	59
	16 – 64	PIP Mobility Component	59
	65+	None	
Instead of a Wage	Illness or Disability	Statutory Sick Pay	84
		cESA <i>old style</i> and <i>new style</i>	85
	Carer	Carer's Allowance	87
		Statutory Maternity Pay	88
	Pregnant / New Child	Statutory Paternity Pay	88
		Statutory Adoption Pay	88
		Statutory Shared Parental Pay	88
		Maternity Allowance	90
	Bereaved	Bereavement Support Payment	91
		Widowed Parent's Allowance	92
		Stat Parental Bereavement Pay	92
	Looking for Work	cJSA aka nsJSA	93
	Over Pension Age ^{KI-8}	State Pension	94
	Child or Young Person ^{KI-2&3}	Child Benefit	96
		Guardian's Allowance	97
Disability Caused by Work	Industrial Injuries Benefits	98	
	War Pensions & MOD Payments	99	
Council Tax	Discounts and Exemptions	KI-12	

Disability Living Allowance

Personal Independence Payment

Attendance Allowance

If your disability causes care needs you may get:

- DLA Care Component if you claim/ed before the age of 16.
- PIP Daily Living Component if you claim/ed before Pension Age.
- Attendance Allowance if you claim/ed after Pension Age.

If your disability causes mobility difficulties you may get:

- DLA Mobility Component if you claim/ed before the age of 16.
- PIP Mobility Component if you claim/ed before Pension Age.

If you get DLA when you are under 16 in the time around your 16th birthday you will be invited to make a claim for PIP. Your DLA award will be maintained until the initial decision on your PIP claim.

If you claim PIP before pension age your award can carry on afterwards. It can be renewed when necessary; sometimes even after a break.

Although an existing award can be renewed, it is not possible to get a new or increased award of PIP Mobility Component for a period that begins after you reach pension age, unless you are transferring from DLA.

Before PIP was introduced in June 2013, adults under the age of 65 could claim DLA. If you are an adult who got DLA, you may still get it.

- If you were born before 9th April 1948, you stay on DLA
- If you were born after 8th April 1948:
 - you can choose to claim PIP now, instead of your DLA, even though you are now aged 65 or over.
 - if your DLA award comes to an end, or you report a change-of-circumstances, you will be invited to claim PIP instead.
 - if you do not make a voluntary claim for PIP, you will eventually be *migrated* to it. This is mostly on hold until 2028.

Non-Means-Tested Benefits – Care and Mobility Needs

Claim Age	Care Needs	Mobility Needs
0-15	DLA Care Component	DLA Mobility Component
Or under 65 if you claimed before June 2013	<p>£29.20 if you need limited attention</p> <p>£73.90 if you need attention or supervision during day or night</p> <p>£110.40 if you need attention or supervision during day and night</p>	<p>£29.20 if you are aged five or over and need guidance or supervision on an unfamiliar route</p> <p>£77.05 if you are aged three or over and:</p> <ul style="list-style-type: none"> You are unable to walk You are virtually unable to walk You have a severe visual Impairment You have a severe mental impairment You have no feet The effort of walking endangers your health
16 - Pension Age	PIP Daily Living Component	PIP Mobility Component
	<p>£73.90 if you score 8-11 points from the Daily Living Assessment</p> <p>£110.40 if you score 12+ points from the Daily Living Assessment</p>	<p>£29.20 if you score 8-11 points from the Mobility Assessment</p> <p>£77.05 if you score 12+ points from the Mobility Assessment</p>
Over Pension Age	Attendance Allowance	
	<p>£73.90 if you need attention or supervision during day or night</p> <p>£110.40 if you need attention or supervision during day and night</p>	

DLA PIP and AA - Shared Rules

In many ways DLA, PIP and AA are similar:

- All three benefits assess how your condition affects you on ‘most days’.
- Your claim cannot be backdated, so you must claim as soon as you can.
- Getting a care needs benefit allows your carer to claim Carer’s Allowance or a Universal Credit Carer Element.
- They are not ‘instead of a wage benefits’ and so they can be paid alongside any other entitlements.
- You may not get these benefits if you get equivalents from the Industrial Injuries or Armed Forces schemes.
- There is no limit on re-claims. You can have several open claims at the same time, where these relate to different periods

Past and Future Period Rules

	Past Period	Future Period
DLA	3 Months	6 Months
PIP	3 Months	9 Months
AA	6 Months	None

You can make an advance claim, but your award cannot start until the end of the ‘past period’.

DLA and AA assessments are based on your condition at the date of your claim. PIP assessments look at the whole of the ‘required period’

If you re-claim after a break, you may not have to meet the past period rule.

Terminal Illness

This means that your death would not be a surprise within *12 months* because of a *progressive disease*.

- You do not have to meet the past period and future period rules.
- You do not have to meet the present in GB for 104/156 weeks rule.
- You are automatically entitled to the high rate of the care needs benefit for a person of your age. You will get a three-year award.
- You may get the Mobility Component if you meet the assessment.

If you have a terminal illness, you should obtain a form SR1 from your GP, Macmillan nurse or Social Worker then make your claim. Your claim should be fast-tracked.

Hospitals and Residential Care

Hospital

If you are aged under 18 when you go into hospital your DLA or PIP can continue, no matter how long you stay.

If you were not getting DLA or PIP when you went into hospital, you can claim while you are a patient and get the payments straight away.

If you are aged 18 or over when you go into an NHS hospital your care and mobility needs benefit will be suspended after 28 days.

Your benefit is reinstated when you leave hospital.

If you were not getting PIP or AA when you went into hospital, you can make a new claim while you are in hospital, but you will not be paid until you leave.

DLA, PIP and AA are usually awarded for fixed periods. If your award ends while you are in hospital you must reclaim.

You can reclaim while you are still in hospital, but you won't be paid until you leave

Your benefit is not suspended in a hospice if you are terminally ill.

Residential Care

If you go into residential care that is paid for by public money, you can keep your DLA Mobility Component or PIP Mobility Component, but your care-needs benefit will be suspended after 28 days.

If you are paying for your residential care placement you keep your care-needs benefit.

If you claim care and mobility benefits while you are in residential care, the mobility benefit can start straight away but the care-needs benefit will not be paid until you leave.

When is Residential Care not Residential Care?

Sometimes, residential care will count as hospital if the NHS provides nursing services in the care home, or if your nursing needs are more than 'merely incidental or ancillary'. In this situation you might expect to get your mobility component, but find that it cannot be paid because you still count as a hospital patient.

This might apply if you are covered by section 117 aftercare.

Hospital and Care Linking Rules

Periods in hospital and residential care that are separated by less than 28 days are often linked together. You can be paid by the day for the time when you are not in hospital or residential care.

Other Information

Renal Dialysis: If you undergo renal dialysis special rules may help you to claim Disability Living Allowance or Attendance Allowance

Motability – If you get high-rate mobility component of DLA or PIP you can use it to buy or lease a car or scooter through the motability scheme. Low cost or free driving lessons may also be available through the motability scheme. See www.motability.co.uk for details.

Blue Badges - If you get high-rate mobility component of DLA or PIP you can get a *Blue Badge* from the local council. This provides parking concessions for drivers or passengers (aged 2 or over) with disabilities.

Road Tax Exemption - If you get high-rate mobility component of DLA or PIP you can be exempt from road tax. If you do not drive, or do not have a car, you can nominate another vehicle however it must be used *by or for the purposes of the disabled person*.

DLA and Attendance Allowance – Disability Rules

DLA Care and Attendance Allowance - Care Needs - Attention

You qualify for DLA Care Component or Attendance Allowance if *because of your disability; you need attention from another person in connection with your bodily functions.*

The amount of DLA or Attendance Allowance that you get depends on whether you need:

- Limited attention: Help for about an hour a day (DLA only).
- Day-time attention: Frequent help throughout the day.
- Night-time attention: Prolonged (20 minutes) or repeated help at night.

Attention means help. This could be physical help, or someone might help you by speaking to you. Either way, attention is *active and interventory*.

A child claiming DLA must need more attention than a non-disabled person of the same age.

The assessment only counts attention that is connected to a *bodily function*. In a test case these were defined as:

Breathing, hearing, seeing, eating, drinking, walking, sitting, sleeping, getting in and out of bed, dressing, undressing, eliminating waste products and the like, all of which an ordinary person who is not suffering from a disability does for himself. But they do not include cooking, shopping... [or any household or domestic tasks]"

Since this case, playing, thinking, communication and dealing with medication have been accepted as bodily functions.

You must need attention from another person. Help in other ways; by aids or adaptations or by a guide dog, will not help you to qualify.

The Decision Maker should assess the attention that you need - not the attention that you get. They must consider the help you need to live "as normal a life as possible" including any that help you need to do social, recreational and cultural activities.

If you can manage to do things to look after yourself, but this causes you pain or takes a lot longer than it would take without your disability, the Decision Maker will accept that you need help with that task.

Although you may feel that you need help with something, the Decision Maker may say that you do not, if there are other ways of meeting the need.

For example, if you find it difficult to manage stairs you may feel that you need help to get to your lavatory. The Decision Maker may say that you do not need this help since you could get round the problem by having a commode in an accessible place (if one is available). If the Decision Maker says that there are other ways of meeting your need, the suggestions must be reasonable.

DLA Care and Attendance Allowance - Care Needs - Supervision

You qualify for DLA Care Component or Attendance Allowance if *because of your disability you need supervision from another person to avoid a substantial danger to yourself or others.*

A child claiming DLA must need more supervision than a non-disabled child of the same age.

The amount that you get depends on whether you need:

- Daytime supervision: Continual supervision throughout the day.
- Night time supervision: Supervision for a prolonged period (20 minutes) or at frequent intervals during the night.

Supervision is “passive, precautionary or anticipatory”.

There must be a *substantial danger*; such as the risk of harm from falls. You must weigh-up the likelihood of the danger occurring with its potential consequences. The Decision Maker should accept that a danger is substantial if it is ‘reasonable to guard against it’.

Your award is based on the supervision that you need, not that you get. The decision maker will look at the amount of supervision you need most days, to live as normal a life as possible. They will take account of aids and adaptations that could help instead of having supervision.

DLA Mobility - Guidance or Supervision on an Unfamiliar Route

You qualify for the low rate of DLA Mobility Component if you are aged 5-15 and you have a physical or mental disability that means that, most days, you need guidance or supervision from another person when you are walking on an unfamiliar route. You must need more guidance or supervision than a non-disabled child of the same age.

Guidance is active and involves intervening. It can be physical or verbal.

Supervision is passive monitoring. It could include watching for signs of distress, or checking the environment for situations that could be upsetting or cause difficulties.

Guidance and supervision involve helping you to make your journey – not simply keeping you company.

DLA Mobility - Virtually Unable to Walk

You qualify for high-rate DLA Mobility Component if you are aged 3 -15 and most days you are *unable to walk or virtually unable to walk*.

Your ability to walk outside on flat ground is assessed, using any artificial aid that you normally use or that you could use. The law does not specify any distances for this test. The Decision Maker should look at:

- How far you can walk.
- The speed of your walking.
- The length of time that you take - including rests and recovery time.
- The way that you walk.

Your need for rest and the later effects of walking will be taken into account. The decision maker should only consider your ability to walk before the onset of *severe discomfort or pain*.

DLA Mobility - Severely Mentally Impaired and Severe Behavioural Problems

You qualify for high rate DLA Mobility Component if you are aged 3 -15 and you are severely mentally impaired with severe behavioural problems. A severe mental impairment is defined as *an arrested or incomplete physical development of the brain which results in severe impairment of intelligence and social functioning*.

Your behaviour must be *extreme*, regularly needing *another person to intervene and physically restrain you* to avoid injury to yourself or other or damage to property. You must need *watching whenever you are awake*.

DLA Mobility - Severe Visual Impairment

You qualify for high-rate DLA Mobility Component if you are aged 3 -15 and you have:

- Visual acuity, with appropriate corrective lenses, of less than 3/60.
- Visual acuity of 3/60 or more, but less than 6/60, with appropriate corrective lenses, a complete loss of peripheral visual field and a central visual field of no more than 10° in total.

DLA and Attendance Allowance Claims

Although you can download the claim forms for DLA and Attendance Allowance it is better to call the helpline and ask for a form.

This will be date-marked.

So long as you return your date-marked form within six weeks your award will start from the date you asked for the form.

Apart from this, your claim cannot be backdated.

For DLA call 0800 121 4600

For Attendance Allowance call 0800 731 0122

A full and detailed claim form may give the decision maker all the information needed to deal with your claim.

If they need more information the decision maker may call you, or may get reports from your doctor or from other health professionals mentioned on your form.

Some people are asked to attend medical examinations, which may take place at your home.

PIP Claims

Your PIP entitlement depends on how your *physical or mental condition* affects your ability to carry out ten *Daily Living Activities* and two *Mobility Activities*. A scoring system is used to assess this.

You must make a claim which is usually managed in a three-stage process:

- The DWP registers your claim, takes basic details and sends you a (link to a) form to complete and return.
- A Health Professional working for a private sector contractor assesses you and writes a report for a DWP Decision Maker.
- The DWP Decision Maker decides on your entitlement and notifies you of the result.

Registering The PIP Claim and Completing the Form

In some places, you can claim PIP online, but if you live outside these pilot areas you must call 0800 121 4433. This call can be made by a support worker or other third party. DWP information says that a third party must “be with the claimant when they call and the claimant will need to pass a quick identity check”.

During this call you will be asked to provide personal and contact details, residency details; details of recent admissions to hospital and care; and bank account information.

If you do not meet the basic conditions the DWP will issue a “disallowance letter” to you.

It is legally possible for the DWP to award PIP on the basis of the information given to them during the phone call, but in practice this does not happen.

You will usually be asked to complete a form called *PIP2: How Your Disability Affects You*. You can choose a paper form or an online version.

If you choose the online form you can save each answer as you go through it, and you can pause working on it and return later.

Once you have completed the form and submitted it to the DWP you cannot return to it.

Do not miss your chance to save a copy of the completed version before finally submitting it.

You must return your form within one month and provide any extra information or evidence needed to decide your claim within one month of being asked for it. These deadlines can be extended for a reasonable period if it is reasonable to do so.

The Health Professional's Assessment

Your form and claim information are passed to a Health Professional who works for one of two private sector contractors: Capita or Atos.

Occasionally the phone call and form will have provided all the information that the health professional needs to write a report on your claim; but you will usually be asked to take part in a *consultation*. This can be done by phone, video-call or face-to-face.

Arranging the Consultation

You must be given seven days' written notice of the consultation, although you can agree, verbally or in writing, to a shorter notice period.

You can ask for this to take place at your home if, for example, you have difficulty travelling.

You may be told by Capita or Atos that a home assessment is not possible; or that you must attend a consultation a long distance from your home; or that it is only possible to rearrange an appointment once.

If Capita or Atos are unhelpful or uncooperative, make use of their complaints procedure and involve your MP if necessary.

The law says that if you *fail without good reason to attend for or participate in a consultation* your claim must be turned down.

If you miss your appointment and you are told that it is not possible to rearrange it, make a complaint to Capita or Atos and contact the DWP immediately to explain the *good reason* why you could not attend.

If your PIP claim is refused because you miss your assessment, ask for a Mandatory Reconsideration KI-13 explaining your *good reason* for missing it. You can also re-claim PIP at the same time as asking for the reconsideration.

During The Assessment

You must explain how your condition affects you most days, and you will have the opportunity to hand over evidence and information. You may also be asked to undergo a short physical examination.

You may have someone with you during consultation. The DWP's *PIP Assessment Guide* says:

Claimants have a right to be accompanied to a face-to-face consultation if they so wish. Claimants should be encouraged to involve another person at consultations where they would find this helpful – for example, to reassure them or to help them during the consultation. The person chosen is at the

discretion of the claimant and might be, but is not limited to, a parent, family member, friend, carer or advocate.

Consultations should predominantly be between the HP and the claimant. However, the companions may play an active role in helping claimants answer questions where the claimant or HP wishes them to do so. HPs should allow a companion to contribute and should record any evidence they provide.

This may be particularly important where the claimant has a mental, cognitive or intellectual impairment. In such cases the claimant may not be able to give an accurate account of their health condition or impairment, through a lack of insight or unrealistic expectations of their own ability.

In such cases it will be essential to get an accurate account from the companion.

However, the involvement of companions should be handled appropriately by the HP. It is essential that the HP's advice considers the details given by the claimant and the companion and whether one or both are understating or overstating the needs. If the presence of a companion becomes disruptive to the consultation, the HP may ask them to leave. However, this should be avoided wherever possible.

PIP Assessment Guide July 2022 Paragraph 1.6.52 -1.6.55

The Decision

After the consultation, the health professional sends a report to the DWP where a Decision Maker decides whether you are entitled to PIP.

You will be notified of the decision in writing.

If you disagree with the decision on your PIP claim you can ask for a revision and then appeal. KI-13.

Once you have been assessed you can be reassessed at any time, for any reason.

Awards and Payments

A PIP award is usually for a fixed period but an *ongoing award* may be made in a minority of cases. All awards will be periodically reviewed, regardless of their length.

PIP is paid every four weeks in arrears – unless you are terminally ill. In this case it is paid weekly, in advance.

After an award you must notify the DWP of any relevant change in your circumstances.

The PIP Assessment

PIP is assessed by scoring the help that you (would) need to do ten *daily living activities* and the two *mobility activities*:

- most days,
- safely,
- at all points in the day and night when you reasonably need to do them,
- to an acceptable standard,
- without experiencing an unacceptable degree of pain, discomfort or other bad effects,
- in a reasonable time, taking no more than twice the maximum length of time taken by someone without a disability.

It does not matter whether you actually do the activities. The test is a hypothetical one looking at the help that you would need, if you tried to do them.

You score points if you need:

- Aids – Aids are physical things, that you would not need if you did not have your condition. For example, a stool in the kitchen can count as an aid for cooking, a rail by your toilet would count as an aid, a dosette box or blister pack would count as an aid for managing medication.
- Physical help from another person. For example, you might need someone to move a heavy pan while cooking, you might need someone to help you with shoes and socks, you might need someone to wash your hair or help you in and out of a shower.
- Prompting, reminding, encouraging or explaining to do the PIP activities. For example, you might need someone to prompt you while cooking because of brain-fog. You might not be able to face getting dressed and need encouragement to do so.
- Someone with you all the time you are doing the activity to keep you safe – For example, you might need someone with you while cooking because of the dangers of dizziness and heat-sensitivity. You might need someone with you in the shower, because of vertigo and dizziness.
- Communication support or social support

If you have all this help, and you still can't do an activity, safely, in a reasonable time, whenever you need to, to an acceptable standard, without too much pain, fatigue, dizziness and need for recovery, then you score maximum points for that activity.

For each activity, you get the points from the highest scoring *descriptor* that applies most days.

In the scoring system shown below, the letters next to each *descriptor* refer to the legal rule which can be found in *The Social Security (Personal Independence Payment) Regulations 2013 No 377*

Daily Living Component 1 - Preparing Food

This is about the help that you (would) need, most days, to make a:

- cooked,
- one-person meal,
- from fresh ingredients,
- on a hob or with a microwave.

