Welfare Rights Service

The A to Z of Benefits…

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Contents

Section 1: Introduction

1.1: Introduction

This A to Z of Benefits booklet is designed to aid those who provide information and advice on Social Security benefit rights and entitlements. It provides an overview of the Social Security benefit system and details of the different benefits that may be available to people when they:

SICKNESS:	may be considered to be too sick to work
DISABILITY:	may need help with their personal care or mobility
UNEMPLOYMENT:	may have no income for the costs of day-to-day living
RETIREMENT:	may have a low income in retirement
EMPLOYMENT:	are working, but remain on a low income
CARING RESPONSIBLITY:	have a caring responsibility.

The booklet contains information on the different benefits that may be available whilst providing details of the basic qualifying conditions for each benefit and the amounts of money that may be payable in respect of each benefit. As well as the information provided on individual benefits the booklet also contains information on a number of supplementary topics, such as overpayments and dispute and appeals when benefits are refused or withdrawn.

It is acknowledged that as detailed as this booklet is, it does not provide information on every aspect of the Social Security benefit system, or the individual benefits contained within the system. Given how broad and complex the benefit system is, it would simply not be possible to do this. The booklet sets out only the main aspects of the particular benefits covered. If you should require more information on a particular benefit or aspect of the system, then please see Section 1.3. Here we provide details of some publications and websites which could prove helpful.

Should you be working or volunteering for a group or organisation assisting people living in Wolverhampton and be in need of more information or advice on a particular situation then you can contact our Specialist Support Team for assistance by email at WRS@wolverhampton.gov.uk or telephone on (01902) 555351.

It is not our intention to suggest that benefits maximisation is the absolute answer to the difficulties faced by many low-income households. Even maximum benefit entitlement invariably means a low income, and for many this represents poverty. However, it should not be necessary for people to live on an income below the level of benefit to which, by law, they have a legitimate right.

IMPORTANT: The information contained in the booklet should not be treated as an authoritative statement of law. Some of the information may be subject to change by new regulation and/or developing case law. Moreover, whilst every effort has been made to ensure that the information is accurate and up to date, it is acknowledged that some details will inevitably change in time. If you should spot any incorrect information or details that are in need of correction, then do let us know.

1.2: Welfare Rights Service

The Welfare Rights Service comprises of six distinct service areas:

- **Specialist Support Team**: Provides benefits training and consultancy to local groups and organisations that provide benefits advice and information.
- **Financial Well-being - Missing Benefits Team:** Undertaking 'missing benefit assessments' to ensure that people are not missing out on any unclaimed benefits.

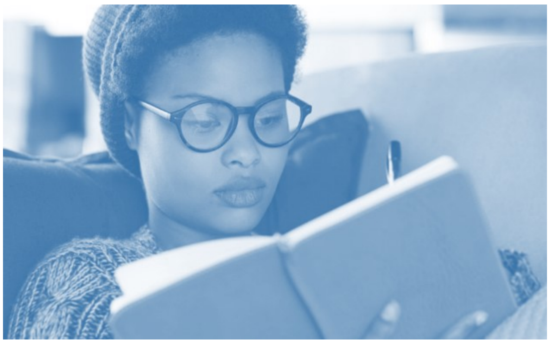
- **Welfare Rights Officers in Social Work Teams**: Provide technical support and casework assistance to social workers in adults and children, young people and family social services teams across Wolverhampton.

- **Benefits and Assessment Team**: Undertakes benefits maximisation work amongst those receiving non-residential care and support services.

- **Macmillan Welfare Rights Team:** Provides benefit advice and support to people affected by cancer at New Cross Hospital (Wolverhampton) and Royal Shrewsbury Hospital (Shropshire).

- **Severe Mental Impairment:** With Health funding provides benefits and advice to people affected by severe mental health in both Wolverhampton and Dudley.

The Welfare Rights Service provides a wide range of training courses. There is an Introduction to Benefits course, in which this booklet is used, for those who wish to obtain an understanding of the benefit system and the key benefits that may be available to people. There are courses covering individual benefits such as Universal Credit and Personal Independence Payment and subjects like the Work Capability Assessment. The range of courses undertaken includes courses covering welfare reform, disputing and appealing decisions and the benefit rights of older people, young people, disabled children, people in work and people from abroad. For more details of the courses provided please refer to our training programme.