And to do it:

- safely,
- in a reasonable time - no more than twice as long as a person without a disability would take,
- whenever you need to,
- without too much pain, fatigue, dizziness, confusion, need for recovery,
- producing an edible product – with no attention to presentation.

It does not matter whether you ever actually cook. This is a hypothetical test.

DWP guidance says *carrying items around the kitchen or carrying food to where it will be eaten is not relevant*, but moving things from work surface to sink to hob should be counted.

DWP guidance says *you would normally expect to prepare food 3 times a day, but to heat food only once a day*.

You (would) need to use an aid to make a simple meal. This is any <i>thing</i> that someone who does not have your condition would not need to use. [b]	2
You cannot use a conventional hob, but you could use a microwave to cook things when you are making a simple meal made from fresh ingredients. [c]	2
You (would) need someone to prompt you, remind you, encourage you or explain things to you to make a simple meal. [d]	2
You (would) need physical help to make a simple meal. [e]	4
To make simple meal you (would) need to have someone with you all the time you were doing it, to keep you safe. [e]	4
Even if you have/had someone with you all the time that you were making a simple meal, there would still be a likely risk of harm to you or to someone else. [Reg 4-(a)]	8
If you have the help described above, you can make simple meal; but doing so takes more than twice as long as it would take someone who does not have your condition. [Reg 4-(d)]	8
Cannot prepare and cook food. [f]	8

Daily Living Component 2 – Eating	
<p>This is the about the help that you need, most days, to cut food into pieces, get food and drink to your mouth, and chew and swallow food and drink.</p> <p>And to do it:</p> <ul style="list-style-type: none"> ○ safely, ○ in a reasonable time - no more than twice as long as a person without a disability would take, ○ whenever you need to in the day, ○ without too much pain, fatigue, dizziness, confusion, need for recovery. <p>It may be that you do not eat well or that you have a very restricted or unhealthy diet, but that is not relevant.</p>	
You need to use an aid to eat. This is any <i>thing</i> that you use, that someone who does not have your condition would not need to use. [b(i)]	2
You need someone with you all the time that you are eating, to keep you safe. [b(ii)]	2
You need physical help to be able to cut up food. [b(iii)]	2
You need someone to prompt you, remind you, encourage you or explain things to you to be able to eat. [d]	4
You cannot move food and drink to your mouth and you need another person to do so. [f]	10
If you have the help described above you can eat, but doing so takes more than twice as long as it would take someone who does not have your condition. [Reg 4-(d)]	10
Even if you have someone with you all the time that you are eating, there is still a likely risk of harm to you or to someone else. [Reg 4-(a)]	10

Daily Living Component 2 – Using a Therapeutic Source to Take Nutrition	
<p>A <i>therapeutic source</i> means parenteral or enteral tube feeding, using a rate-limiting device such as a delivery system or feed pump;</p>	
You need a <i>therapeutic source</i> to be able to take nutrition [c]	2
You need physical help to manage your therapeutic source [e]	6

Daily Living Component 3 - Managing Medication or Therapy or Monitoring a Health Condition.	
<p><i>This is about:</i></p> <p><i>Managing medication at home which is prescribed or recommended by a.... doctor, nurse or pharmacist where a failure to take it is likely to result in a deterioration in your health.</i></p> <p><i>Monitoring a health condition which means detecting significant changes... which are likely to lead to deterioration in your health; and taking action advised by a ... doctor ... nurse or health professional... without which your health is likely to deteriorate.</i></p> <p><i>Managing therapy which means therapy to be undertaken at home which is prescribed or recommended by a ... doctor, nurse, pharmacist or health professional ... where a failure to do so is likely to result in a deterioration in your health.</i></p>	
<p>To manage your medication, you need:</p> <ul style="list-style-type: none"> ○ To use an aid or appliance. This is any <i>thing</i> that helps you overcome your health problem or disability, that someone who does not have your condition would not need. ○ Physical help. ○ Someone to prompt you, remind you, encourage you or explain things to you. ○ Someone with you all the time to keep you safe. <p style="text-align: right;">[b(i) b(ii) b(iii)]</p>	1
<p>To monitor your health condition, you need:</p> <ul style="list-style-type: none"> ○ Physical help. ○ Someone to prompt you, remind you, encourage you or explain things to you. ○ Someone with you all the time to keep you safe. <p style="text-align: right;">[b(ii) b(iii)]</p>	1
<p>To manage your home therapy, you need:</p> <ul style="list-style-type: none"> ○ Physical help ○ Someone to prompt you, remind you, encourage you or explain things to you ○ Someone with you all the time to keep you safe <p>For:</p> <p>no more than 3.5 hours a week. [c]</p> <p>more than 3.5 but no more than 7 hours a week. [d]</p> <p>more than 7 but no more than 14 hours a week. [e]</p> <p>more than 14 hours a week. [f]</p>	<p>2</p> <p>4</p> <p>6</p> <p>8</p>

Daily Living Component 4 - Washing and bathing.

This is about the help that you (would) need, most days, to get into a bath, to get into a shower, to wash yourself, to get out of the bath/shower, and get dry.

And to do these things:

- safely,
- in a reasonable time (no more than twice as long as a person without a disability would take),
- to an acceptable standard, that is *good enough*
- whenever you need to through the day and the night,
- without too much pain, fatigue, dizziness, confusion, need for recovery.

It does not include undressing before your bath or shower, or dressing yourself afterwards. If you have problems with these, they will be assessed under activity 6.

<p>You (would) need to use an aid to be able to wash or bathe. This is any <i>thing</i> that helps you overcome your health problem or disability, that someone who does not have your condition would not need. [b]</p>	2
<p>You (would) need someone to prompt you, remind you, encourage you or explain things to you, to be able to wash or bathe. [c]</p>	2
<p>To wash or bathe, you (would) need to have someone with you all the time you are doing it to keep you safe. [c]</p>	2
<p>You (would) need physical help to wash your hair or your body below the waist. [d]</p>	2
<p>You (would) need physical help be able to get in or out of an un-adapted bath. [e]</p>	3
<p>You (would) need physical help be able to get in or out of an un-adapted shower. [e]</p>	3
<p>You (would) need physical help to wash your body between the shoulders and waist. [f]</p>	4
<p>If you have the help described above you can wash or bathe, but doing so takes more than twice as long as it would take someone who does not have your condition. [Reg 4-(d)]</p>	8
<p>Even if you had someone with you all the time that you were washing or bathing there would still be a likely risk of harm to you or someone else. [Reg 4-(a)]</p>	8
<p>You cannot wash and bathe at all and (would) need another person to wash your entire body. [g]</p>	8

Daily Living Component 5 - Managing toilet needs or incontinence.

This is about the help that you need, most days, to get on the toilet, to use the toilet, to clean yourself, and get off the toilet; and to deal with incontinence.

And to do this:

- safely,
- in a reasonable time - no more than twice as long as a person without your disability would take,
- to an acceptable standard,
- whenever you need to,
- without too much pain, fatigue, dizziness, confusion, need for recovery.

Problems that you have getting to and from your toilet are not taken into account.

Dealing with clothes is not taken into account – problems with this are assessed under activity 6.

Manage incontinence means managing involuntary evacuation of the bowel or bladder, including use of a collecting device or self-catheterisation, and cleaning yourself afterwards.

You need to use an aid to be able to manage toilet needs or incontinence.

2

This is any *thing* that helps you overcome your health problem or disability, that someone who does not have your condition would not need. [b]

You need someone to prompt you, remind you, encourage you or explain things to you to manage your toilet needs. [c]

2

You need someone with you all the time that you are dealing with your toilet needs, to keep you safe. [c]

2

You need physical help to be able to manage your toilet needs. [d]

4

You need physical help to be able to manage incontinence of either the bladder or the bowel. [e]

6

You need physical help to be able to manage incontinence of both the bladder and the bowel. [f]

8

If you have the help described above you can manage your toilet needs but doing so takes more than twice as long as it would take someone who does not have your condition. [Reg 4-(d)]

8

Even if you have someone with you all the time that you are managing your toilet needs there is still a likely risk of harm to you or someone else. [Reg 4-(a)]

8

Daily Living Component 6 - Dressing and undressing.	
<p>This is about the help that you (would) need, most days, to choose appropriate clothes, and to dress and undress.</p> <p>And to do these things:</p> <ul style="list-style-type: none"> ○ in a reasonable time (no more than twice as long as a person without a disability would take) ○ whenever you need to – changing and adjusting your clothes through the day and night ○ without too much pain, fatigue, dizziness, confusion, need for recovery 	
<p>You (would) need to use an aid to be able to dress or undress.</p> <p>This is any <i>thing</i> that someone who does not have your condition would not need to use. [b]</p>	2
<p>To able to dress or undress, you (would) need someone to prompt you, remind you, encourage you or explain things to you. [c(i)]</p>	2
<p>To make sure that you don't take your clothes off when it's not appropriate, you (would) need someone to prompt you, remind you, encourage you or explain things to you. [c(i)]</p>	2
<p>To select appropriate clothing, you (would) need someone to prompt you, remind you, encourage you or explain things to you. [c(ii)]</p>	2
<p>You (would) need physical help to able to select appropriate clothing. [c(ii)]</p>	2
<p>You (would) need physical help to be able to dress or undress your lower body. [d]</p>	2
<p>You (would) need physical help to be able to dress or undress your upper body. [e]</p>	4
<p>If you have the help described above you can dress or undress, but doing so takes more than twice as long as it would take someone who does not have your condition. [Reg 4-(d)]</p>	8
<p>If you have the help described above you can dress or undress, but doing so causes an unacceptable degree of pain, or other adverse symptoms. [Reg 4-(b)]</p>	8
<p>Cannot dress or undress at all. [f]</p>	8

Daily Living Component 7 - Communicating verbally.

This is about the help that you (would) need, most days, expressing yourself through speech, and hearing and understanding what someone else says, all in your birth language.

And to do it:

- in a reasonable time (no more than twice as long as a person without a disability would take)
- whenever you need to
- to an acceptable standard
- Without too much pain, fatigue, dizziness, confusion, need for recovery

Communication support means support from a person trained or experienced in communicating with people with specific communication needs, including interpreting verbal information into a non-verbal form and vice versa.

The *trained or experienced* person might be a worker or a professional but DWP guidance says that this could also include support from someone directly experienced in supporting you such as a family member.

You need to use an aid to be able to speak or hear.

An aid is any *thing* that someone who does not have your condition would not need. [b]

2

You (would) need communication support to be able to express or understand *complex verbal information*. This means information in more than one sentence or one complicated sentence.

[c]

4

You (would) need communication support to be able to express or understand *basic verbal information*. This means information in a simple sentence. [d]

8

You can express or understand verbal information, but even with aids or communication support, doing so takes more than twice as long as it would take someone who does not have your condition. [Reg 4-(d)]

12

You cannot express or understand verbal information at all, even with communication support.

[e]

12

Daily Living Component 8 - Reading and understanding signs, symbols and words.

This is about the help that you (would) need, most days, to:

- see signs and symbols, and written or printed text in your birth language, and to
- understand the information in them.

And to do this:

- in a reasonable time (no more than twice as long as a person without a disability would take)
- whenever you need to
- without too much pain, fatigue, dizziness, confusion, need for recovery

To score points you must have a health problem or disability that affects your ability to read and understand. Other factors are not taken into account.

Reading does not include reading Braille.

The assessment assumes that you will wear your usual glasses or contact lenses so these do not count as an aid.

DWP guidance says that *the ability to remember and retain information is not* relevant; but you should only count as able to read information if you are also able to understand it.

The rules refer to *written or printed text of a standard size* but unhelpfully they do not specify what this means. It is probably a good idea assess how you manage reading letters from the DWP or from councils or utilities.

If your ability to see and read information varies, the assessment should look at how you manage reading whenever you need to do so.

You (would) need to use an aid or appliance, other than spectacles or contact lenses, to be able to read or understand any written information. [b]	2
You (would) need someone to prompt you, remind you, encourage you or explain things to you to be able to read or understand more than one sentence of written information. [c]	2
You (would) need someone to prompt you, remind you, encourage you or explain things to you to be able to read or understand signs, symbols and dates. [d]	4
If you have the help described above you can read and understand written information, but doing so takes more than twice as long as it would take someone who does not have your condition. [Reg 4-(d)]	8
Cannot read or understand signs, symbols or words at all. [e]	8

Daily Living Component 9 - Engaging with other people face to face.	
<p>This is about the help that you (would) need, most days to</p> <ul style="list-style-type: none"> ○ interact with other people in a contextually and socially appropriate manner, ○ understand body language, and ○ establish relationships. <p>And to do these things:</p> <ul style="list-style-type: none"> ○ whenever you need to. ○ safely. 	
<p>You need someone to prompt you, remind you, encourage you or explain things to you to be able to engage with other people. [b]</p>	2
<p>You need <i>social support</i>, from someone who is trained or experienced in helping people engage in social situations.</p> <p><i>Social support</i> must be more than the prompting, reminding, encouraging and explaining mentioned in the descriptor above.</p> <p>The trained or experienced person might be a worker or a professional but DWP guidance says that this could also include support from <i>someone directly experienced in supporting you such as a family member</i>. [c]</p>	4
<p>You cannot engage with other people because it causes you to experience <i>overwhelming psychological distress</i>.</p> <p>Your distress must be connected to an enduring mental health condition or an intellectual or cognitive impairment. [d(i)]</p>	8
<p>You cannot engage with other people because it makes you behave in a way that would cause a substantial risk of harm to you or someone else. [d(ii)]</p>	8

Daily Living Component 10 - Making budgeting decisions.

This is about the help that you (would) usually need managing your money:

- whenever you need to do so,
- safely,
- to an acceptable standard,
- taking no more than twice as long as a person who does not have your condition would take.

To score points you must have a health problem or disability that affects your decision making.

Other factors are not taken into account.

For example, a sight impairment may make it difficult for you to read prices or bills. But these problems would be assessed under *reading and understanding* not in this part of the assessment.

Lack of experience in managing money is not relevant.

It may be that you do not actually manage your money. The test is a hypothetical one looking at the help you would need if you tried to make budgeting decisions.

<p>You (would) need someone to prompt you, remind you, encourage you or explain things to you to make complex budgeting decisions.</p> <p>This means decisions involving calculating household and personal budgets; managing and paying bills; and planning future purchases. [b]</p>	2
<p>You (would) need physical help to be able to make complex budgeting decisions.</p> <p>This means decisions involving calculating household and personal budgets; managing and paying bills; and planning future purchases. [b]</p>	2
<p>You (would) need someone to prompt you, remind you, encourage you or explain things to you to make simple budgeting decisions.</p> <p>This means adding up the costs of your shopping and checking your change. [c]</p>	4
<p>You (would) need physical help to make simple budgeting decisions.</p> <p>This means adding up the costs of your shopping and checking your change. [c]</p>	4
<p>You can make budgeting decisions if you have the help described above, but doing so takes more than twice as long as it would take someone who does not have your condition. [Reg 4-(d)]</p>	6
<p>Cannot make any budgeting decisions at all. [d]</p>	6

Mobility Component 1 - Planning and following journeys.	
<p>This is about your ability to:</p> <ul style="list-style-type: none"> ○ plan the route of a journey in advance, ○ leave the home and embark on a journey, and ○ follow the intended route once you leave the home. <p>This is not restricted to local trips, and should look at how you could manage a range of public transport.</p>	
<p>You need prompting to be able to undertake any journey to avoid overwhelming psychological distress.</p> <p>Psychological distress means <i>distress related to an enduring mental health condition or an intellectual or cognitive impairment</i>.</p> <p>This can apply if you need prompting to leave home, even if you can manage the trip outside on your own [a]</p>	4
<p>You cannot plan the route of a journey [c]</p>	8
<p>You cannot follow the route of an unfamiliar journey without another person, assistance dog or orientation aid.</p> <p>An <i>assistance dog</i> is a dog trained to guide or assist a person with a sensory impairment.</p> <p>An <i>orientation aid</i> is a specialist aid designed to assist disabled people to follow a route safely. [d]</p>	10
<p>You cannot undertake any journey because it would cause you overwhelming psychological distress.</p> <p>Psychological distress means <i>distress related to an enduring mental health condition or an intellectual or cognitive impairment</i>. [e]</p>	10
<p>You cannot follow the route of a familiar journey without another person, an assistance dog or an orientation aid.</p> <p>An <i>assistance dog</i> is a dog trained to guide or assist a person with a sensory impairment.</p> <p>An <i>orientation aid</i> is a specialist aid designed to assist disabled people to follow a route safely. [f]</p>	12

Mobility Component 2 - Moving around.	
<p>This is about your ability to stand and then walk, outside, on flat pavements, taking account of kerbs. You should not count any walking that causes an unacceptable degree of pain, discomfort or other adverse effects.</p> <p>You should not count any walking that takes more than twice as long as a non-disabled person would take to cover the same distance.</p> <p>You only count as able to walk a particular distance if you can do this at any time in the day when you might reasonably need to do so.</p>	
You can stand and then move more than 50 metres but no more than 200 metres, even if you have aids and/or help from another person. [b]	4
You can stand and then move more than 20 metres but no more than 50 metres, without aids and without help from another person. [c]	8
You can stand and then move more than 20 metres but no more than 50 metres by using an aid. [d]	10
You can stand and then move more than 1 metre but no more than 20 metre, even if you have aids and/or help from another person. [e]	12
You cannot stand, even if you have aids and/or help from another person. [f(i)]	12
You cannot move more than 1 metre, even if you have aids and/or help from another person. [f(ii)]	12
You have no feet [Sch1(1)]	12

Statutory Sick Pay

Statutory Sick Pay is a taxable, non-contributory benefit of £118.75pw paid by employers to employees who are *Incapable of Work* ^{K1-7}

It is paid for up to 28 weeks to people who normally earn at least £125pw

Statutory Sick Pay is the legal minimum amount that your employer must pay you during your sick leave. You may get more than this, depending upon your contract with your employer.

Universal Credit counts your Statutory Sick Pay as part of your earned income.

Exclusions - You cannot qualify if your contract is for three months or less, if you are on strike or if you are in prison. There are restrictions on some claims by pregnant women.

Waiting Days and Linking Rules – You do not usually get SSP until your fourth day of illness. If you recover after a period of illness but then become ill again within 56 days, your illnesses are seen as being a single period of sickness and your SSP starts on the first day of your second illness.

Claims and Disputes - For the first seven days of your illness you must complete a self-certificate form. After this you must prove that you are unable to work by providing a sick-note.

If your employer believes that you are not entitled to SSP s/he should provide you with a form SSP1 explaining why. If you send the completed form to the Department for Work and Pensions, they will ask HMRC to check the Statutory Sick Pay decision. This form is also a claim for Employment and Support Allowance if the SSP decision is correct.

If you are still ill towards the end of your 28 weeks' Statutory Sick Pay period your employer should notify you that your SSP will end and provide a form SSP1 for you to claim Employment and Support Allowance from the Department for Work and Pensions.

Contribution Based Employment and Support Allowance

Contribution Based Employment and Support Allowance is a non-means-tested benefit paid to some people with a recent National Insurance record who have *Limited Capability for Work* KI-7.

If you claimed cESA since Universal Credit was introduced in your area, the DWP calls it *new-style ESA*.

This can be paid in combination with Universal Credit.

If you claimed cESA before Universal Credit was introduced in your area the DWP calls it *old-style ESA*.

This can be paid in combination with income-related ESA. Income-Related ESA is also part of old-style ESA.

The time when you first claim ESA is known as your assessment phase. You must provide a sick-note to be treated as having Limited Capability for Work until you pass a *Work Capability Assessment*.

The Work Capability Assessment is used to assess whether you have:

- Limited Capability for Work, and
- Limited Capability for Work-Related Activity.

If you have Limited Capability for Work but can manage Work-Related Activity you are said to be in the *Work-Related Activity Group*.

If you have both Limited Capability for Work and Limited Capability for Work-Related Activity you are said to be in the *Support Group* or the *No Work-Related Activity Group*.

During the assessment phase you get:

£72.90 Aged 16 – 24

£92.05 Aged 25+

From week 14 of your claim, you get:

£92.05 Work-Related Activity Group - LCW but not LCWRA
Maximum 365 days cESA

£140.55 Support Group - No-Work-Related-Activity-Group - LCW & LCWRA
Indefinite award

You get the £140.55 rate at any time if you are terminally ill.

If your Work Capability Assessment takes longer than 13 weeks, the higher rate will be back-paid to week 14.

You may get the higher rate from an earlier date if your current claim is linked to an earlier claim in which your assessment phase had ended. ^{KI-7}

If you have private or occupational pensions of more than £85pw your cESA will usually be reduced by half of the excess.

National Insurance Rule

You must NI contributions or credits ^{KI-6} in both of the last two full tax years (beginning on 6th April) before the calendar year in which you claimed.

You must have been employed or self-employed and paid National Insurance for at least 26 weeks in one of these years.

For an ESA claim in 2025 the relevant tax years are 2022/23 and 2023/24

For an ESA claim in 2026 the relevant tax years are 2023/24 and 2024/25

Other Information

You may also get cESA if:

- You claimed before 30 April 2012 and you were ill or disabled before you were aged 25, or,
- You were *migrated* from Incapacity Benefit (pre-2008) or Severe Disablement Allowance (pre-2001).

To get cESA you must be aged 16 - Pension Age ^{KI-8}

ESA is not paid until the eighth day of your illness unless:

- You become entitled to ESA within 12 weeks of a claim for Income Support, Pension Credit, Jobseekers' Allowance, Carer's Allowance, Maternity Allowance or Statutory Sick Pay ending.
- You are terminally ill.
- You have been discharged from the armed forces and had been off duty through sickness for at least seven days immediately before your discharge.
- Your claim is linked to an earlier one ^{KI-7}

Carer's Allowance

Carer's Allowance is a taxable, non-contributory benefit of £83.30pw.

You can claim if you are aged 16 or over and you spend at least 35 hours each week caring for someone who gets:

- DLA Care Component at the middle or higher rates, or
- PIP Daily Living Component, or
- Attendance Allowance.

Exclusions – You cannot claim Carer's Allowance if you attend school or college for 21 or more hours per week; or do a course that is described by your college as full-time; or if you earn more than £196pw.

35 Hours Per Week - You must spend at least 35 hours each week caring for the person who has a disability. You do not meet this rule if your average is more than 35 hours; with more in some weeks and less in others.

Breaks from Caring - Once your Carer's Allowance has been awarded you can have breaks from caring for up to four weeks in any period of six months. A 12-week break is allowed if you are admitted to hospital.

Hospital and Residential Care - If an adult that you care for goes into hospital or residential care, their DLA/PIP/AA will usually be suspended after four weeks. Your Carer's Allowance claim will be ended and you must re-claim when they come home.

Claiming Carer's Allowance – Claim online or on form DS700. You can claim at any time from the date when the person you are looking after made their claim for a DLA/PIP/AA. If you claim within three months of their award, your Carer's Allowance is paid from the same date that their benefit starts.

Other Information

A claim for Carer's Allowance can affect the benefit of the person being cared for. Get more advice if you want to claim Carer's Allowance for looking after a person who lives alone.

If the person that you look after dies you remain entitled to Carer's Allowance for eight further weeks.

Statutory Maternity Pay

Statutory Neonatal Care Pay

Statutory Paternity Pay

Statutory Shared Parental Pay

Statutory Adoption Pay

Statutory Pay

Statutory Pay is a non-contributory benefit paid by employers.

If you have been employed for 26 weeks or more and you normally earn at least £125 per week you can get Statutory Pay during periods of maternity, neonatal-care, paternity or adoption leave.

If you do not qualify for Statutory Maternity Pay you may be able to get Maternity Allowance. This is a non-contributory benefit paid by the DWP

It does not matter to any of these benefits whether you intend to resume work after your period of leave

Amount – your Statutory Pay is the lower figure of 90% of your normal wage or £187.18; except the first six weeks of SMP and SAP when you get the higher rate.

The Statutory Pay benefits are the legal minimum amount that your employer must pay you during your time off. You may get more depending upon your contract with your employer.

26 Week Work Record - You must have worked for 26 weeks ending:

- In the 15th week before the week that you are due - SMP
- On the date on which you were notified that you had been matched with a child for adoption - SAP
- On either the 15th week before the birth of your child is due or the date on which you were notified that you had been matched with a child for adoption - SPP

You must then continue to work from that date through to the date that your leave starts, but breaks in your employment due to sickness or time off due to your pregnancy should not affect this.

Start Dates and Periods

SMP is paid for 39 weeks that can start once you are within 11 weeks of your *expected week of childbirth*. If your baby is born early SMP can start in any week after the 24th week of pregnancy, even if s/he is stillborn.

SAP is payable for up to 39 weeks that can start once you are within two weeks of the date that you expect the child to be placed with you.

SNCP is payable to parents or carers of babies admitted to neonatal care within 28 days of birth, with a continuous hospital stay of at least 7 days. It can be paid for up to 12 weeks. It must be taken within 68 weeks of the baby's birth.

SPP is normally paid for either one or two full weeks.

SSPP can be paid for a maximum of 37 weeks. If you qualify for SMP, SAP or Maternity Allowance you can choose to end this benefit and instead, your partner or your child's father or your co-adopter can either take this paid leave or share it with you.

Employment Rules - You count as an employee if you are doing paid work for another person or organisation. You will not count as an employee if you are self-employed or you are on a training scheme.

Average Earnings of £123pw – Your earnings, wages, bonuses and overtime payments are averaged over a defined period of at least eight weeks.

Leave – You must be on your maternity, neonatal care, paternity or adoption leave to claim Statutory Pay. In some limited circumstances you may do some work during your period of leave without affecting your Statutory Pay.

Maternity Allowance

Maternity Allowance is a non-taxable, benefit paid by the DWP to some women who do not get SMP. It is usually paid for 39 weeks. You usually get the lower figure of 90% of your average earnings or £187.18pw.

To claim Maternity Allowance, you must have a work record in the 66 weeks immediately before your due date.

- You must have been an employee or self-employed for 26 weeks.
- You must have earned at least £30pw for 13 weeks.
- If you are self-employed, you must have paid class-2 National Insurance contributions for 13 weeks to get full rate. You can make voluntary contributions to complete your record. HMRC should tell you if this would help you. If you do not meet this rule, you only get £30pw
- If you do not have this work record but you do unpaid work to support your spouse's self-employed business you may get Maternity Allowance of £30pw for 14 weeks.

If you are not currently in work, Maternity Allowance starts 11 weeks before your due date. If you are working it can start at any time from 11 weeks before your due date, up to the birth.

Bereavement Benefits

Bereavement Support Payment and Widowed Parent's Allowance are taxable benefits for:

- Widows
- Widowers
- Surviving partners who are responsible for a child

Your late spouse or partner must have paid National Insurance or have died as a result of an industrial accident or disease.

Statutory Parental Bereavement Pay is paid by employers during the two weeks parental bereavement leave.

Bereavement Support Payment

You can claim Bereavement Support Payment if you are under Pension Age when your spouse or partner dies.

You get monthly payments for the period of 18 months after their death.

If you delay claiming, the claim will be backdated for up to three months.

If you claim within 12 months of the death:

- If you have children or are pregnant when your spouse or partner dies, you get a first payment of £3,850 then monthly payments of £350.
- Other widows and widowers get a first payment of £2,600 then monthly payments of £100.

If you claim more than 12 months after the death you do not get the higher first payment. You only get the lower monthly rate

Bereavement Support Payment is unaffected if you remarry or live with another partner.

Although Bereavement Support Payment can be thought of as an *Instead of a Wage* benefit it does not follow the usual rule that you can only have one of these. It can be paid in addition to any other non-means-tested benefit.

Widowed Parent's Allowance

Widowed Parent's Allowance of £150.90pw is paid to people-with-children, or pregnant-women whose partner died before 6 April 2017.

Widowed Parents Allowance stops if you re-marry. You cannot re-claim if you later divorce. It is suspended if you live with another partner but can be reinstated if you stop cohabiting.

You may get an extra payment if your late spouse contributed to the Additional State Pension scheme. If your spouse had insufficient National Insurance, you may get a reduced rate.

Statutory Parental Bereavement Pay

Statutory Parental Bereavement Pay is a non-contributory benefit of £187.18 per week paid by employers during the two weeks' parental bereavement leave.

You qualify if you are a bereaved parent, or the partner of a bereaved parent, and you have worked for your employer for a continuous period of 26 weeks, earning at least £125 per week.

Bereaved means:

- a child under 18 has died, or,
- a child is stillborn after 24 weeks of pregnancy.

A parent means:

- All legal parents, including adoptive parents.
- Biological parents whose child had been adopted where the adopter was required to allow contact.
- Intended parents who have applied for or who intended to apply for a parental order under a surrogacy arrangement.

You may also count as a parent if you had day to day responsibility for a child who had been living in your home for at least four weeks when they died.

The SPBP can only be paid within 56 weeks of the death.

Contribution-Based Jobseeker's Allowance aka *New-Style* JSA

Contribution-based Jobseeker's Allowance is a non-means-tested benefit paid to people who are not in full-time work who meet the Jobseeking Conditions. It is paid for up to 26 weeks. You get:

- £72.90pw if you are aged 16 - 24
- £92.05pw if you are aged 25 or over.

cJSA may be referred to as *new-style* JSA. It can be paid in combination with Universal Credit

National Insurance – You must have a record of NI contributions or credits K1-6 in both of the last two tax years (beginning on 6th April) before the calendar year in which you made your claim.

For an JSA claim in 2025 the relevant tax years are 2022/23 and 2023/24

For an JSA claim in 2026 the relevant tax years are 2023/24 and 2024/25

You must have been employed and paid National Insurance for at least 26 weeks in one of these years.

If you claim cJSA after a period when you were too sick or disabled for full-time work, the National Insurance rules are applied as though you had claimed cJSA on the first day of your illness.

Voluntary contributions and Class 2 contributions paid by self-employed people do not count for Contribution-based JSA.

Exclusions – You cannot claim cJSA if you are a Student K13 or Qualifying Young Person K12 or if you are over Pension Age K1-8

Part Time Work - The amount of any part time earnings over £5pw will be deducted from your Contribution Based Jobseekers' Allowance.

Private Pensions - The amount of any private pensions over £50pw will be deducted from your Contribution Based Jobseekers' Allowance

Tax - Contribution Based Jobseekers' Allowance is taxable.

State Pension

State Pension is a taxable, National Insurance benefit paid to people who are over *Pension Age* ^{KI-8}

Although it is described in these Notes as an *Instead of a Wage* benefit you do not have to retire at Pension Age. You can carry on working and claim your State Pension; or you can defer claiming your State Pension and get a higher rate once you do claim.

Your entitlement to State Pension depends upon the number of years in which you have paid or been credited with National Insurance contributions.

In some circumstances, if you do not have enough National Insurance to qualify for State Pension you can make voluntary contributions to boost your entitlement.

Pension Age Before 6 April 2016

Category A Pension - £176.45pw Full rate is paid if you have a 30-year NI record. If you do not have a full contribution record it can be paid on the basis of your late or ex spouse's contributions or a reduced rate may be paid. If you have deferred your state pension you can either get a lump sum with interest of Bank of England base rate plus 2%; or you can have an ongoing increase of 10% for each year of deferral.

Category B Pension - Spouse/Civil Partner £105.70pw Widow/er 176.45pw if you do not get a Category A Pension of more than £105.70pw you may get a Category B Pension based on your spouse or civil partner's contribution record if they are getting Category A Pension

Or, you may get the widow/er rate if your spouse died after you reached Pension Age; or your spouse died before you reached Pension Age but you got bereavement benefits immediately before you reached Pension Age

If you are a married man, civil partner or widower you do not get category B pension if your wife/civil partner was born before April 1950

Graduated Retirement Benefit - An extra allowance paid to people who made NI contributions between 1961 and 1975. The amount depends on the contributions paid. Part of this can be paid to your widow/er if s/he gets Category B pension. This is often called Second State Pension (2SP)

Additional State Pension - This extra pension is paid to some people who are not in a personal pension scheme and who are not 'contracted out'. This can be paid to your widow/er if s/he gets Category B pension. This is often called 2SP (Second State Pension) and used to be called SERPS (State Earnings Related Pension Scheme).

Christmas Bonus - £10pa

Over 80 Addition - £0.25pw.

Category D Pension - £105.70 pw - Paid to some people over the age of 80 who do not qualify for Category A or B pension.

Dependant Allowances – Although non-means-tested-benefits are almost always individual entitlements, in some circumstances extra elements of State Pension might have been allowed for adult or child dependants. These may still be in payment.

Pension Age After 6 April 2016

New State Pension was introduced on 6th April 2016.

The amount that you get depends upon your number of *qualifying-years* of National Insurance.

If you have a 35 qualifying-years, you get the full rate of £230.25 per week.

If you have a shorter National Insurance record (minimum 10 years) you get a pro-rata amount of £6.58 per week for each qualifying year

If you delay claiming your pension for at least 9 weeks you get an extra $\frac{1}{9}$ th of 1% for each week you defer. ($\approx 5.94\%$ pa)

If you have claimed your pension, you can suspend your claim to get more money later.

You must live for 900 weeks (17 years) after your deferral to get back the amount that you deferred

Claims – Claim State Pension on 0800 731 7898, textphone 0800 731 7339 or online.

You can claim up to four months in advance and your claim can be backdated for up to 12 months.

Any time where you do not claim counts as a deferral and increases your weekly pension.

Child Benefit

Child Benefit is a non-means-tested benefit paid by HMRC to people who are *responsible for* a child or a Qualifying Young Person (KI-2)

Eldest child: £26.05pw

Other children: £17.25pw

Responsible – You are responsible for a child or QYP who:

- lives with you, or
- does not live with you; so long as you pay at least the amount that you get in Child Benefit towards the “costs of providing” for them.

If more than one person can be seen as being responsible for a child or young person, the law contains a list to say whose claim gets priority. An existing claim always has priority over a new claim for three weeks after the new claim is made. After this priority goes to the person who has the child living with them.

Excluded Young Persons - You cannot claim Child Benefit for a Qualifying Young Person who is:

- Your partner
- Cohabiting with their partner – unless the partner is also in education or training.
- Getting Universal Credit, Income Support or Employment and Support Allowance
- Working for 24 hours or more each week after they have stopped education or training
- In care or custody and has been so for more than eight weeks.

Claims – Claim online or use form CH2. Your claim can be backdated for up to three months.

Child Benefit and Universal Credit – You do not have to get Child Benefit for a child or QYP to get Universal Credit for them.

If a child leaves your household, they continue to be treated as living with you for up to eight weeks and Child Benefit can continue throughout this time – unless someone else makes a higher priority claim.

If a child dies Child Benefit continues for eight weeks.

Child Benefit and high earners - Child Benefit is withdrawn through an income tax charge that applies to households where someone has an income over £60,000. For households where someone has an income between £60,000 and £80,000 the charge applies gradually (1 per cent of Child Benefit for every extra £200 earned over £60,000). In households where someone has an income in excess of £80,000 Child Benefit entitlement is fully taxed. You may wish to avoid the tax charge by stopping your Child Benefit claim, but if you do so you should remember to make a separate claim for National Insurance credits if you are responsible for a child aged under 12.

A child can claim Child Benefit for another child

Guardian's Allowance

Guardian's Allowance is a non-taxable benefit of £22.10 pw per child. It is paid by HMRC. You can claim if you get Child Benefit because you look after an eligible child or qualifying young person. You do not have to be a legal guardian to qualify.

Eligible Child - A child or qualifying young person is *eligible* if:

- Both of her/his parents have died.
- One of her/his parents has died and the other is in prison, serving a sentence of two years or more; or has been detained in hospital.
- One of her/his parents has died and the whereabouts of the other are not known - you will be expected to have tried to trace the missing parent.

Claims - Use form BG1. Your claim can be backdated for up to three months if you can show that you met the rules throughout that time.

If the child dies - Guardian's Allowance continues for eight weeks.

Industrial Injuries Benefits

Industrial Injuries Benefits are non-taxable benefits paid to people who become disabled as a result of an accident or disease caused by work.

You are assessed to establish the *percentage of disablement* that your illness or accident has caused.

Disablement Benefit - Industrial Injuries Disablement Benefit is paid from 90 days after your accident or the onset of your disease. The amount depends on a percentage assessment of your *disablement* and varies from £45.06 to £225.30pw.

Lower rates are paid to some people aged under 18.

You may also qualify for disablement benefit under special schemes for coal miners, for people who have work-related hearing impairments and for people with work-related asthma.

Reduced Earnings Allowance - If your accident or disease occurred before 1 October 1990 you may be able to claim Reduced Earnings Allowance. You must have at least a 1% disablement and your accident/illness must mean that you cannot do the work that you used to do before the onset of your disability. The amount paid depends on your loss of earnings – up to a maximum of £90.20pw.

Retirement Allowance - Retirement Allowance is a reduced rate of Reduced Earnings Allowance for people over Pension Age who have given up work. The most you can get is £22.53pw

Constant Attendance Allowance – Allowed if your disability has been assessed at 100% and you need *constant attendance*. This means the same as *attention and supervision* in DLA and Attendance Allowance.

The four rates are £45.10, £90.20, £133.30 and £180.40 per week.

Constant Attendance Allowance can affect your claim for PIP, DLA or AA.

Exceptionally Severe Disablement Allowance - £90.20pw allowed to people who have a permanent condition who get Constant Attendance Allowance of £133.30 or £180.40 per week

War Pensions and Armed Forces Payments

The Ministry of Defence makes a range of payments to people with a disability caused or made worse by working at any time in the armed forces.

Before 6th April 2005

Your disability is assessed on a scale from 1-100%.

War Disability Pension - If your disability is 20% or more you receive a pension.

Constant Attendance Allowance – Allowed if your disability has been assessed at 100% and you need *constant attendance*. This means the same as *attention and supervision* in DLA and Attendance Allowance.

The four rates are £45.10, £90.20, £135.30 and £180.40 per week.

Constant Attendance Allowance can affect your claim for PIP, DLA or AA.

Exceptionally Severe Disablement Allowance - £88.70pw allowed to people who have a permanent condition who get Constant Attendance Allowance of £135.30 or £180.40 per week

Mobility Supplement - £86.00 - allowed if your disability is 40% or more and you have severe problems walking.