The Welfare Rights Service also produces a wide range of Information Guides and Fact Sheets on benefits. It also produces a periodical Benefits Bulletin newsletter which brings news on key changes to benefits and on welfare reform.

The Welfare Rights Service may be contacted by email (wrs@wolverhampton.gov.uk) or by telephone (01902 555351) by those working with people living in Wolverhampton who would like technical support to help a person claim and/or secure rights to Social Security benefits. The email address may also be used by those who wish to make training course or other service enquiries.

As a response to the Covid-19 pandemic we established a benefits helpline (see this LINK) through which people living in Wolverhampton who were affected by the pandemic could obtain benefits information and advice. The helpline continues to support local residents through the cost-of-living crisis. People may contact the helpline by email at wrs.benefitshelpline@wolverhampton.gov.uk or by ringing 07966 292321 (Monday to Friday between 10.00 am to 12.00 noon).

1.3: Useful Publications and Websites

If you are providing information and advice on benefit rights or simply signposting people, then we hope that this publication will prove to be a valuable resource to you in the task. However, should you need more detailed information then please allow us to point out the following publications and website to you.

Publications:

- Welfare Benefits Handbook: Child Poverty Action Group (price £79.00)

This publication provides a comprehensive guide to all benefits and tax credits. It is an excellent resource for organisations providing information and advice to people on benefit rights and entitlements. It provides comprehensive information on all benefits including information on all the disability and incapacity benefits, the new Universal Credit, the State Pension, dealing with benefit sanctions and challenging decisions.

- Disability Rights Handbook: Disability Rights UK (price £45.00)

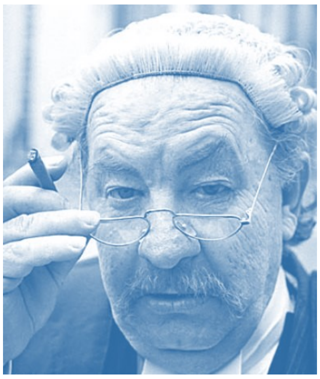
This publication provides a comprehensive guide to benefits and services available to those living with poor health, injury or disability. It is easy to use and packed with vital information. It is an invaluable aid to any front-line worker.

Websites:

- www.wolverhampton.gov.uk/benefits/social-security-benefits

Access to the City of Wolverhampton Council's Welfare Rights Service Benefits, Universal Credit and Welfare Reform website which contains a wide range of Information Guides and Fact Sheets on individual benefits and benefit issues.

The site hosts copies of the Benefit Bulletin newsletters produced by the Welfare Rights Service which bring news on topical news items surrounding benefits and key changes and updates to benefits. From here you can also access the Wolverhampton Information and Advice Directory produced by the City of Wolverhampton Council's Welfare Rights Service. This contains easily accessible details on the network of groups and organisations in Wolverhampton providing information, advice and/or support particularly in the areas of welfare benefits (including welfare reform), debt, housing and employment. The site also provides details of the local food banks operating in the City.



- www.gov.uk/universal-credit

Provides an overview of Universal Credit - who is eligible, how to claim, how to get an Advance Payment and how to report changes of circumstance.

- www.cpag.org.uk/topic/welfare-rights-bulletin

Child Poverty Action Group website: Access to articles from CPAG Welfare Rights Bulletin on benefits and welfare reform.

- Disability Rights UK

Disability Rights UK website: Access to information and factsheets on benefits, tax credits and welfare reform.

- www.rightsnet.org.uk/welfare-rights

A website containing details of key changes in legislation and news on topical issues. Limited access for non-members.

- www.dwp.gov.uk

Provides access to a wide variety of information on benefits.

- www.gov.uk/topic/benefits-credits/tax-credits

Provides access to a wide variety of information on tax credits.

- www.gov.uk/government/publications/industrial-injuries-disablement-benefits-technical-guidance/industrial-injuries-disablement-benefits-technical-guidance

Provides information on the Industrial Injuries Disablement Benefit (IIDB) scheme.