From 6th April 2005

Your disability is assessed at one of 15 *tariff* levels

Lump-Sum Payments – From £1,236 to £650,000

Guaranteed Income Payments - Allowed if your disability is tariff 11 or higher. These are set at 30%, 50%, 75% and 100% of your last forces' pay.

Armed Forces Independence Payment £187.45 – Allowed if your Guaranteed Income Payment is at the 50% level or higher.

You cannot claim PIP while getting this.

Means Tested Benefits

Which Means-Tested Benefits?	102
Universal Credit Migration	103
Universal Credit	105
Pension Credit.	152
Income Related Employment and Support Allowance	153
Income Support	154
Income Based Jobseeker's Allowance	154
Housing Benefit	155

Which Means-Tested Benefits?

Means-Tested Benefits are individually worked out for each claim, taking into account your family circumstances, your health and disabilities, and your income and savings. If you have a partner, your claim covers both of you and includes a joint assessment of your joint circumstances.

The Legacy Benefits

Before Universal Credit there were five means-tested benefits for adults,

- Working Tax Credit – for full-time workers
- Pension Credit - for older people
- iESA – for people with *Limited Capability for Work*.
- Income Support for people with a good reason for not jobseeking.
- iJSA for people who are fit and well, and looking for work.

Also:

- Child Tax Credit for people with children
- Housing Benefit to help with rent
- Council Tax Reduction

Different households claimed different combinations of these benefits according to their circumstances

For people under Pension Age these benefits, that the DWP calls *legacy benefits*, are now mostly closed for new claims.

Note though: If you have an existing award of old-style contribution-based ESA you can still get a top-up of income-related ESA. This is not a new claim.

Many people who claimed legacy benefits before Universal Credit was introduced still get them, and will continue to do so until they are *migrated* to Universal Credit.

Universal Credit

Universal Credit is a new means-tested benefit for people under Pension Age. It will eventually replace all the legacy benefits except Council Tax Reduction for working-age people.

If you need to make a new claim for a means-tested benefit you must claim Universal Credit unless:

- You, and your partner if you are a member of a couple, are over Pension Age – in which case you can claim make new claims for Pension Credit and Housing Benefit.
- You live in supported accommodation - If you live in *Specified Accommodation or Temporary Homelessness Accommodation* you can make a new claim for Housing Benefit to cover your rent, alongside your legacy benefit or Universal Credit claim.

Universal Credit Migration and Transitional Protection

Migration means moving from the legacy benefits to Universal Credit.

Once you claim Universal Credit you cannot go back to the legacy benefits.

If your circumstances stay the same you do not have to move onto Universal Credit, until DWP instructs you to do so as part of *Managed Migration*, although you can claim UC if you want to.

For some people, mostly workers, Universal Credit pays more than the legacy benefits.

For many people, Universal Credit is less than they got from the old benefits.

Natural Migration

If you are getting legacy benefits and something changes in a way that means you need to make a new claim for a means-tested benefit you must claim Universal Credit. Your legacy benefit claims will all be closed and incorporated in the new UC claim. The DWP calls this *natural migration*.

Income Support, iJSA, iESA and Housing Benefit can run on for two weeks after the start of your Universal Credit claim, so long as you continue to meet the normal rules for these benefits.

If you are getting Housing Benefit and you move directly to a new address within the same council's area this counts as a change-of-circumstances for your existing Housing Benefit claim; not a new Housing Benefit claim. You do not need to claim Universal Credit.

If you move to a new council area you cannot make a new claim for Housing Benefit, except for *specified accommodation* [p121]. You claim help with your rent through Universal Credit and will therefore naturally migrate to UC

Managed Migration

The Department for Work and Pensions has begun a process of *managed migration*, making legacy benefit claimants move to Universal Credit.

If you are instructed to move onto Universal Credit under managed migration, your old DWP benefits and Housing Benefit will run on for two weeks after you claim Universal Credit.

The migration process is described in the section on Universal Credit Administration on p145.

Transitional Protection

If you move to Universal Credit through natural migration, you may get a *Transitional SDP Element* in the UC award if your legacy benefits included a Severe Disability Premium

If you move to Universal Credit through managed migration and your UC award comes to less than you got from the legacy benefits a *Transitional Element* will be included in the UC award.

Transitional Elements are not permanent allowances. They are reduced as your standard UC increases, and they may be lost in some circumstances.

These elements are described in the section on Universal Credit Maximum Amounts on p142.

Universal Credit

Universal Credit is a means-tested benefit for people under Pension Age.

It is worked out by comparing a hypothetical figure to represent your monthly income with a hypothetical figure called your Maximum Amount, to represent your monthly needs.

If you have a partner your entitlement is worked out by comparing your joint income and your joint Maximum Amount.

Your Maximum Amount includes allowances for any children or Qualifying Young Persons ^{K1-2} that you are responsible for.

Your Maximum Amount includes an element to cover your rent or some other housing costs.

Universal Credit is paid at the end of each *assessment period* of one calendar month. Most households receive a single payment.

You cannot claim Universal Credit if you have more than £16,000 in capital, unless a disregard applies ^{K1-11}

Many people have to meet *Work-Related Requirements* that are detailed in a *Claimant Commitment*. If you fail to meet your Work-Related Requirements and you do not have a good reason for this, your claim will be sanctioned.

Universal Credit – Families and Carers

Responsible for a Child or Qualifying Young Person

To claim for a child or Qualifying Young Person you must be “responsible” for them. You count as responsible for a child or Qualifying Young Person if they “normally live” with you, unless you are living together as a couple.

If a child or young person normally lives with more than one person the person who has “main responsibility” is treated as responsible for them.

You and the child’s other carer(s) must agree who has main responsibility or the Secretary of State will decide.

If you and the child’s other carer(s) decide who has main responsibility, but the Secretary of State believes that your decision does not “reflect the arrangements between” you s/he may override your decision.

No-one is seen as being responsible for a child or young person while s/he is a prisoner or being looked after by the local authority.

If a child or young person is temporarily absent from your household, you can still count as responsible for them for up to six months depending on where they are.

Couples

If your partner is absent from your household, or likely to be absent from your household for more than six months Universal Credit treats you as a single person.

If your partner is:

- Aged 16 or 17 and not covered by an exception.
- Not in Great Britain and not covered by an exception.
- A prisoner, or serving a prison sentence in hospital.
- A member of a religious order who is fully maintained by the order.
- A Person Subject to Immigration Control KI-9
- Someone who has ‘failed’ the Habitual Residence or Right to Reside tests KI-9

Your entitlement is worked out by comparing your joint income with your single person’s Maximum Amount. Your partner does not have to accept a Claimant Commitment.

Carers

To count as a carer, you must spend at least 35 hours each week caring for someone who gets Attendance Allowance, PIP Daily Living Component, or DLA Care Component at the middle or higher rates.

You must not attend school or college for 21 or more hours per week; or do a course that is described by your college as full-time.

Universal Credit – Exclusions

You cannot claim Universal Credit if you are:

- A member of a religious order who is fully maintained by the order.
- A prisoner, unless:
 - you were getting Universal Credit Housing Costs before you were imprisoned,
 - you have been a prisoner for less than six months, and,
 - you have not been *sentenced to a term in custody that would extend beyond six months*.

In this case you only get Housing Costs Element

Universal Credit – The Basic Conditions

To claim Universal Credit:

- You must be in Great Britain – but some exceptions apply.
- You must be aged 18 or over – but some exceptions apply.
- You must not be receiving education – but some exceptions apply.
- You must be under Pension Age - but your partner can claim for you if they meet the basic conditions; or you might be allowed to claim following *Managed Migration* from Working Tax Credit
- You, and your partner if you have one, must have each accepted a *Claimant Commitment* agreeing to your *work-related requirements*.

Basic Conditions – In Great Britain

To claim Universal Credit, you must be in Great Britain; and you must:

- Be Habitually Resident in the Common Travel Area KI-9.
- Have a Right to Reside in the Common Travel Area KI-9.
- Not be a Person Subject to Immigration Control KI-9.

Temporary Absences

You can continue a claim Universal Credit during a temporary absence from Great Britain not expected to exceed:

- One month – so long as you have not been absent more than twice in the 52 weeks before you left.
- Two months if your absence is connected with the death of a close relative– so long as you have not been absent more than twice in the 52 weeks before you left and the Secretary of State believes that it would be unreasonable to expect you to return within the first month
- Six months - if the absence is because you, your partner, your child or Qualifying Young Person are undergoing treatment or convalescence for an illness or disability.

Basic Conditions – Aged 18 or Over

You can claim Universal Credit while you are aged 16 or 17 if:

- You are *Without Parental Support*, which means:
 - You have no parent.
 - You cannot live with your parents because:
 - you are estranged from them, or
 - there is a serious risk to your physical or mental health, or
 - there is a serious risk that you would suffer significant harm.
 - You live away from your parents because:
 - they have a long term physical or mental impairment, or
 - they are detained in custody, or
 - they are prohibited from (re)entering Great Britain.

In the Without Parental Support rules, a parent includes someone acting in the place of a parent, such as a foster carer, a local authority or a voluntary organisation, where you have been legally placed with them.

- You have provided a sick-note while you are waiting for a Work Capability Assessment ^{KI-7}.
- Your Work Capability Assessment said that you have Limited Capability for Work ^{KI-7}.
- You are a Carer
- You are pregnant, within 11 weeks of your due date.
- Your pregnancy ended in the last 15 weeks.
- You are responsible for a child or Qualifying Young Person.
- You are a member of a couple who are responsible for a child or Qualifying Young Person – so long as your partner meets all of the basic conditions.

if you get Universal Credit (or ESA or JSA) you no longer count as a Qualifying Young Person and cannot also be included in your parent/carer's Universal Credit claim.

Basic Conditions – Not Receiving Education

You cannot claim Universal Credit if:

- You are a Qualifying Young Person ^{KI-2}
- You are doing a full-time advanced course. Advanced means above A level.
- You are doing a full-time course for which a maintenance loan or grant is provided.
- You are doing a course that is “not compatible with your expected hours of work or any work-related requirement imposed upon you”.

Unless you are:

- Without Parental Support, and
 - on a non-advanced course, and
 - under 21, or, 21 years old and became 21 while doing the course.
- Entitled to DLA or PIP and you have a decision that you have Limited Capability for Work before you start the course.

If you have got PIP or DLA, but have not yet had a Work Capability Assessment you can make a *credits-only claim* for ESA so that you can have a Work Capability Assessment.

If you are a Qualifying Young Person, you can make this credits-only claim even while someone gets Child Benefit or Universal Credit Child Elements for you.

You could then claim Universal Credit when your Qualifying young Person Status ends, before starting an advanced course.

- Responsible for a child or Qualifying Young Person.
- A foster parent.
- A Qualifying Young Person doing a *traineeship* of less than six months funded under the Education Act 2002 or *Skills Funding*.
- Over Pension Age making a joint claim for Universal Credit with a partner who is younger than this.
- A member of a couple who are both in education, if your partner comes into one of the bullet points above
- A member of a couple, if your partner is not receiving education.

Basic Conditions – Accepted A Claimant Commitment - The Work-Related Requirements

To claim Universal Credit, you and your partner must meet Work-Related Requirements that are recorded in Claimant Commitments. Different combinations of requirement apply to different categories of people.

There are four work-related requirements:

- The Work Focussed Interview Requirement
- The Work Preparation Requirement
- The Work Search Requirement
- The Work Availability Requirement

If you have children, this may affect the requirements that apply to you. If you are a member of a couple, you must jointly say which one of you is the Responsible Carer for the child(ren). You can only change your nomination once every twelve months unless there has been a relevant change in your circumstances.

If you do not meet the Work-Related Requirements attached to your claim you may face a sanction.

The Claimant Commitment

The Claimant Commitment is a document to be prepared by the Secretary of State to record your “responsibilities in relation to an award”, including:

- The Work-Related Requirements that apply to your claim.
- The amount and length of a sanction if you fail to comply with the requirements of your Claimant Commitment.
- Notice of your right to appeal against a sanction.

It is to be reviewed and updated “as the Secretary of State thinks fit”.

You must accept the Claimant Commitment electronically, by phone or in writing unless you lack the capacity to do so, or you are terminally ill, or there are exceptional circumstances that would make a Claimant Commitment unreasonable.

You must usually accept your Claimant Commitment within a period specified by the Secretary of State So long as you do this you count as though you had been covered by the commitment back to your date of claim.

If you ask the Secretary of State to review the conditions included in your Claimant Commitment the period for accepting it can be extended.

The Work Focussed Interview Requirement

If you are subject to the Work Focussed Interview requirement you must take part in “one or more” interviews to make it more likely that you will “obtain work, or more work, or better paid work”.

The Work Preparation Requirement

If you are subject to the Work Preparation Requirement you must undertake activities specified by the Secretary of State making it more likely that you will obtain work, or more work, or better paid work.

The Secretary of State may specify how much time you should commit to undertaking these activities.

Actions that you may be required to undertake include:

- Attending a skills assessment.
- Improving your personal presentation.
- Participating in training.
- Participating in an employment programme.
- Undertaking work experience or a work placement.
- Developing a business plan.

The Work Search Requirement and Work Availability Requirement

If you are subject to the Work Search Requirement you must take “all reasonable action”, and any particular action specified by the Secretary of State, for the purpose of obtaining paid work, or more paid work, or better-paid work up to your Expected Hours of Work.

If you are subject to the Work Availability Requirement you must usually be able and willing to immediately take up paid work or more paid work or better-paid work up to your Expected Hours of Work.

You must be willing to take any work unless:

- The one-way journey to/from the job takes more than 90 minutes
- You have previously worked in a particular job or for a particular rate of pay. In this case the Secretary of State must limit your work-search to that sort of work for reasonable period of up to four weeks, so long as you have reasonable prospects of getting that sort of work
- Your physical or mental condition means that you cannot do some types of work.

You must Work-Search for at least your Expected Hours of Work minus time agreed by the Secretary of State for you to:

- Do paid work
- Do voluntary work - The Secretary of State will not agree to more than half of your expected hours of work
- Do Work Preparation – whether this is specified by the Secretary of State in a requirement or voluntary
- Deal with temporary childcare responsibilities
- Make funeral arrangements
- Deal with “other temporary circumstances”

A lower work-search hours limit may be set where the Secretary of State is satisfied that you have taken “all reasonable action” despite the fact that this is lower than your Expected Hours of Work.

If you are told to apply for a particular vacancy and you fail to take part in job interviews for that vacancy, you fail the work search requirement.

You must be able and willing to attend an interview and take up work immediately unless:

- You have childcare responsibilities - even if you are not the main carer. You must be able and willing to attend an interview within 48 hours and take up a job within one month
- You have caring responsibilities for a person who has a disability - though if you are the main carer or have a high level of responsibilities will not usually be subject to the work-related requirements. You must be able and willing to attend an interview within 48 hours and take up a job within one month
- You are doing voluntary work. You must be able and willing to attend an interview within 48 hours and take up a job within one week.
- You are doing paid work where you have to give notice to your employer. You must be willing to attend an interview within 48 hours and take up a better job once your notice period has expired

Expected Hours of Work - Your Expected Hours of Work are:

- A *number compatible with* school hours plus your child's school travel time, if you are the *responsible carer* of a child under 13. A responsible carer is a lone parent or a nominated member of a couple.

DWP's Advice for Decision Making J2086 says that this will be:

- Youngest child aged 3 - 4: 16 hours
- Youngest child aged 5 - 12: 30 hours
- A reasonable number of hours set by the Secretary of State – If you are a carer for a person with a disability or a carer for a child.
- A reasonable number of hours set by the Secretary of State - if you have a *physical or mental impairment*
- 35 hours per week - in any other case

Individual Threshold - Your individual threshold is the monthly amount that you, and your partner if you are a member of a couple, would earn at the Minimum Wage for your age group K1-5 if you (both) worked for:

- 16 hours per week - if you are in one of the groups of people who are only subject to the Work Focussed Interview Requirement and Work Preparation Requirement.
- Your Expected Hours of Work in any other case.

The monthly amount is worked out by multiplying the weekly figure by 52 and then dividing the result by 12.

Which Work-Related Requirements Apply?

No Work-Related Requirements

You are not subject to any Work-Related Requirements if:

- You have Limited Capability for Work-Related Activity K1-7 – you are in the Support Group
- You are a carer for at least 35 hours each week, for a person who gets Attendance Allowance, PIP Daily Living Component or middle or high rate of DLA Care Component.
- You are the Responsible Carer for a child aged under one – a Responsible Carer is a lone parent or a nominated member of a couple
- You are the Responsible Foster Parent of a child aged under 1 – a Responsible Foster Parent is a lone foster parent or a nominated member of a couple

- You are over Pension Age
- You are pregnant, within 11 weeks of your due date or
- Your pregnancy ended in the last 15 weeks
- You have adopted a child within the last 12 months – including a 14-day leeway before a child is placed with you, if you ask for this
- You are aged under 21, enrolled on or accepted for a non-advanced course, and Without Parental Support
- You are someone who is allowed to claim Universal Credit while you are receiving education and you have Student Income taken into account in calculating your award.
- You are single and you have gross weekly earnings of more than your “individual threshold”
- You are a member of a couple and you have joint weekly gross earnings of more than the sum of your individual thresholds.
- You are a member of a couple allowed to claim as a single person and you have gross weekly earnings of more than the sum of your individual threshold plus 35 times National Minimum Wage.
- You are self-employed and even though your weekly earned income is below your individual threshold you are treated as having this level of income because of the Minimum Income Floor rule
- You are an apprentice with gross weekly earnings of at least the amount you would take home if you worked for 30 hours at Minimum Wage. This figure is reduced if your Excepted Hours of Work are below 30
- You have recently been a victim of domestic violence.

Work Focussed Interview Requirement Only

You are subject to only the Work Focussed Interview Requirement if:

- You are the *responsible carer* for a child aged one– a responsible carer is a lone parent or a nominated member of a couple
- You are the *responsible foster parent* of a child aged from one to 15
- You or your partner are the *responsible foster parent* of a Qualifying Young Person who has care needs that would make it unreasonable for you to have to comply with a Work Search Requirement or Work Availability Requirement.
- You are a foster parent who does not have a child placed with you at the moment, you intend to foster again and you came into one of the foster parent rules above in the last eight weeks

- You are the Responsible Carer of a child but you are not the parent or step-parent. You are looking after the child because their parents are unable to do so; or it is likely that without your care the child would have to be looked after by the local authority. This rule lasts for 12 months from when you begin to care for the child.

Work Preparation Requirement and Work Focussed Interview Requirement

You are subject to only the Work Preparation Requirement and the Work Focussed Interview Requirement:

- Have Limited Capability for Work but not Limited Capability for Work-Related Activity – You are in the Work-Related Activity Group.
- Are the Responsible Carer of a child aged two. A Responsible Carer is a lone parent or a nominated member of a couple

All Work-Related Requirements

If you do not come into the categories listed above you are subject to all of the Work-Related Requirements.

Work-Related Requirements and Domestic Violence

If you have “recently been a victim of domestic violence” all work-related requirements are suspended for a period of three months.