- www.gov.uk/government/publications/armed-forces-compensation/armed-forces-compensation-what-you-need-to-know

Provides information about the Armed Forces Compensation Scheme.

- www.gov.uk/benefits-calculators

People can go to this website to obtain access to a number of different 'benefit calculator' sites designed to enable people to check their benefit entitlement and check to see if there are any benefits they are missing out on.

1.4: State Pension Age and Qualifying Age for Pension Credit

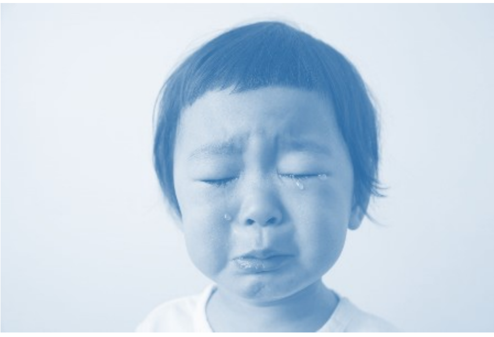
State Pension Age:

Previously the **State Pension Age** (i.e. the age at which a person may retire and apply for a state retirement pension), was 65 for men and 60 for women. However, changes to the rules has meant that the age was gradually equalised to the point that by November 2018 both men and women needed to be aged 65 before it could be said that they had reached State Pension Age. Then between December 2018 and October 2020 the State Pension Age for both men and women was increased from 65 to 66. The plan is to increase it further from 66 to 67 between 2026 and 2028 and further still to 68 between 2044 and 2046 but plans on this have been suspended subject to further consultation. .

This all means that a man born before 6.12.1953 will have had the state pension age of 65 and a woman born before 6.4.1950 will have had a state pension age of 60. Women then born between 6.4.1950 and 5.7.1953 will have reached State Pension Age at an age between 60 and 64. Women born between 6.7.1953 and 5.12.1953 will reach State Pension Age during their 65th year. A person (man or woman) born after 5.10.1954 but before 6.4.1960 will reach State Pension Age at 66. A person (man or woman) born between 6.4.1960 and 5.3.1961 will reach State Pension Age at up to 66 and 11 months depending on exactly when they were born. A person (man or woman) born after 5.3.1961 but before 6.4.1977 will reach State Pension Age at 67.

Qualifying Age for Pension Credit (Guarantee Credit):

Historically the **Qualifying Age for Pension Credit** was 60 for both men and women. This meant that at the age of 60 both men and women were entitled to a Pension Credit basic minimum income, the present rates of which are **£218.15 per week** for a single person and **£332.95 per week** for a couple. It meant that people of this age could forego claiming the much lower basic amount of Universal Credit worth £90.79 per week for a single person and £142.52 per week for a couple because they could be considered to be retired.



However, the introduction of new rules has meant that whilst those whose date of birth was before 6.4.1950 were able to claim Pension Credit at the age of 60, those who were born after this date were not. For those whose date of birth was between 6.4.1950 and 5.12.1953 the new rules gradually increased their qualifying age to the point whereby they needed to be aged 65 before they could apply. The qualifying age was then further increased in line with the increases to State Pension Age (see above).

The intention is to steadily increase the Qualifying Age for Pension Credit in line with the State Pension Age resulting in people needing to be 66 before they can apply. The intention is then to further increase the qualifying age to 67 and then 68 in line with the increase to State Pension Age. See above.

In the case of '**mixed-age couples**', it was sufficient for one member of a couple to have reached the Qualifying Age for Pension Credit for a claim to be made on behalf of both members. However, new rules now mean that since **15th May 2019** a claim for Pension Credit may only be made once both members of a couple have reached the Qualifying Age for Pension Credit.

1.5: Homelessness and Benefits

Whilst there may be practical obstacles which may need to be overcome in order to make a claim/collect benefit, as a matter of law a person cannot be refused benefit simply because they are homeless.