Domestic violence means any incident, or pattern of incidents, of controlling behaviour, coercive behaviour, violence or abuse, including but not limited to: psychological abuse; physical abuse; sexual abuse; emotional abuse.

This rule only applies only if:

- The abuse was inflicted or threatened in the last six months.
- The abuse was inflicted or threatened by a partner, former partner or family member
- You have notified the Secretary of State about the domestic violence.
- This rule has not applied to you in the 12 months before you notify the Secretary of State.
- On the date of the notification, you are not living at the same address as the person who inflicted or threatened the domestic violence.
- As soon as possible, within one month of the notification, you provide evidence from “a person acting in an official capacity” to support your account.

Work Availability Requirements

Even if you would normally have to meet all of the Work-Related Requirements your work search and work availability can be delayed or suspended while:

- You are attending a court or tribunal as a party to the proceedings or as a witness.
- You are temporarily outside Great Britain because you are:
 - Receiving medical treatment or medically approved convalescence
 - Taking your partner or child for medical treatment or medically approved convalescence
- You are a prisoner.
- Your partner, child or Qualifying Young Person has died within the last six months.
- You are “receiving and participating in a structured recovery-oriented course of drug or alcohol addiction treatment” for up to six months.
- You are under police protection for up to three months
- You are carrying out a public duty
- You are “unfit-for-work” for a maximum of 14 consecutive days on no more than two occasions in any 12-month period. You must follow DWP instructions to *declare* that you are ill for the first seven days. After this you must provide sick-notes if the DWP asks for them.
- The Secretary of State believes it would be unreasonable to impose a Requirement on you because:
 - You are unfit-for-work for longer than the rule detailed above allows, so long as you provide medical evidence when the DWP tells you to provide them.
 - You are carrying out a Work Preparation Requirement
 - You have temporary childcare responsibilities
 - You are dealing with a domestic emergency
 - You are dealing with funeral arrangements
 - Of other temporary circumstances
- You are an employed worker with monthly earnings of £952 (single) or £1,534 (couple).

Sanctions

If you fail to meet your work-related requirements your Universal Credit claim will be *sanctioned*. The payments will be reduced, sometimes to zero as a punishment for the failure. Where your Universal Credit is reduced under a sanction you may be able to get Hardship Payments

If you are claiming contribution based JSA or contributory ESA with your Universal Credit, the sanction will affect this benefit as well.

You may also be subject to sanctions for Benefit Offences or for some reasons other than the work-related requirements. If you have a Benefit Offences sanction it can affect the way that Work-Related Requirement Sanctions are applied to your claim.

Higher Level Sanction

Your Universal Credit will be reduced under a Higher-Level sanction if you are someone who has to meet all the work-related requirements and, without a good reason, you:

- Fail to meet a Work Search Requirement to apply for a particular vacancy
- Fail to meet a Work Availability Requirement by not taking up an offer of paid work
- Cease paid work or lose pay voluntarily – even before you make your Universal Credit claim
- Cease paid work or lose pay through misconduct – even before you make your Universal Credit claim

If you are aged 18 or over the higher-level sanction applies for:

- 91 days; or,
- 182 days if you have already had a 91-day sanction for a different 'failure' that happened in the 365 days before the current failure.

If you are aged 16 or 17 the higher-level sanction applies for 14 or 28 days.

Once a sanction period has been set, it continues to run regardless of whether you are claiming Universal Credit or not.

If you spend more than 26 weeks in working and earning more than your individual threshold the sanction period is ended.

If you are sanctioned for something that you did in a permanent job before you claimed Universal Credit the number of days between the failure and the Universal Credit claim will be knocked off your sanction period.

If you are sanctioned for something that you did in a temporary job before you claimed Universal Credit, the number of days between the failure and the date the temporary work would have ended will be knocked off your sanction period.

Exceptions

You should not be sanctioned if

- You take voluntary redundancy
- You have limited Expected Hours of Work and you end or reduce your work during a 'trial period'
- You lose work or pay because of a trade dispute
- You do not apply for a job that is vacant because of a trade dispute
- You have been laid off or kept on short time by your employer for at least four weeks, or six out of the last 13 weeks, and you have applied for redundancy pay
- You lose work or pay from the regular or reserve armed forces

Medium Level Sanctions

Your Universal Credit will be reduced under a Medium Level sanction if you:

- Fail to comply with a Work Search Requirement to take all reasonable action to find work
- Fail to meet a Work Availability Requirement

If you are aged 18 or over the medium level sanction applies for:

- 28 days; or,
- 91 days if you have already had a 28-day or 91-day medium level sanction for a different 'failure' that happened in the 365 days before the current failure.

If you are aged 16 or 17 the medium level sanction applies for 7 or 14 days.

Low Level Sanctions

Your Universal Credit will be reduced under a Low-Level sanction if you:

- Fail to meet a Work Focussed Interview Requirement
- Fail to take part in an interview about your Work-Related Requirements
- Fail to meet a Work Preparation Requirement
- Fail to comply with a Work Search Requirement to take a specified action to get (more) work.

The sanction applies until you comply with the requirement and then continues for a fixed period.

If you are aged 18 or over the fixed period is:

- Seven days; or,
- 14 days if you have had a seven-day low level sanction for a different 'failure' that happened in the 365 days before the current failure.

If you are aged 16 or 17 the fixed period is 0 or 7 days.

Lowest Level Sanctions

Your Universal Credit will be reduced under a Lowest Level Sanction if you are someone who only has to meet the Work Focussed Interview Requirement and you fail to take part in the interview.

Sanction Reductions

At the end of each assessment period different daily reductions are applied:

	High Rate	Low Rate
Single <25	£10.40	£4.10
Single 25+	£13.10	£5.20
Couple Both <25	£8.10	£3.20
Couple Either 25+	£10.30	£4.10

These amounts are set by as a proportion of your standard allowance (100% or 40%).

- A nil rate reduction applies if you are in the Support Group at the end of the assessment period
- The low-rate reduction applies if, at the end of the assessment period, you
 - Are the responsible carer of a child under one
 - Are the responsible foster parent of a child under one
 - Are pregnant within 11 weeks of your due date
 - Had a baby within the last 15 weeks
 - Are aged 16 or 17
 - Only have to meet the Work Focused Interview Requirement
- The high-rate reduction applies to all other sanctions

If you are a member of a couple and only one of you has been sanctioned the reduction is the rate shown above. If you have both been sanctioned two reductions apply.

Hardship Payments

If you are aged 18 or over and your Universal Credit has been reduced because of a sanction you may be able to get hardship payments.

To qualify you must make an application in each assessment period and you must comply with all the Work-Related Requirements attached to your claim.

A hardship payment will only be allowed if you do not have enough money to meet the costs of accommodation, food, heating and hygiene.

For every day after you have applied for a hardship payment you will get 60% of the average daily sanction reduction in the previous assessment period.

Hardship payments are recoverable, in the same way as overpayments, however:

- A hardship payment will not be recovered in any assessment period in which you are earning more than your individual threshold.
- A hardship payment debt is wiped out if you spend at least 26 weeks earning more than your individual threshold.

Universal Credit – The Housing Costs Element

Universal Credit can include an element to help with your:

- Rent Payments – Unless you live in *Specified Accommodation or Temporary Homelessness Accommodation* or are a Care Leaver ^{K1-4}
- Owner Occupier Payments – Unless you have earnings.
- Service Charge Payments.

To qualify for this element, you must:

- Be liable to make payments for your accommodation, and
- occupy the accommodation as your home.

This section deals with

- What counts *Specified Accommodation and Temporary Homelessness Accommodation*
- Which payments can be covered and which are excluded.
- Who counts as liable to make payments.
- Who counts as occupying accommodation, and when there are exceptions and exemptions

The amount of your Housing Costs Element is detailed in the following section on the Universal Credit Financial Conditions.

Specified Accommodation and Temporary Homelessness Accommodation

You cannot get a Universal Credit Housing Costs Element to cover rent in:

- Supported accommodation provided by a county council, a housing association, a registered charity, or a voluntary organisation. The body providing the accommodation, or someone acting on its behalf, must provide you with care, support or supervision.
- Refuge accommodation provided because of domestic violence.
- Local authority hostels, providing care, support or supervision.
- A resettlement place funded under the Jobseekers Act 1995.
- Temporary homelessness accommodation provided by a local council or a housing association, that does not come under the first bullet point.

Instead, you claim Housing Benefit from your local authority alongside your Universal Credit claim.

What Housing Costs Can Be Covered?

Your Universal Credit can include an amount to help with your:

- Rent Payments – Unless you live in *Specified Accommodation or Temporary Homelessness Accommodation*
- Owner Occupier Payments – Unless you have earnings
- Service Charge Payments

Rent Payments

Rent Payments are:

- Rent
- Licence fees
- Mooring charges for a houseboat
- Alms-house charges

Rent Payments do not include:

- Ground rent
- Payments for a tent or the site for a tent
- Payments for Bail Hostels – officially known as Approved Premises under s13 of the Offender Management Act 2007
- Payments for a Care Home - as defined by s3 of the Care Standards Act 2007 or Sch 12(2) of the Public Services Reform (Scotland) Act 2010
- Owner Occupier Payments or Service Charge Payments

Owner Occupier Payments

Owner Occupier Payments are:

- Interest payments on a loan which is secured against the accommodation that you occupy as your home.
- Alternative finance payments, such as a sharia mortgage, that were made under an arrangement that allowed you to *acquire an interest* in (i.e. buy) the accommodation that you occupy as your home.

The element allowed to cover mortgage interest is a loan that will be recovered when the ownership of the property is transferred.

Service Charge Payments

A service charge payment must be a payment towards “the costs of a service or facility for the use or benefit of the persons occupying the accommodation” or be “fairly attributable to the costs of... services or facilities” that are available to you

Service charges do not include any costs related to approved premises, care homes, exempt accommodation or tents.

It does not matter whether the service charge is part of your rent or a separate charge. It does not matter whether your contract or tenancy agreement spells out these costs separately or not.

Extra Service Charge rules for Social Renters and Owner Occupiers

If you are a social renter (except temporary homelessness accommodation where you pay rent to the local authority or Housing Association) or owner occupier your Housing Costs Element can only include service charges that are paid as a “condition on which the right to occupy the accommodation depends” – optional extras cannot be covered.

For Owner Occupiers and Social Renters Service Charge Payments are:

- Window cleaning charges for the upper floors of a multi-story building
- Payments for the general upkeep of communal areas
- Payments for basic communal services such as refuse collection, communal lifts or secure building access.
- Charges for essential items such as furniture or domestic appliances that are included in your accommodation.
- For Owner Occupiers and Shared Ownership Occupiers only - Maintenance and repair charges that are ‘separately identifiable’.

For Owner occupiers and Social Renters Service Charge payments do not include;

- Payments that help you buy something – such as a domestic-appliances charge where you will eventually own the appliance.
- Payments for food, medical services or personal services, including personal care, of any description.

Liable to Make Payments

You or your partner, or your child or qualifying young person, must have a legally binding commercial agreement to pay your housing costs to get a Housing Costs Element in your Universal Credit.

Usually, you will have a tenancy agreement or other contract, but it does not matter if you do not have anything written down. You are still liable to make your payments even if you have only a verbal contract.

Commercial Agreements

Your liability to pay rent must be on a commercial basis. The law of Universal Credit does not spell out what this means but the government's *Advice to Decision Makers* says: "Charging a low rent does not on its own make an agreement non-commercial. Many charities, voluntary bodies and some individuals, choose to let properties at below market rents or do not want to make a profit from letting, but their tenancies may still be commercial arrangements if that is what the parties to the agreement intend. The DM must decide whether the liability to make payments is on a commercial or non-commercial basis as a question of fact based on all the evidence."

Treated As Though You Are Liable

Even if you do not have a legally binding agreement with your landlord, you can still be treated as liable to make housing payments if:

- **The person who is liable is not paying** – This applies if you have to make the housing payments to stay in the home because the person who is legally liable is not doing so. It must be "unreasonable to expect you to make other arrangements", and it must be reasonable to treat you as liable to make the payments. If you are making Owner Occupier Payments the Decision Maker can take into account the fact that someone else might gain from your Universal Credit claim.
- **Your liability has been waived in return for repairs** – This applies if your landlord has let you off a *reasonable* amount of rent because you have done repairs or redecorations that would *otherwise have been carried out or been require to be carried out*.
- **You are in a rent-free-period** – For example you might rent from a council or social landlord which allows rent-free-periods in the Christmas and Easter holidays to reduce the workload on their staff. In these cases, your monthly Housing Costs Element is averaged out over the year.

Treated As Though You Are Not Liable

Even if you have a legally binding agreement, Universal Credit will treat you as though you are not liable if:

- **You make payments to a close relative that you live with** – A close relative is your parent or child, step parent or child, parent or child in law, or your brother or sister. The same rule applies if you live with and rent from your partner, child or Qualifying Young Person's close relative.
- **You make payments to a company that you own** – You are treated as not liable to make rent payments if you rent from a company owned by you, your partner, your Qualifying Young Person or a close relative
- **You make payments to a trust that you are involved with**
- **You make owner occupier payments to a member of your household**
- **Your payments are to cover arrears** – for example where you have 'capitalised' your mortgage arrears
- **You have contrived your liability to get Universal Credit** – This should only apply if your tenancy agreement abuses Universal Credit rather than simply using it.

Occupying the Accommodation as Your Home

You can claim Universal Credit Housing Costs Element for the accommodation that you normally occupy as your home. If you have more than one home the Decision Maker will usually have to decide which property you normally occupy.

There are some situations where exceptional rules apply and you might be treated as occupying a property that you do not really live in or you might be treated as occupying more than one property at a time. These exceptions deal with:

- Temporary absences
- Living in 'Other Accommodation' Because of 'Reasonable Fear of Violence'
- People with Disabilities Waiting for Adaptations
- Accommodation Following a Stay in Hospital or a Care Home
- Temporary Accommodation During Essential Repairs
- Big families Housed in Two Homes
- Croft land

Temporary Absences

If you are temporarily absent from your home you are treated as though you are still occupying it unless your absence exceeds, or is expected to exceed six months. Different rules [below] cover fear of violence and absences due to repairs.

Living in 'Other Accommodation' Because of Reasonable Fear of Violence

If you have to live in temporary accommodation where you are liable to make housing payments because:

- You reasonably fear violence in your normal home or violence from a former partner, and
- The violence would affect you or your child or your Qualifying Young Person, and
- It is unreasonable to expect you to return to your normal home, and
- You intend to return to your normal home

You can be treated as occupying both your normal home and the temporary accommodation and so get Housing Costs Element for both, for up to 12 months.

If you are only liable for payments on one property you can be treated as occupying that property for up to 12 months so long as it is reasonable to do so.

Temporary Accommodation during Essential Repairs

If you have to move into temporary accommodation while 'essential repairs are carried out on your normal home you will only be treated as occupying one of these properties. There are rules to decide which property is counted.

People with Disabilities Waiting for Adaptations

If you, your partner, your child, or your Qualifying Young Person:

- Get DLA Care Component at the middle or higher rate or Attendance Allowance or Daily Living Component of PIP; and,
- You have to pay rent on a property before you move in to it; and,
- The delay in moving in was necessary in order to adapt the property to meet disablement needs.

You can be treated as living in the property for up to one month before you move in.

If you are also paying rent on the old home in this time you can be treated as occupying both properties for up to one month. This rule is applied retrospectively, after you have moved into the new home.

Accommodation Following a Stay in Hospital or a Care Home

If you:

- You have to pay rent on a property before you move in to it; and,
- The delay in moving in was a period where you (and your partner if you have one) were in hospital or a care home

You can be treated as living in the property for up to one month before you move in. This rule is applied retrospectively, after you have moved into the new home.

Big families Housed in Two Homes

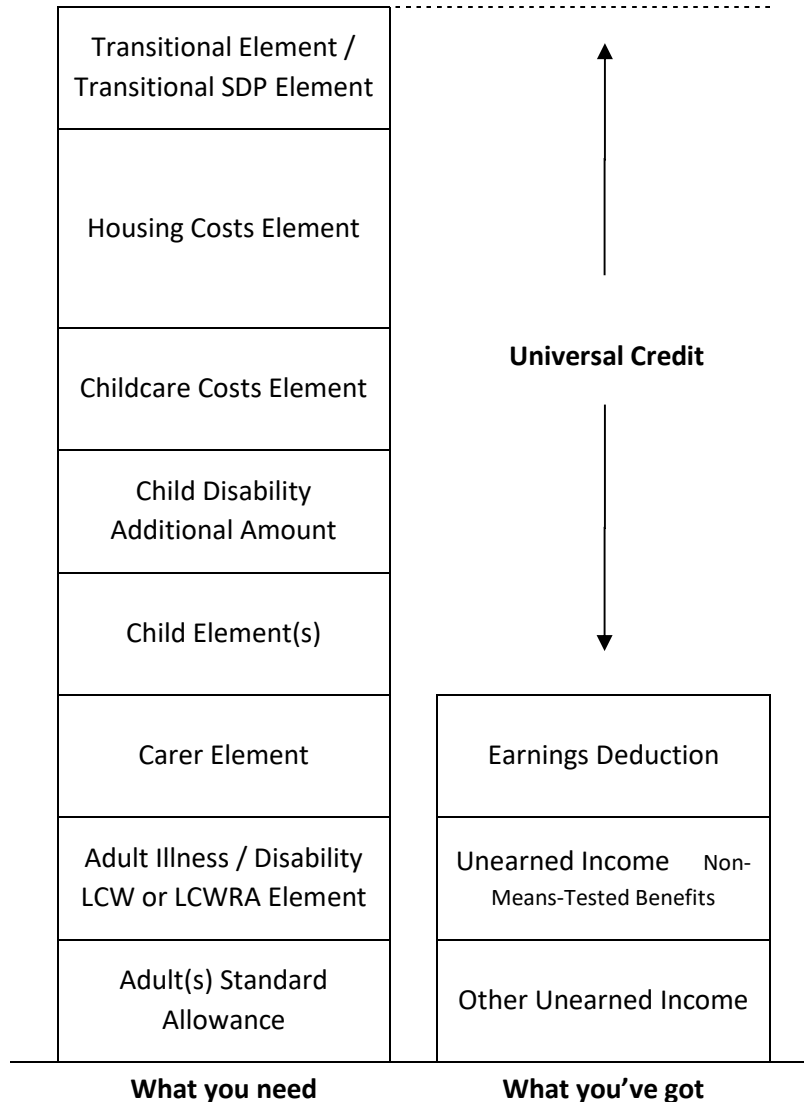
If a social landlord houses you in two properties because your family is too big to fit in a single home you are treated as occupying both properties.

Croft land

Schedule 3 paragraph 2: croft land used for the purposes of the accommodation is to be treated as included in the accommodation. Croft means a croft within the meaning of section 3(1) of the Crofters (Scotland) Act 1993

Universal Credit – The Financial Conditions

How Universal Credit Works



Your Universal Credit is worked out in “assessment periods” of one calendar month, starting on the first day of your entitlement.

It is worked out by deducting your income from your Maximum Amount.

Different rules apply to Earned Income and Unearned Income

If you ‘deprive yourself’ of income to get extra Universal Credit you will be treated as though you have this money.