A homeless person may have entitlement to **Universal Credit** if they are unemployed, too sick to work or working but on a 'low income'. Under the rules for Universal Credit if a person is fit for work, then they will be required to have a 'claimant commitment' outlining what steps they will be taking to find paid employment. What may be expected is dependent upon personal circumstance.

Indeed, there is scope within the rules to waiver or suspend this particular requirement, depending on the person's situation. It could be reasonable simply to task a homeless person with the objective of finding accommodation as the first step to getting a job.

A homeless person may also apply for the following benefits providing they are able to meet the normal qualifying rules even though they are without accommodation.

- Personal Independence Payment
- Disability Living Allowance
- Attendance Allowance
- New State Pension
- Industrial Injuries Disablement Benefit
- New Style ESA
- New Style JSA
- Universal Credit
- Pension Credit

A person should not be treated as though they are homeless if they are only temporarily absent from their home. If a person is staying at different locations (e.g. with different friends or relatives) they should not be treated as being without accommodation. Indeed, if a person lives in a habitable structure (e.g. tent or caravan) then they should not be treated as though they are without accommodation. Do seek further information and advice as necessary.

1.6: Benefits and People from Abroad

The right to apply for Social Security benefits is not afforded to everyone. Entitlement is subject to a person's immigration status, whether they may be considered to be living in the United Kingdom and how long they have been living here. In the case of a European Union national who was living in the United Kingdom at the point of Brexit, then much will turn on whether they have obtained 'settled status' or 'pre-settled status'

Some groups of people are simply disqualified from applying for benefits or certain benefits because when permission was granted for them to enter / remain living in the United Kingdom, it was conditional on grounds that they had 'no recourse to public funds' (NRPF) or on the basis that they would be financially supported by a sponsor.

The rules can even be complicated in the case of British nationals who may be returning to the United Kingdom following a period living abroad.

This booklet does not touch on these issues. However, we do have as part of our training programme a course dedicated to the benefit rights of people from abroad which you may like to attend. At the very least, please do seek further specialist information and advice as necessary.

1.7: Social Security Scotland

Please note that the benefit system for people living in Scotland has some significant differences to that for those living in England, Wales and Northern Ireland. In Scotland there is:

- an Adult Disability Payment instead of Personal Independence Payment
- a Child Disability Payment instead of Disability Living Allowance
- a Funeral Support Payment instead of a Funeral Expenses Payment.

There is also a Best Start Grant for parents of young children and different schemes to help towards heating costs during the winter. See this LINK. There are also some differences / planned differences to the way Universal Credit is administered in Scotland. Therefore, if you are advising someone who is living in Scotland then please do seek further information and advice on what benefits may be available to them.

When it comes to people living in Scotland, Wales and Northern Ireland some differences exist in relation to NHS benefits (please see Section 3.6). For example, people living in these countries do not have to pay prescription charges. Do seek further information and advice as necessary.

Section 2: Overview of the Benefit System

2.1: Structure of the Benefits System

The benefit system that we have today has historically developed in a patchwork way, by responding to what was seen to be important or 'right' at the time. This has led to a current system which is complex and does not always seem fair or logical.

Nevertheless, the system does have a broad structure and each benefit within it, a purpose. Understanding both the structure and purpose of the benefits helps when it comes to identifying which benefits people may be entitled to.

There are essentially <u>three</u> types of benefit:

A. means tested benefits	where entitlement is dependent upon the level of the claimant's (and/or partner's) income and/or capital
B. non-means-tested - contributory based	where entitlement is not normally dependent upon the level of the claimant's (and/or partner's) income and/or capital but subject to the satisfaction of a National Insurance contributions record
C. non-means-tested - non-contributory based	where entitlement is not normally dependent upon the level of the claimant's (and/or partner's) income and/or capital or National Insurance contributions record

When examining entitlement to 'non-means-tested' benefits there is again a distinction. For some non-means-tested benefits entitlement may be established by simply meeting the qualifying rules for payment, whereas with others entitlement is dependent upon a person's National Insurance contributions record. That is to say, whether or not the claimant (or depending on the benefit the claimant's spouse/civil partner) has paid (and/or been credited with) sufficient National Insurance contributions/National Insurance credits. Therefore, when examining entitlement to 'non-means-tested' benefits, it is important to distinguish between those that are **non-contributory** and those that are **contributory-based**.