You cannot claim Universal Credit if you have savings of more than £16,000 unless you qualify for a *Transitional Capital Disregard* following your migration from Tax Credit to Universal Credit ^{KI-11}.

Earned Income

Your Earned Income is your Employed Earnings, and Self-employed Earnings.

Part of your Earned Income, called a Work Allowance, may be ignored in working out your Universal Credit.

Work Allowances	If you get a Housing Costs Element <small>or HB for Temporary Homeless Accommodation</small>	If you do not get a Housing Costs Element <small>or HB for Temporary Homeless Accommodation</small>
No Children. Fit-and-Well.	£0	£0
Have child or QYP	£411	£684
Have Limited Capability for Work	£411	£684

An *Earnings Deduction* of 55% of your earnings over the Work Allowance is deducted from your Maximum Amount in working out your entitlement.

The Earnings Deduction is calculated on your actual earnings in each assessment period.

If you re-claim Universal Credit after a period of higher pay, *Surplus Earnings* from this time can be taken into account.

Employed Earnings

Your Employed Earnings are your gross earnings less tax, class 1 National Insurance Contributions and pension contributions.

Your Employed Earnings include, Statutory Sick Pay, Statutory Maternity Pay, Ordinary and Additional Statutory Paternity Pay and Statutory Adoption Pay.

If you are on strike you are assumed to have your normal level of employed earnings.

If you are an employee, you do not need to report your earnings. Instead HMRC's *real-time information* system will be used to tell DWP what you have earned in each assessment period.

If you think that DWP has used incorrect wage information, send in evidence of the correct figures and ask for a formal decision. You can then ask for a reconsideration of this decision.

Payday Problems

You may face problems if your paydays are not calendar monthly:

- If you are paid weekly, in most months you will have four wage payments but in some assessment periods you will get five wage payments.
- If you are paid fortnightly, in some assessment periods you have three paydays
- If you are paid four-weekly in one assessment period each year, you will have two paydays

In any of these situations the multiple-payday month can reduce the Universal Credit.

You may also face problems with the benefit cap and with your *work-related requirements* if the earned income figure used by Universal Credit does not match your actual earnings.

Self-Employed Earnings

Your Self-employed Earnings are worked out for each assessment period by taking your receipts and deducting business related costs; and losses from the last consecutive eleven months

You should report your earnings every month.

Minimum Income Floor

Universal Credit includes rules to prevent you from using the self-employment rules to prop up unviable businesses, to avoid being fully employed or to avoid the Work-Related Requirements.

You are assumed to have a level of earned income called your *Minimum Income Floor*. If you are:

- mainly self-employed, and
- outside your start up period, and
- if you didn't work, you would have to meet the Work Search and Work Availability Requirements,

This is the amount you (and your partner) would take home if you (each) got minimum wage for your Expected Hours of Work

A Start-Up Period is a series of 12 assessment periods from:

- when you begin self-employment, or
- if you are already self-employed, when you claim Universal Credit.

You must be taking active steps to get your earnings over the Minimum Income Floor.

You are only ever allowed one Start-Up Period for any one sort of business.

If you change your line of work there must have been a five-year gap since the beginning of your last Start-Up Period.

Surplus Earnings

If you re-claim Universal Credit within six months of an award ending because your earnings were too high, the money that you earned during the break in your claim may affect your new award.

You are said to have Surplus Earnings for each month during the break when you earned over your *Relevant Threshold*.

This is the amount that you have to earn to take you out of Universal Credit, plus £2,500.

This rule does not apply if you have recently been 'a victim of domestic violence'.

Unearned Income

The monthly average of your Unearned Income is deducted from your Maximum Amount in working out your Universal Credit. This is:

Non-Means-Tested Benefits

- Contribution Based Jobseeker's Allowance
- Contribution Based Employment and Support Allowance
- Carer's Allowance
- Widowed Mother's Allowance, Widowed Parent's Allowance, Widows Pension
- Maternity Allowance
- Industrial injuries benefits except the care and mobility elements called Constant Attendance Allowance and Exceptionally Severe Disablement Allowance
- State Pension
- Foreign Benefits that are 'analogous' to those listed above

Other Unearned Income

- Spousal Maintenance
- Student Income (defined by Regulation 68)
- Training Allowances
- The maintenance element of a sports award
- Insurance payments for income lost through illness accident or redundancy. Insurance payments for mortgage protection for amounts that Universal Credit covers
- Income from an annuity or a trust unless this is the result of personal Injuries compensation
- Tariff Income from your capital - Savings between £6,000 and £16,000 give you a tariff income of £4.35 per month for each £250.
- Capital that is treated as income
- Retirement Income (defined by Regulation 67) including Occupational and Personal Pensions, Retirement Annuity income and Overseas Pensions
- Any other taxable income that comes under *Part 5 of the Income Tax (Trading and Other Income) Act 2005 (miscellaneous income)* – for example, some copyright royalties.

The UC Needs-Level: Your *Maximum Amount* of UC

Your Maximum Amount of Universal Credit may be made up of:

- A Standard Allowance for you (and your partner).
- A 'Limited Capability for Work Element' or a 'Limited Capability for Related Activity Element' for adults who are ill or disabled.
- A Carer Element for Carers.
- Child Elements for some children or Qualifying Young Persons.
- An Additional Amount for each disabled child or Qualifying Young Person.
- A Childcare Costs Element for workers who have to pay for childcare.
- A Housing Costs Element for rent, mortgage or service charges.
- A Transitional SDP Element for some people who *naturally migrate* to Universal Credit
- A Transitional Element following *managed migration* from legacy benefits to UC.

If your partner, child or someone that you care for dies, their elements and allowances stay in your award for the rest of the assessment period and for the next two assessment periods.

If you are a prisoner, only the housing costs element will be allowed - p106.

Standard Allowances – Adults

- Single claimants under 25 - £316.98
- Single claimants aged 25 or over - £400.14
- Joint claimants both under 25 - £497.55
- Joint claimants where either is 25 or over - £628.10

LCW Element or LCWRA Element – For Adults Who Are Ill or Disabled

A Work Capability Assessment K1-7 decides whether you have:

- Limited Capability for Work (LCW); and
- Limited Capability for Work-Related Activity (LCWRA).

Assessments for ESA carry through, if you move directly to Universal Credit.

Your Maximum Amount of Universal Credit includes a:

- LCWRA Element of £423.27 if your Work Capability Assessment decided that you have both LCW and LCWRA.
- LCW Element of £158.76 if, before 3rd April 2017, your Work Capability Assessment decided that you have LCW but not LCWRA.

If you and your partner are both ill and disabled, only one element is included. If one of you has LCWRA, this element will be used.

You cannot have a LCW or LCWRA Element if you also get a Carer Element, however you can qualify for a LCW or LCWRA Element while your partner qualifies for a Carer Element.

When Your LCW Element Starts

A new Universal Credit claim can only include a LCW element if you were assessed as having LCW before 3rd April 2017 and you move directly from ESA to UC. Your new claim should include the LCW element from the start.

When Your LCWRA Element Starts

Your LCWRA Element is included in your Maximum Amount immediately if you are terminally ill, or, you get Employment and Support Allowance that includes *support component*.

Otherwise, it is included in your Maximum Amount from the beginning of the assessment period following your *relevant period*. This is a period of three months from:

- If you are not working, or you earn less than £846.56, the date you first provide the DWP with medical evidence to show you are ill or disabled. This applies even if the medical evidence was submitted for an earlier ESA or JSA claim. Just telling the DWP that you are unwell can count as providing medical evidence.
- If you earn more than £846.56, the start of your Universal Credit award, or, the date you first asked for the element to be included in your award.

If your income means that you only qualify for Universal Credit once the element has been included in your Maximum Amount, you can be treated as having a minimum award (a 1 penny award) so that you can clock-up time towards the end of your *relevant period*.

Linking rules for the LCW Element or LCWRA Element

If you reclaim Universal Credit:

- Because you have moved in with or split up from your partner, or,
- Within six months of a claim ending because your income was too high.

Your relevant period is linked to the one in the old award.

Carer Element

Your Maximum Amount will include a Carer Element of £201.68 if you spend at least 35 hours each week caring for someone who gets:

- DLA Care Component at the middle or higher rates; or
- PIP Daily Living Component; or
- Attendance Allowance;

unless you attend school or college for 21 or more hours per week; or do a course that is described by your college as full-time.

If you get a carer element the person that you are looking after cannot get a Severe Disability Premium in their legacy benefits.

If you qualify for a Carer Element you cannot also qualify for a LCW Element.

If you qualify for a LCWRA Element, you cannot qualify for a Carer Element.

Your partner can qualify for a LCW or LCWRA Element while you qualify for a Carer Element.

If you and your partners are both carers for different people, two Carer Elements can be included in your Maximum Amount.

If someone else who claims Universal Credit cares for the same disabled person as you, only one of you can get the Carer Element. You must choose between you or the Secretary of State will decide who to give it to.

You should tell DWP as soon as you begin to care for someone, even if they have not yet been awarded DLA-CC, PIP-DL or Attendance Allowance.

Child Elements

- £339.00 for the eldest child you are claiming for, if they were born before 6th April 2017.
- £292.81 for each other child born before 6th April 2017.
- £292.81 for a first or second child born on or after 6th April 2017 - This two-child limit and some exceptions to it are detailed in *Key Ideas 2* on page 7.

Additional Amounts for Disabled Children or Qualifying Young Persons

- £495.87 - for each child or Qualifying Young Person who:
 - gets the high rate of DLA Care Component because they have both day-time and night-time care needs; or
 - gets the enhanced rate of the PIP Daily Living Component; or
 - is registered as blind.
- £158.76 - for each child or Qualifying Young Person who gets any other rate of DLA or PIP.

Childcare Costs Element

If you are a worker 85% of your childcare costs up to a maximum of:

- £1,031.88 for one child (100% = £1,213.98)
- £1,768.94 for two or more children (100% = £2,081.11)

can be included in your maximum amount, unless the Secretary of State thinks that your charges are excessive for the amount of work that you do.

Worker

To qualify you must be in paid work, or have an offer of work that is due to start before the end of your next assessment period.

If you have a partner they must also be in paid work, unless they cannot provide your childcare because:

- They have been assessed as having *Limited Capability for Work*.
- They are a carer who meets all the rules for Carer's Allowance, ignoring the Carer's Allowance earnings limit.
- They are temporarily absent from your household.

If you stop working you still count as a worker during the assessment period in which your job ends and the assessment period following that.

If you make a new claim within one month of the end of your work you will be treated as a worker for your first Universal Credit assessment period.

You count as a worker for any time when you are getting Statutory Sick Pay, Statutory Maternity Pay, Ordinary Statutory Paternity Pay, Additional Statutory Paternity, Statutory Adoption Pay or Maternity Allowance.

Childcare Costs

You can claim for *relevant childcare* for a child or for a Qualifying Young Person until 1st September following their 16th birthday.

Charges that are covered by your employer or by the government in relation to Work-Related Activity cannot be included in your Maximum Amount.

Extensive rules define what counts as relevant childcare. Essentially this means childcare provided by a registered or accredited provider, but does not include “care provided... by a close relative... in the child’s home”.

Universal Credit is calculated by calendar-monthly assessment periods. You must report your childcare costs during an assessment period to get the Childcare Costs Element for that assessment period.

If you delay reporting your childcare costs until the following assessment period you will not receive a Childcare Costs Element unless ‘special circumstances’ caused the delay.

You only get a Childcare Costs Element in an assessment period in which

- The childcare was both paid for and provided; or
- The childcare was paid for, if it had been provided during any earlier assessment period; or
- The childcare was provided, if it was paid for in any of the two previous assessment periods.

You cannot get a Childcare Costs Element for charges paid more than two assessment periods in advance.

You cannot get a childcare costs element in advance, but you can apply for money from the DWP’s *Flexible Support Fund* to cover childcare costs on starting work.

Housing Costs Element for Renters – The Amount Allowed

You cannot get a Housing Costs Element for *Specified Accommodation or Temporary Homelessness Accommodation* [p121]. Instead, you claim Housing Benefit alongside your UC claim.

The Amount of the Housing Costs Element for Renters	
<p>Private Renters</p> <p>Step 1 Work out how many bedrooms you need.</p> <p>Step 2 Take the lower figure of:</p> <ul style="list-style-type: none"> ○ Your actual rent, or, ○ The Local Housing Allowance for a property of the size that you need. If you need more than four bedrooms, use the four-bedroom LHA <p>Step 3 Deduct the Housing Costs Contribution of £93.02 for each non-dependant.</p>	<p>Social Renters</p> <p>Step 1 Take the total rent that you pay to your landlord and deduct any ineligible service charges. Adjust for <i>rent free weeks</i> and work out the monthly equivalent.</p> <p>Step 2 Work out how many bedrooms you need.</p> <p>Step 3 Bedroom Tax: If you have one spare bedroom, work out 86% of the rent. [Rent x 0.86] If your home has two or more spare bedrooms, work out 75% of the rent. [Rent x 0.75]</p> <p>Step 4 Deduct the Housing Costs Contribution of £93.02 for each non-dependant.</p>

Accommodation Size – How Many Bedrooms?

Your accommodation size is worked out for you, your partner, any children or Qualifying Young Persons that you are responsible for, and your non-dependants. This is your *Extended Benefit Unit*.

Foster children do not count but an extra bedroom is allowed if you are a foster carer who has been approved or had a child placed with you during the last 12 months.

Your boarders and lodgers do not count.

Private Rented Shared Accommodation

If you are a single, childless private renter aged under 35, Universal Credit says that you only need shared accommodation, unless:

- You are aged under 25, and were in care on your 16th birthday.
- You have spent periods amounting to three months living in hostels for homeless people where you accepted support services to enable you to be *rehabilitated or resettled*.
- You get PIP Daily Living Component or the DLA equivalent
- Since you turned 16, you have had domestic abuse inflicted or threatened by a partner, former partner or relative. This includes physical abuse, sexual abuse, emotional abuse, psychological abuse, financial abuse, controlling behaviour or coercive behaviour.
- You are a victim of modern slavery who has a *positive Conclusive Grounds decision* from the Home Office.
- *You are the subject of active multiagency management... under the Criminal Justice Act 2003.*
- You have non-dependants living with you.

Bedroom Entitlements

If you are not restricted to shared accommodation, you are assumed to need a bedroom for each:

- Couple.
- Single person aged 16 or over.
- Two children of the same sex.
- Two children under 10.
- Child under 16.

- Adult child who usually lives with you as a non-dependant who is a member of the armed forces *deployed on operations*.
- Person who would usually be expected to share a room who has their own room, because their disability means that they cannot reasonably share.

They must get PIP Daily Living Component, Attendance Allowance, Armed Forces Independence Payment, or, middle or high rate DLA Care Component. This can apply to more than one child.

- Person who does not normally live with you, who stays with you on a regular basis to provide overnight care for you or someone who lives with you.

The person with care needs must get Attendance Allowance, PIP Daily Living Component, Armed Forces Independence Payment, or middle or high-rate DLA Care Component.

Non-Dependant's Housing Costs Contribution

A non-dependant is someone who normally lives with you and your partner on a non-commercial basis. A non-dependant is assumed to contribute £85.73 per month to your housing costs unless you or your partner:

- Are blind; or,
- Get DLA Care Component at the middle or high rates; or,
- Get Attendance Allowance; or,
- Get Daily Living Component of Personal Independence Payment.

Non-dependants do not have to contribute to your housing costs if they:

- Are aged under 21.
- Get Pension Credit.
- Get DLA Care Component at the middle or high rates.
- Get Attendance Allowance.
- Get Daily Living Component of Personal Independence Payment.
- Get Carer's Allowance.
- Are a prisoner.
- Are responsible for a child aged under 5.
- Are your adult child who usually lives with you as a non-dependant who is a member of the armed forces "deployed on operations".

There are rules that treat a non-dependant as still living with you during a period of temporary absence.

For these rules, you count as getting DLA, Attendance Allowance or PIP if it has been suspended while you are in hospital.

The Amount of The Housing Costs Element - Special Cases

Joint Renters – If you are a joint renter the total housing costs will be divided by the number of joint renters to arrive at your *core rent*.

Two Homes – if you have two lots of rent to pay and you are covered by the rules that treat you as occupying both homes then both rents will be covered. If you have a non-dependant only one housing costs contribution will be deducted.

Shared Ownership – If you are part of a shared ownership arrangement both the rent and the owner occupier costs can be covered. The bedroom tax rules do not apply.

Transitional Elements

In some circumstances, if you move from legacy benefits to Universal Credit, you may be allowed a transitional element in your Maximum Amount of Universal Credit, to delay any cut in your entitlements.

The Transitional SDP Element Following Natural Migration

For people with disabilities the normal rate of Universal Credit is often much lower than the legacy benefits allowed. If you naturally migrate to Universal Credit from legacy benefits that included a Severe Disability Premium [p170] a TSDP Element can be included in your Maximum Amount to delay the benefit cut.

In first assessment period you get/got:

	2022/23	2023/24	2024/25	2025/26
Single - No LCWRA in UC	£285.00	£313.79	£334.81	£340.50
Single – LCWRA in UC	£120.00	£132.12	£140.97	£143.37
Couple – Both got SDP	£405.00	£445.91	£475.79	£483.88
Couple - 1 SDP - No LCWRA	£285.00	£313.79	£334.81	£340.50
Couple – 1 SDP - LCWRA	£120.00	£132.12	£140.97	£143.37

Plus, if your CTC, IS, or iJSA included a:

Disability Premium - Single	£172.00	£183.52	£186.64
Disability Premium - Couple	£246.00	£262.48	£266.94
Enhanced DP - Single	£84.00	£89.63	£91.15
Enhanced DP - Couple	£120.00	£128.04	£130.22
Disabled Child Premium, or low-rate Disabled Child Element	£177.00	£188.86	£192.07

The Transitional SDP Element is not a permanent allowance it will be *eroded* as your standard rate of Universal Credit increases.

You do not get a transitional SDP Element if your claim for UC comes about by moving in as a partner with someone who is already on UC.

Transitional Elements Following Managed Migration

If you used to get legacy benefits and you moved over to Universal Credit through *managed migration* you may get a *Transitional Element* to delay any benefit cut.

The transitional element starts off as the difference between the monthly equivalent of your old means-tested benefits and the usual amount of Universal Credit for a person in your circumstances.

The Transitional Element is not a permanent allowance it will be reduced as your standard rate of Universal Credit increases.

How the Transitional Elements Get Reduced – The *Erosion* Rules

From your second assessment period onwards, your transitional element will be reduced by any new elements included in your Universal Credit award so for example:

- If you are getting a transitional element when the standard rates of UC increase, the transitional element will be reduced by the same amount
- If your Housing Costs Element increases when your rent goes up, the transitional element will be reduced by the same amount
- If you have a new child, the transitional element will be reduced by the amount of any new Child Element
- If you begin to care for someone, the transitional element will be reduced by the amount of the Carer Element

Many of these increases would wipe out your transitional element completely.

The only new element that does not get knocked off your transitional element is an increase in or a new award of the UC Childcare Costs Element.

Arguably, some applications of the erosion rules will unlawfully discriminate against people with disabilities.

As migration proceeds, it is likely that there will be many appeals leading to new case-law.

Get more advice if your transitional element is eroded.