Who pays the benefits?	Not all benefits are paid by government departments e.g. Department for Work and Pensions (DWP) / Her Majesty's Revenue and Customs (HMRC). Some benefits are paid by a person's local authority or employer.

The following provides a guide to which benefits are 'means-tested' and 'non-means-tested' (contributory and non-contributory) and who is responsible for administering a particular benefit.

People will sometimes use a vague or general name for the benefit income they receive but it is important to make sure we use the correct name when giving advice, seeking advice and/or filling in forms.

2.2: Benefits and Tax Credits

Non-Means-Tested Benefits

Contributory:

1.	State Pension / Retirement Pension	Pension Service
2.	New Style JSA	Department for Work and Pensions (DWP)
3.	New Style ESA	Department for Work and Pensions (DWP)
4.	Bereavement Benefits	Department for Work and Pensions (DWP)

Non-Contributory:

1.	Personal Independence Payment	Department for Work and Pensions (DWP)
2.	Disability Living Allowance	Department for Work and Pensions (DWP)
3.	Attendance Allowance	Department for Work and Pensions (DWP)
4.	Carer's Allowance	Department for Work and Pensions DWP)
5.	Child Benefit	Her Majesty's Revenues and Customs (HMRC)
6.	Guardian's Allowance	Her Majesty's Revenues and Customs (HMRC)
7.	Statutory Sick Pay	Employer
8.	Industrial Injuries Benefit	Department for Work and Pensions (DWP)
9.	Armed Forces Compensation Payment	Veteran's Agency
10.	Maternity Allowance	Department for Work and Pensions (DWP)
11.	Statutory Maternity Pay	Employer
12.	Statutory Adoption Pay	Employer
13.	Statutory Paternity Pay	Employer
14.	Statutory Shared Parental Pay	Employer
15.	Statutory Parental Bereavement Pay	Employer

Means-Tested Benefits

1.	Universal Credit - which is replacing:	Department for Work and Pensions (DWP)
	A. Income-based JSA	Department for Work and Pensions (DWP)
	B. Income-related ESA	Department for Work and Pensions (DWP)
	C. Income Support	Department for Work and Pensions (DWP)
	D. Child Tax Credit	Her Majesty's Revenues and Customs (HMRC)
	E. Working Tax Credit	Her Majesty's Revenues and Customs (HMRC)
	F. Housing Benefit	City of Wolverhampton Council
2.	Pension Credit	Pension Service
3.	Council Tax Support	City of Wolverhampton Council

What is important to know is that whilst there are a good many different individual benefits, and that there will be situations in which a person will be entitled to more than one, nonetheless there is an '**overlapping benefits rule**'. This rule prohibits the overlap of certain benefits which means that even if a person has entitlement to both 'overlapping benefits' they will only get one. See Section 4: The Overlapping Benefit Rule for more information.

Note: Universal Credit will eventually replace Income-based JSA, Income-related ESA, Income Support, Housing Benefit, Child Tax Credit and Working Tax Credit. Further, please be aware that Incapacity Benefit and Severe Disablement Allowance were replaced by Contributory ESA (now called New Style ESA) for those considered to be unable to work due to ill-health or disability - that is to say that they have been assessed as having 'limited capability for work' (with or without an assessment of 'limited capability for work-related activity' under the Work Capability Assessment.

Section 2.3: Benefit Check Sheet

It is possible to broadly assess what benefits a person may be entitled to claim if you know their status e.g. working, unemployed, too sick to work or retired. The following provides a guide. In some situations, you may need to check more than one heading e.g. if someone is unable to work due to ill-health and needs help with their daily living or a person who is retired and a carer.