When You Lose the Transitional Element

Your transitional element stops if:

- You move in with your partner or you split up with your partner.
- You earned more than £952 (single claimants) or £1,534 (couples) in your first assessment period and now your earnings have dropped below this level for three consecutive assessment periods.
- Your UC ends for any reason and you then reclaim – unless the reason you lost your UC was because your earnings were too high and now you have restarted your claim because your earnings have dropped; and you do this within three months of the end of the assessment period in which your old claim ended.

Universal Credit – Claims and Administration

Migration to Universal Credit

If you are getting legacy benefits, you will be *migrated* to Universal Credit in the coming years. [By the end of 2029: DWP]

The DWP will issue a *migration notice* telling you that your existing benefits are going to end, and that you can make a claim for Universal Credit instead.

You will be given at least three months' notice before your *deadline day*.

The DWP can cancel a migration notice, if it is *in your interests* to do so.

DWP policy says that there is no right of appeal against a decision not to cancel your notice.

The DWP can *extend* the deadline day, including where you ask for an extension, so long as you do this on, or before, the deadline day.

You must be notified of the new deadline day.

DWP policy says that the maximum extension is four weeks, but there is no limit on the number of times that you can ask for this.

DWP policy says that there is no right of appeal against a decision not to extend your deadline day.

If you claim on, or before, your deadline day, your Universal Credit starts from the date of your claim. Your old DWP benefits and Housing Benefit run on for two weeks after the start of the Universal Credit.

Your *final deadline day* is the day that your first assessment period would end if you claimed on your deadline day. So, if your deadline day is on 14th of the month, your final deadline day is 13th of the following month.

If you claim after your deadline day, but before your final deadline day, your Universal Credit starts on the deadline day. Old DWP benefit end two weeks after the deadline day.

If you claim after the final deadline day your Universal Credit starts from the date you claim, in the normal way.

If you miss the final deadline, you are not entitled to transitional protection.

Claims

You must usually claim online at www.gov.uk/universalcredit. If you cannot manage to claim online, the helpline 0800 328 5644 may complete the claim for you.

You must usually make an appointment for your new claim interview.

If you do not attend your interview and you do not have a good reason for this, your claim will be turned down.

If you cannot attend your interview, contact the DWP as soon as possible.

If your claim is turned down you can ask for this decision to be reconsidered.

You and your partner must satisfy the National Insurance Number requirement and you must be able to provide proof of your identity and provide any other information relevant to your claim.

Your date of claim is usually the date that the Department for Work and pension got your online claim. If you ask the DWP for support in making a claim the date that you asked for help should be noted as your date of claim.

You can ask for your claim to be backdated for up to one month if:

- You were previously getting another benefit and you were not notified that it would stop.

In an upper tribunal case [2020] UKUT 309 (AAC) this rule allowed a Universal Credit claim to be backdated when the claimant wrongly claimed Housing Benefit, following a move to a new council area, and was later told that they must claim Universal Credit instead.

- You have a disability
- You have supplied medical evidence to show that you were unwell and could not manage to claim
- You could not claim because the official computer system was not working and you claimed on the first day that it was working
- You have made a new claim as a single person after the end of a relationship if your earlier claim was refused or ended because your ex-partner did not meet the claimant commitment rule.

Benefit Advances

If you do not have enough money to meet your needs between your claim and your first payment you can ask for an advance. You should be allowed a loan of up to one month's Universal Credit. This will then be deducted from your future payments. You can be allowed up to 24 months to repay this.

Awards Without a Claim and *Treated as Making a Claim*

In most circumstances you, and your partner, must make a claim to get Universal Credit. In some situations, you can be treated as making a claim or Universal Credit can be awarded without a claim, including if:

- Your partner has died and you now need an award as a single person.
- Your partner is unable to make the joint claim with you, you can claim on behalf of both of you.
- You were getting Universal Credit as a member of a couple and you are now single.
- You were getting Universal Credit as a single person and you are now a member of a couple.
- You were getting Universal Credit as a member of a couple and you have now formed a new couple with someone else.

Reclaiming After a Time Without Universal Credit

If your Universal Credit stops because your earnings are too high. This ends your award – although your online account stays live.

If your income drops within six months DWP *may* reinstate the claim for you, but you should not rely on this. Instead, you should log onto your account and reactivate your claim.

Your old cycle of assessment periods will be reinstated, which means that your re-claim can cover a period before you reactivated your account.

If the reason for the re-claim is that you (and your partner) are no longer working you must reactivate your claim within seven days of your work ending to get paid for the whole assessment period.

If you do not meet this deadline, you will only be paid for the number of days between the end of your work and the end of the assessment period, unless you have *good reason* for the delay.

Changes of Circumstances

If your circumstances change in a way that you could reasonably realise will affect your entitlement, you must report this. It is best to do so in writing.

A change that decreases your benefit, always takes effect from the first day of the assessment period in which it happened.

If you tell the DWP about a change that increases your benefit, in the same assessment period that the change occurs, the supersession takes effect from the first day of that assessment period.

If you delay telling DWP about a change of circumstances that increases your benefit until a later assessment period, the supersession will take effect on the first day of the assessment period in which you tell the DWP about the change, unless:

- it was not practical for you to tell DWP about the change in your circumstances at an earlier time, and
- you now ask for an extension of the time limit giving full details of the change in your circumstances, and
- you do this within 13 months of the change occurring, and
- you explain why you did not notify the DWP earlier, showing that special circumstances caused the delay, and
- the Decision Maker accepts that the request is reasonable – the longer the delay the more special the circumstances causing it must have been.

If the change in your circumstances is that you have become terminally ill and you notify DWP of this with a clear statement that you are terminally ill, the supersession takes effect from the first day of the assessment period in which you became terminally ill, regardless of all the rules above.

If the change in your circumstances is that you or a member of your family have a new award, or a different rate, or the end of another benefit [the supersession takes effect on the first day of the assessment period in which the entitlement to the other relevant benefit, started, ended or changed. This applies regardless of all the rules above, and regardless of any delays in notification.

Universal Credit Payments, Deductions and Reductions

Payments

Universal Credit is paid into your bank within seven days of the end of each assessment period. If you have a partner, you must usually nominate one of you to get the payment.

You may not get your full Universal Credit each month. Your payment may be lower because of:

- *Alternative Payment Arrangements.*
 - *Managed Payment* of your Housing Costs Element to your landlord.
 - More frequent than monthly payments.
 - *Split Payments* between you and your partner.
- Third Party Deductions for:
 - Rent arrears
 - Fuel arrears and ongoing costs
 - Council Tax Arrears
 - Fines
 - Water arrears and ongoing costs
 - Child support maintenance
 - Integration loans for refugees
 - Eligible loans from not-for profit companies such as credit unions
 - Owner occupier's housing costs
- DWP and Tax Credit Deductions
 - Social Fund loans
 - Hardship payments
 - Penalties instead of prosecution for benefit offences
 - Civil penalties
 - Benefit overpayments
 - Benefit Advances
 - Sanctions

You may have more than one deduction. If so, there is a fixed order in which the different ones are made.

Alternative Payment Arrangements

The rules about Alternative Payment Arrangements are not legal ones.

Managed Payments of your Housing Costs

DWP policy says that managed payment can be made when:

- You owe two month's rent or more.
- You have continually underpaid your rent over more than 2 months, and accrued arrears equal to one month's rent or more.
- You are vulnerable and any of *APA factors* apply. Google *Alternative Payment Arrangements* to find the policy document that lists these factors.
- You used to get Housing Benefit and it was paid to your landlord, so long as an *APA factor* applies.

More Frequent Payments

DWP Policy says that:

In instances where it is identified that a claimant is finding it difficult to budget monthly, they can have their Universal Credit divided over the month to be paid more frequently

These can only commence from the end of their first assessment period and would, in the majority of circumstances, be half their Universal Credit award, with the remaining half paid 14 to 15 days later.

In exceptional cases they could be paid 4 times a month, for example a quarter of their Universal Credit payment after the end of the first assessment period and the rest paid at 7-to-8-day intervals.

In cases where their Universal Credit includes housing costs, this should be accompanied by a MPTL to safeguard their home.

Split Payments

DWP Policy says that:

In very exceptional circumstances payment of Universal Credit can be divided between two members of the household.

Split Payments are to prevent hardship to the claimant and their family and should only be considered in certain specific situations, such as domestic violence or where financial abuse occurs and one partner mismanages the Universal Credit payment.

Third Party Deduction

In some circumstances the DWP can deduct part of your Universal Credit and pay it to a third party for:

- Rent arrears
- Fuel arrears and ongoing costs
- Council Tax Arrears
- Fines
- Water arrears and ongoing costs
- Child support maintenance
- Integration loans for refugees
- Eligible loans from not-for profit companies such as credit unions
- Owner occupier's housing costs

The legal rules about deductions say that each deduction is 5% of your Standard Allowance of Universal Credit, except:

- Rent Arrears – 5% to 15% of your Standard Allowance.
- Child Support Maintenance - £36.40

The law allows up to 40% of your Standard Allowance to be taken in deductions, but current DWP policy usually sets a limit on deduction at: 25% of your standard allowance

If you earn more than your work allowance you cannot start having deductions for rent arrears, fuel or water charges.

Deductions for rent arrears, fuel or water charges must stop if you earn more than your work allowance for three consecutive months.

Deductions must leave you at least one penny of Universal Credit.

Pension Credit

Pension Credit is a benefit for people over Pension Age, which is currently 66 years. KI-8

Pension Credit has two parts:

- *Guarantee Credit* works by comparing your income from pensions, investments, work and benefits with a hypothetical amount that you need each week.

If your income is less than your *Appropriate Minimum Guarantee* you get a top-up to bring you up to this level.

- *Savings Credit* is for people who have lost out on Guarantee Credit because of savings, investments or private pensions.

Since 5th April 2016 it has been closed for new claims unless you are a woman born before 6th April 1953, or a man born before 6th April 1951.

Mixed Age Couples

Until 15th May 2019 the older partner of a mixed-age couple could claim Pension Credit for both.

From 15th May 2019 the younger partner of a mixed age couple must usually claim Universal Credit for both.

For more information see mikebolton.co.uk/blog/mixed-age-couples/

Children in Pension Credit Claims

Extra amounts for children and Qualifying Young Persons can be included in your Pension Credit award.

The two-child limit does not apply in Pension Credit.

Pension Credit has no upper savings limit but savings over £10,000 will be said to give you a *tariff income* and will reduce the amount that you get.

You can work while claiming Pension Credit but your wages affect the amount you get.

Claim Pension Credit online, on form PC1, or by calling 0800 99 1234.

Your claim can be backdated for up to three months if you ask for this.

The DWP Legacy Benefits

Income Related Employment and Support Allowance

Income Support

Income Based Jobseeker's Allowance

These non-taxable benefits all work in the same way, by comparing your income with a hypothetical weekly needs-level. If your income is lower than your *Applicable Amount* you get a top-up to fill the gap.

All of the top-up benefits passport you to help with NHS costs, some one-off payments and maximum Housing Benefit.

Income Related Employment and Support Allowance

iESA is a means-tested benefit paid to some people who have a *Limited Capability for Work*.^{KI-7}

You can get both cESA and iESA at the same time.

iESA is closed to new claims.

If you are getting old-style contribution-based ESA you can still ask for extra from income-related ESA. This is not counted as a new claim.

If you are a Student ^{KI-3} or a Qualifying Young Person ^{KI-2} you cannot get iESA unless you also get DLA or PIP.

You are allowed to do *Permitted Work* ^{KI-7} while claiming ESA. Wages from permitted work have no effect on your ESA or other benefits

Your partner must work for less than 24 hours each week. Their wages, over £20pw, will affect the amount of your iESA,

You cannot have iESA, if you have £16,000 or more. Savings between £6,000 and £16,000 will be said to give you a *tariff income* ^{KI-11} and will reduce the amount that you get.

Income Support

Income Support is paid to people who have a good reason for not jobseeking, including if:

- You are a lone parent who gets Child Benefit for a child under 5
- You are a Qualifying Young Person ^{KI-3} who cannot live with your parents because of danger, risk or estrangement.
- You are a QYP and you are ill or disabled.
- You are a student lone-parent.
- You are a carer for someone who has an illness or disability.

You cannot have Income Support if you have £16,000 or more. Savings between £6,000 and £16,000 will be said to give you a *tariff income* ^{KI-11} and will reduce the amount that you get.

Income Support is now closed to new claims.

Income-Based Jobseeker's Allowance

Income-based Jobseekers Allowance is a means-tested benefit paid to some people who are fit and well and looking for work.

It is now closed to new claims.

Housing Benefit

Housing Benefit is paid by Local Authorities to help meet the cost of rented accommodation if you or your partner:

- are be liable to pay rent on the property, and
- occupy the accommodation as your home.

Housing Benefit and Universal Credit

The introduction of Universal Credit means that you can only make a new claim for Housing Benefit if:

- You (and your partner from 15th May 2019) are over Pension Age, or,
- You pay rent for Specified Accommodation or Temporary Homelessness Accommodation, including:
 - Supported Accommodation.
 - Refuges for people who have experienced domestic violence.
 - Hostels.

If you are getting Housing Benefit and you move directly to a new home in the same council's area you can transfer your existing award to the new address. This counts as a change in your circumstances, not a new claim.

If you do not come under these rules and you want to make a new claim for help with your rent, you must claim Universal Credit.

Your legacy benefits will be closed down and you will *naturally migrate* to UC.

Liable For Rent

You or your partner must have a legal agreement to pay rent to your landlord. You may have a contract or rent book, or you may have agreed your arrangement verbally.

Couples who are jointly liable for the rent on a property make a joint claim for Housing Benefit. Single people who are jointly liable for rent each claim individually.

If you do not have a legal agreement to pay these charges you can still be treated as liable, if you have to make payments to stay in the home because the person who is liable is not making the payments, so long as the liable person is your former partner, or it is reasonable to treat you as liable.

In some circumstances you are automatically treated as not liable for rent. Mostly these rules are intended to prevent abuse of the scheme. For example, you are not liable for rent, and you cannot get Housing Benefit if:

- Your rental agreement is not a *commercial arrangement*
- You have made a *contrived tenancy*.
- You live with and rent from a parent, parent-in-law, step-parent, son or daughter, step-son or daughter, son or daughter-in-law, sister or brother, half-sister or half-brother, or the partner of any of these people.
- You owned the home within the last five years, unless you can show that you could not have stayed there without giving up ownership.
- You are a monk or nun, fully maintained by your religious order.

Occupying the Accommodation as Your Home

Housing Benefit will usually only be paid on the accommodation that you occupy as your main home.

To claim from the start of a new tenancy you must move in to your new home in the first week of the tenancy unless:

- You are currently in hospital or residential care.
- Your move is delayed while the property is adapted to meet your 'disablement needs'.

Temporary Absences

If you are temporarily absent from your home and you have not rented it out you can still be treated as occupying it and so get Housing Benefit.

Always count the absence from the last time you were at home – even if this was just an overnight stay – unless you were on home leave from prison.

If you are paying rent for your temporary accommodation, you can only be treated as living in both your usual home and your temporary place (and so get Housing Benefit for both) if you had to leave your usual home because of *“fear of violence in the home or by a former member of the family”*. You must intend to return to your home within 52 weeks and it must be likely that you will do so. It must be *reasonable* that Housing Benefit should continue. If you are not likely to return within 52 weeks no Housing Benefit will be paid.

If you are not paying rent for your temporary accommodation, you can be treated as though you are still living in your empty home so long as you intend to return to it within 13 weeks. It must be reasonably likely that you will do so. If you are not likely to return within the limit no Housing Benefit will be paid at all.

A 52-week limit applies instead of 13 if:

- You are a remand prisoner held in custody or a bail hostel pending trial or sentencing.
- You are a hospital in-patient
- You or a dependent are undergoing medical treatment or medically approved convalescence
- You are providing or receiving 'medically approved' care
- You are caring for a child whose usual carer is receiving treatment.
- You are away from home on a government funded training course.
- You are in residential care - If you go into care on a trial basis your payments will be limited to 13 weeks for each care home you try out.
- You are absent from home through *“fear of violence in the home or by a former member of the family”*

Notice Periods – Run-Ons and Unavoidable Overlaps

If you have moved out of your home and you do not intend to return to it, you can be treated as though you are still living in it for a period of up to four benefit weeks. This only applies if you still have to pay rent on the property that you have left.

Housing Benefit Administration

Claims

There are several possible processes and claim forms for claiming Housing Benefit. You may be able to make your claim by phone, online or by completing a form.

You should contact your local council as soon as you think you may be entitled to Housing Benefit since the date of your first contact will often count as your 'date of claim' for working out when your benefit starts.

If you are over Pension Age your Housing Benefit starts from the first benefit week you became entitled to it, in the three months before your claim.

If you are under Pension Age Housing Benefit usually starts on the Monday following your claim, but can start before this if you live in a hostel, or have moved into a new home.

Payments to Other People

The council **must** make payments to your landlord if:

- Part of your PC/iESA IS/iSA is being deducted to pay rent arrears
- You are more than 8 weeks in arrears with your rent - although this rule will not apply if the council believes that it is not in your interests to make payments direct to your landlord.

The council **may** make payments to your landlord if:

- You have requested or agreed to direct payments to a non-private landlord.
- You are likely to have difficulties managing your affairs.
- It is improbable that you will pay your rent.
- You previously had direct payments to your landlord under the rent arrears rules (above).

Suspending and Ending Claims

If the council believes that your entitlement has changed or that you are currently being overpaid, they are entitled to suspend your benefit while they write to you to ask you for more information. You will usually have one month from when the council wrote to you to request the information, to provide any evidence that they reasonably need.

If you do not respond to the request for evidence or information the council can supersede or revise your award (K113) and *terminate* your claim.

Extended Payments of Housing Benefit

'Extended payments' of Housing Benefit is available to some people who are starting or returning to work. If you qualify, you get four weeks of extra Housing Benefit payments at the rate that you got before starting work, regardless of how much you will be earning.

Housing Benefit Overpayments

All overpayments are recoverable except where they are due to an official error and the claimant, his/her representative or the person who received the payment or notifications about it could not reasonably realise that they were being overpaid.

Local authorities have discretion as to whether or not to recover an overpayment. They must exercise this discretion and consider whether to recover in every individual case

The council should not begin to recover any money while an appeal is pending.

Calculating Housing Benefit

Housing Benefit can sometimes cover your full rent, but not if:

- **Your social housing rent includes *ineligible service charges***
- **Your home is too big or too expensive.** Different rules apply to social renters and private renters.
- **You have *non-dependants living with you*.** These adults may be expected to contribute to your rent, according to their level of income. The remaining rent figure after this contribution is known as your *Maximum Housing Benefit*
- **You have *Excess Income*:** If you get a DWP top-up benefit you get Maximum Housing Benefit. If you do not get a DWP top-up benefit the Maximum Housing Benefit may be reduced according to your income.
- **Your claim is affected by the Benefit Cap.** KL-10
- **You have previously been overpaid Housing Benefit:** Deductions can be made from your ongoing Housing Benefit to recover overpayments.

Service Charges

Housing Benefit for social renters can cover some *eligible service charges* including those for heating and lighting communal areas, laundry facilities, and children's play areas. Housing Benefit cannot cover *ineligible services charges*. You must pay any that are included in your rent.

Too Big or Too Expensive?

If your home is too big (social renters) or too expensive (private renters) for your household size you must make a contribution to your rent.

You must first work out the size of accommodation that the Housing Benefit rules say that you need. The system for doing this is almost identical to that used in Universal Credit, except:

- The exceptions to the private-rented room-in-shared rule are slightly different for people with disabilities
- Housing Benefit's size assessment includes boarders and lodgers.
- If you are a private renter aged 35 or older in shared accommodation you are only seen as needing a room in shared accommodation; where UC would allow one-bedroom self-contained.
- If someone who normally lives with you dies, their room will continue to be included in your claim for twelve months.
- *A person who requires overnight care* does not need to get DLA/PIP/AA.

Social Renters - Bedroom Tax - Under Pension Age you must pay:

- 14% of the rent If you have one spare bedroom [Rent x 0.14]
- 25% of the rent If you have two or more spare bedrooms [Rent x 0.25]

The bedroom tax does not apply to social renters over Pension Age.

Private Renters – Local Housing Allowance

Local Housing Allowances are rent levels set for different sizes of accommodation up to a maximum of four bedrooms, in local patches.

If your rent is more than the Local Housing Allowance for the size of property that you need, you must pay the excess.

If you could afford the rent when you took the property on and you have not claimed Housing Benefit in the last year you do not have to make this contribution for the first 13 weeks of a new claim.

Non-Dependant’s Rent Contribution

A non-dependant is another person aged 18 or over who lives with you and your partner on a non-commercial basis. If you have a non-dependant living with you, they may be expected to make a contribution to the rent

Non-dependant’s gross weekly wage	Contribution
£557.00 or more	£126.65
£463 – £576.99	£115.45
£348- £462.99	£101.35
£266 - £347.99	£62.00
£183 - £265.99	£45.15
Less than £183	£19.65
Non-dependant not in full-time work	£19.65

Boarders and lodgers who live with you on a commercial basis are not non-dependants. Qualifying Young Persons are not non-dependants.

If you are blind or you get Attendance Allowance, PIP Daily Living, DLA Care or AFIP your non-dependant does not have to contribute to your rent.

A non-dependant aged 18 - 24 who get IS, iJSA, UC with no wages, or assessment phase iESA, does not have to contribute to your rent.

A non-dependant who gets Pension Credit, or is in prison, or is deployed on operations with the armed forces does not have to contribute to your rent.

Excess Income Based Rent Contribution

If you get Universal Credit, Income Support, Income Based Jobseekers' Allowance, Income Related Employment and Support Allowance or the Guarantee Credit of Pension Credit, you do not have to make a contribution to your rent, based on your income.

If you are not getting a top-up benefit, the council does its own version of the top up-means test comparing your income with your needs level.

(Applicable Amount)

If your income is below your Applicable Amount, you do not have to make an income-based contribution to your rent.

If your income is above your Applicable Amount you are said to have 'excess income'. You must contribute 65% of your excess income to your rent.

[Excess Income x 0.65]

Overpayment Recovery Contributions

If you have previously been overpaid housing benefit, deductions can be made from your ongoing entitlement to recover this amount. This means that you must contribute an equal amount to your rent.

- £23.25pw if you have agreed to pay a penalty, admitted fraud, or been found guilty of fraud.
- £13.95pw in any other case.

If you have earnings the deduction may be increased.

Discretionary Housing Payments

Each local authority has a fixed budget to make Discretionary Housing Payments to claimants whose Housing Benefit or Universal Credit Housing Costs Element does not meet their full Housing Costs

DHPs can cover rent, rent in advance, deposits and removal expenses.

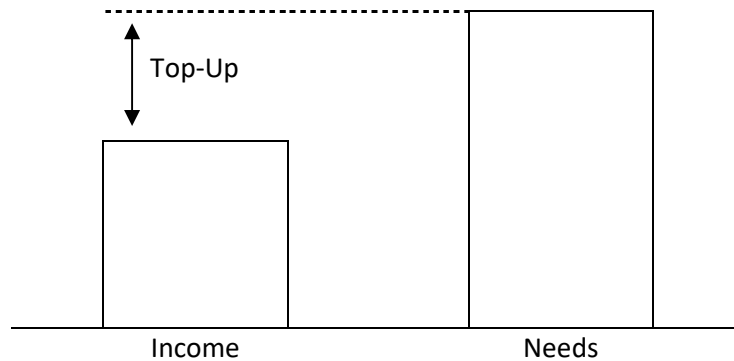
Each council sets its own policy to decide who gets DHPs.

Google "DHP Guidance Manual" for complete official information.

The Top-Up Means-Test

Income and Needs for PC, iESA, IS, iJSA & HB

The top-up means test works by balancing your existing income against a hypothetical figure to meet your weekly living costs.



There are two versions of the test. One version, used by the Department for Work and Pensions to work out Pension Credit, iESA, Income Support and iJSA only takes you and your partner into account. A different version, used by local councils to work out some Housing Benefit claims includes amounts for you, your partner and your children.

Income

✓ = Counts X = Disregarded.	
16-19 Bursary Fund Payments	X
Attendance Allowance	X
Bereavement Support Payment	X
Boarders and Lodgers	See p166
Carer's Allowance	✓
Charitable Payments	X
Child Benefit	X
Child Minding Income	See p166
Children Act Payments under ss 17, 23 or 24	X
Direct Payments from Social Services	X
Disability Living Allowance	X

Means Tested Benefits – Legacy Benefits and PC Means Test - Income

Earnings	See p165
ESA - Contribution Based	✓
Fostering Allowances	X
Guardian's Allowance	✓
Incapacity Benefit	✓
Independent Living Fund etc.	X
Industrial Injuries Benefits	✓
Interest on Savings and Capital	X
Jobseeker's Allowance - Contribution Based	✓
Maintenance – for children	X
Maintenance – for you – for DWP benefit calculations	✓
Maintenance – for you – for HB calculations	See p166
Maternity Allowance	✓
Mortgage/Payment Protection	X
Nazi Compensation Payments	-£10
Non-Dependant's Board	X
Payment in Kind	X
Pensions - Private and Work-Related	✓
Personal Independence Payment	X
State Pension	✓
Severe Disablement Allowance	✓
Statutory Pay - for DWP benefit calculations	✓
Statutory Pay - for HB calculations	= Earnings
Tariff Income from Savings. KI-11	✓
Temporary Care Payments from Health or Social Services	X
Volunteer Expenses	X
War Pension	-£10
Widowed Parent's Allowance – for DWP benefit calculations	-£10
Widowed Parent's Allowance – for HB calculations	-£15
Anything Else - for iESA, IS, iJSA calculations	✓
Anything Else – for Pension Credit calculations	X

Earnings and Disregards

Your earnings are your income from work. The top-up means test uses your gross earnings less tax and NI, reasonable self-employment expenses and half of your pension contribution. The highest of the following weekly disregards is deducted from your net earnings:

- For iESA calculations and HB calculations for ESA claimants - All of your earnings from permitted work ^{K1-7} are disregarded
- For HB calculations – £25.00 is disregarded if you are a lone parent
- £20.00 is disregarded if
 - For DWP benefit calculations, you are a lone parent,
 - you get DLA, PIP or AA,
 - you are blind,
 - you meet the rules for Carer's Allowance,
 - you are the partner of an iESA claimant,
- £10.00 is disregarded if you are a member of a couple, whether one or both of you are working
- £ 5.00 is disregarded if you are a single person

HB Full-time Worker's Earnings Disregard - An extra £17.10 of your earnings is disregarded if:

- You are aged 25 or over and work for 30 or more hours per week
- You work for an average of 16 hours or more each week and
 - You have a child, or
 - your HB calculation includes a Disability Premium or a Support Component; or you are in the Work-Related Activity Group

HB Childcare Earnings Disregard - If you pay for work-related childcare for a child aged under 15 (16 if s/he has a disability) your costs are deducted from your earnings up to a maximum of £175pw for one child, or £300pw for two or more children.

The disregard is allowed for lone parents who work 16 or more hours per week; couples both working 16 or more hours; or, couples where one member is one working and the other:

- Is in prison
- Is in hospital
- Is incapable of work KI-7
- Has limited capability for work KI-7

Other Income Disregards

Income from Boarders and Lodgers - If you receive income from a lodger £20.00 is disregarded. If you receive income from a boarder, £20.00 plus half the rest is disregarded. Some food must be provided to a boarder.

Child Minding Earnings - Two thirds of your earnings from childminding are disregarded. The remaining third, less tax, NI contributions and half of any contribution towards personal pension scheme, will count as net profit from self-employment and so you will also get earnings disregards listed above.

Spousal Maintenance Payments – For HB - If you are over Pension Age KI-8 and have a child or QYP, £15 of your spousal maintenance is disregarded.

Tariff Income and Savings KI-11

If you are under Pension Age you cannot get iESA, IS, iJSA, or HB if you have savings of more than £16,000.

Savings between £6,000 and £16,000 give you a ‘tariff income’ of £1 per week for each extra £250.

Your savings are always rounded up to the next £250.

Pension Credit has no savings limit.

If you are over Pension Age, you cannot claim Housing Benefit if you have savings of more than £16,000 unless you get also Guarantee Credit from Pension Credit.

Savings over £10,000 give you a ‘tariff income’ of £1pw for each extra £500. Your savings are always rounded up to the next £500.

Needs

Your needs level is known as your applicable amount for IS, iJSA, iESA, or HB; or your appropriate minimum guarantee for PC.

It is individually worked out for you and your partner, and is made up of up to three parts:

- ◆ Personal Allowances, (known in Pension Credit as Standard Minimum Guarantees) are meant to match ordinary living costs.
- ◆ Premiums and Components are meant to meet the extra needs of carers and people who are ill or disabled.
- ◆ Housing Costs Loan for owner occupiers.

In Housing Benefit your needs level includes amounts for children.

Some Pension Credit claims can include amounts for children.

Personal Allowances

Single Claimants

Single aged 16 – 24 (For IS, iJSA & iESA assessment phase)	£72.90
Single aged 16 – 24 (For iESA after assessment phase)	£92.05
Single aged 25 – Pension Age	£92.05
Single aged over Pension Age	£227.10
For HB - Single - born before 1 st April 1955	£244.40

Lone Parents

Lone parent under 18.	£72.90
Lone parent 18 – Pension Age	£92.05

Couples

Couples one or both aged 18 – Pension Age	£144.65
Couples both aged over Pension Age	£346.60
For HB – Couples – one/both born before 1 st April 1955	£366.00

Children and Qualifying Young Persons

For PC – Eldest child or QYP - Born before 6 th April 2017	£78.10
For PC – Standard rate	£67.42
For HB	£84.66

Premiums and Components

Work-Related Activity Component - £36.55

Allowed in iESA claims made before 3rd April 2017 and you are in the ESA Work-Related Activity Group (LCW but not LCWRA)

Support Component - £48.50

Allowed in iESA claims if you are in the ESA Support Group (LCWRA)

Disability Premium - Single £43.20 Couple £61.65

Allowed in Income Support or Jobseeker's Allowance claims if you or your partner get DLA or PIP.

Severe Disability Premium - £82.90

Allowed if:

- ◆ You get PIP Daily Living Component, or Attendance Allowance or the middle or high rates of DLA Care Component, *and*
- ◆ No one gets Carer's Allowance or Universal Credit Carer Element for looking after you, *and*
- ◆ You have no *non-dependants* KI-2 living with you. Non-dependants are ignored if they also get PIP, Attendance Allowance or DLA or if they are blind

If you have a partner, they must also get PIP Daily Living Component, AA or the middle or high rates of DLA Care Component, or they must be registered blind. If you both meet all three rules, two Severe Disability Premiums are allowed.

Enhanced Disability Premium - Single £21.20, Couple £30.25 – Not Pension Credit

Allowed if you or your partner get high rate of DLA Care Component; or high rate of PIP Daily Living Component; or, for iESA, you are in the Support Group.

Carer's Premium - £46.40

Allowed if you or your partner meet the rules for Carer's Allowance. If you and your partner are both carers (for different people) two Carer's Premiums are allowed.

For Pension Credit – Disabled Child Addition – £36.54 or £114.12

Allowed at the high rate for each:

- Child who gets the high rate of DLA care component.
- Qualifying Young Person who gets the high rate of PIP Daily Living Component.
- Child or QYP who is certified as *severely sight impaired or blind*.

Allowed at the low rate for each child or Qualifying Young Person who gets any other rate of DLA or PIP.

For Housing Benefit - Family Premium - £19.48

Allowed if you claimed before 1 May 2016 and you have a child or Qualifying Young Person. Only one Family Premium is allowed, regardless of how many children you have. If you are a lone parent who has claimed continuously since 5 April 1998 a higher rate of £22.20 is used.

For Housing Benefit - Disabled Child Premium - £81.37

Allowed for each child or Qualifying Young Person who gets DLA or PIP; or who is blind.

For Housing Benefit - Enhanced Disability Premium (Child) - £32.75

Allowed for each child who gets the high rate of DLA care component, or each Qualifying Young Person who gets the high rate of PIP Daily Living Component.

Calculating Savings Credit

Savings Credit is worked out in three stages:

- Qualifying Income.
- Maximum Savings Credit.
- Actual Savings Credit

Qualifying Income

To work out your qualifying income, deduct any maintenance payments from the income figure used in the Guarantee Credit calculation.

The Maximum Savings Credit - Single

If your Qualifying Income is more than £227.10, your Maximum Savings Credit is £17.30

If your Qualifying Income is lower than £227.10, subtract £198.27 from the Qualifying Income, then work out 60% of the answer.

The Maximum Savings Credit - Couple

If your Qualifying Income is more than £346.60, your Maximum Savings Credit is £19.36.

If your Qualifying Income is lower than £346.60, subtract £314.34 from the Qualifying Income, then work out 60% of the answer.

Actual Savings Credit

If you get Guarantee Credit the Maximum Savings Credit is paid.

If you do not get Guarantee Credit because your income is higher than your Applicable Amount, the Maximum Savings Credit is reduced.

To work out the reduction, subtract your Applicable Amount from the income figure used in the Guarantee Credit calculation.

Then work out 40% of the answer.

Your Savings Credit is your Maximum Savings Credit minus the reduction.

The Benefits System on a Single Page

Non-Means-Tested Benefits																	
Care & Mobility Needs	<p>Under 16: DLA Care Component DLA Mobility Component.</p> <p>16 – Pension Age PIP Daily Living Component PIP Mobility Component.</p> <p>Pension Age+ Attendance Allowance. No mobility benefit.</p>																
Instead of a Wage	<table border="0"> <tr> <td>Contributory ESA</td> <td>Statutory Sick Pay</td> </tr> <tr> <td>Carer's Allowance</td> <td>Statutory Maternity Pay</td> </tr> <tr> <td>Maternity Allowance</td> <td>Statutory Neonatal Care Pay</td> </tr> <tr> <td>Contributory JSA</td> <td>Statutory Paternity Pay</td> </tr> <tr> <td>Widowed Parent's Allowance</td> <td>Statutory Shared Parental Pay</td> </tr> <tr> <td>State Pension</td> <td>Statutory Adoption Pay</td> </tr> <tr> <td></td> <td>Statutory Parental Bereavement Pay</td> </tr> <tr> <td>[All counted in full by UC]</td> <td>[All counted as wages by UC]</td> </tr> </table>	Contributory ESA	Statutory Sick Pay	Carer's Allowance	Statutory Maternity Pay	Maternity Allowance	Statutory Neonatal Care Pay	Contributory JSA	Statutory Paternity Pay	Widowed Parent's Allowance	Statutory Shared Parental Pay	State Pension	Statutory Adoption Pay		Statutory Parental Bereavement Pay	[All counted in full by UC]	[All counted as wages by UC]
Contributory ESA	Statutory Sick Pay																
Carer's Allowance	Statutory Maternity Pay																
Maternity Allowance	Statutory Neonatal Care Pay																
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	Statutory Parental Bereavement Pay																
[All counted in full by UC]	[All counted as wages by UC]																
Other	<p>Child Benefit</p> <p>Guardian's Allowance</p> <p>Bereavement Support Payment</p> <p>War Pensions and Armed Forces Payments</p> <p>Industrial Injuries Benefits</p>																

Means-Tested Benefits			
	Working Age	Pension Age +	Legacy Benefits
Adults	Universal Credit Adult Elements	Pension Credit	Working Tax Credit Income Related ESA Income Support Income Based JSA
Children	UC Child Elements	PC Child Amounts	Child Tax Credit
Rent	UC Housing Costs Element	Housing Benefit	Housing Benefit

Council Tax: Exemptions. Discounts. CT Reduction. KI-12

Non-Means-Tested Benefits	
Care Needs	Weekly
High DLA-CC Enhanced PIP-DL High AA	110.40
Middle DLA-CC Standard PIP- DL Low AA	73.90
Low DLA-CC	29.20
Mobility Difficulties	
High DLA-Mobility Enhanced PIP-Mobility	77.05
Low DLA-Mobility Standard PIP Mobility	29.20
Instead of a Wage	Weekly except BSP
Statutory Sick Pay	118.75
Contribution-based ESA	
Assessment phase <25	72.90
Assessment phase 25+	92.05
Work Related Activity Group	92.05
Support Group	140.55
Carer's Allowance	83.30
Statutory Maternity Pay	187.18
Maternity Allowance	187.18
Other Statutory Pay	187.18
Bereavement Support Payment	
Parents – per month	350.00
Non-parents – per month	100.00
Widowed Parent's Allowance	150.90
Contribution-based JSA (new-style JSA)	92.05
State Pension	
New State Pension	230.25
Old - Category A	176.45
Old - Category B	105.70
Old - 80+ Addition	0.25
Other Non-Means-Tested Benefits	Weekly
Child Benefit – Eldest Child	26.05
Child Benefit - Other Children	17.25
Guardian's Allowance	22.10

Means-Tested Benefits	
Universal Credit	Monthly
Standard Single <25	316.98
Standard Single 25+	400.14
Standard Couple both <25	497.55
Standard Couple 25+	628.10
Limited Capability for Work LCWRA	158.76 423.27
Carer	201.68
Child - Eldest born before April 2017	339.00
Child - Standard	292.81
Child Disability Addition - Low	158.76
Child Disability Addition - High	495.87
Childcare	85%
Maximum Childcare Element	1,031.88 / 1,768.94
Work Allowance	411.00 / 684.00
Income Support, iESA, jJSA & Pension Credit	Weekly
Personal Allowance - Single <25	72.90
Personal Allowance - Single 25 - Pension Age	92.05
Personal Allowance - Couple (usually)	144.65
Pension Credit - Standard – Single	227.10
Pension Credit - Standard – Couple	346.60
Work Related Activity Component	36.55
Support Component	48.50
Disability Premium	43.20 / 61.65
Severe Disability Premium	82.90
Enhanced Disability Premium	21.20 / 30.25
Carer's Premium	46.40
Pension Credit - Child	778.10/ 67.42
Pension Credit - Disabled Child	36.54 / 114.12
Savings Credit Threshold	198.27 / 314.34
Maximum SC	17.30 / 19.36

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