Page	Status	Already in Payment	Potential Entitlement	N/A
A. Unemployed or working part-time				
Page 14	New Style Jobseeker's Allowance			
Page 34	Universal Credit			
Page 42	Council Tax Support			
B. Working full-time				
Page 34	Universal Credit			
Page 42	Council Tax Support			
C. Unable to work due to Ill-health / Disability				
Page 26	Statutory Sick Pay			
Page 15	New Style Employment and Support Allowance			
Page 26	Industrial Injuries			
Page 34	Universal Credit			
Page 42	Council Tax Support			
D. Personal Care / Daily Living and Mobility Needs				
Page 21	Disability Living Allowance (Child Under 16)			
Page 19	Personal Independence Payment			
Page 22	Attendance Allowance			
E. Older Person				
Page 14	State Pension / Retirement Pension			
Page 38	Pension Credit			
Page 40	Housing Benefit			
Page 42	Council Tax Support			
F. Carer				
Page 23	Carer's Allowance			
Page 34	Universal Credit			
Page 42	Council Tax Support			
G. Have a child or about to have a child				
Page 25	Child Benefit			
Page 25	Guardian's Allowance			
Pages 28 - 31	Maternity Allowance / Statutory Maternity Pay Statutory Adoption Pay / Statutory Paternity Pay / Statutory Shared Parental Pay / Statutory Bereavement Pay			
Page 34	Universal Credit			
Page 42	Council Tax Support			

Universal Credit: Universal Credit has replaced Income Support, Income-based JSA, Income-related ESA, Child Tax Credit, Working Tax Credit and Housing Benefit (except for those living in particular types of supported accommodation) - the so called 'legacy benefits'. It has not replaced Council Tax Support. Do see the information on Universal Credit - see C.1 Universal Credit for more information.

2.4: A to Z of Benefits

A. Contributory Benefits (Non-Means Tested)

A.1: State Pension

The relatively 'new State Pension' is a Department for Work and Pensions benefit administered by the Pension Service. It replaced the old Retirement Pension (see below) for those who have reached 'state pension age' (see Section 1.4) on or after 6th April 2016. People who reached 'state pension age' (see section 1.4) before this date may be eligible to the old State Retirement Pension. See below.

The full State Pension amount is £221.20 per week. Some people may receive more than this if they deferred their entitlement. The actual amount payable depends on the claimant's contributions record - National Insurance stamp contributions and/or National Insurance stamp credits. A person must have 35 years of qualifying contributions to receive the full rate of State Pension. Anyone who has a contributions record dating before 6.4.2016 will get a State Pension award based upon transitional rules. Any State Pension award based upon transitional rules could receive more or less than the maximum amount of the full State Pension. A person will need at least 10 years qualifying contributions to receive any kind of reduced rate State Pension. There is no increase in this amount for a dependant adult or child.

The amount paid is dependent upon the claimant's contributions record. A person may not, as they formerly could under the former State Retirement Pension, establish a claim based upon the contributions record of a spouse or civil partner.

Please go to this this LINK for more information on how to apply for the new State Pension.

Retirement Pension: This may be paid to people who have reached 'state pension age' (see Section 1.4) prior to 6th April 2016. A person's entitlement and level of payment will depend on their contributions record or the contributions record of their spouse/civil partner. A person may be entitled to a '**Category A**' pension if they have a full or partial contributions record of their own. Those who have a full contributions record will receive a basic pension of £169.50 per week. A '**Category B**' pension may be available to those who rely on the contributions record of their spouse (former spouse) or civil partner (former civil partner) for their pension. The basic pension here is £101.55 per week but can be up to £148.40 for widow's / widower's / surviving civil partners.

Category A and B pensions may be topped-up by an additional earnings-related pension (SERPS/S2P) unless the person is in a contracted-out scheme. A '**Category D**' pension may be paid to people aged 80 or over who either do not have a 'Category A' or 'Category B' pension or have one but the value is worth less than £101.55 per week. The 'Category D' pension will provide a pension/top-up to any existing 'Category A' or 'Category B' pension up to £101.55 per week.

Note: If a person's only income is State Pension or Retirement Pension (perhaps together with an occupational pension or private pension) then they should see if they have entitlement to Pension Credit. See C.2 Pension Credit.

A.2: New Style Jobseeker's Allowance

New Style JSA (formerly known as Contributory-based Jobseeker's Allowance) is a Department for Work and Pensions benefit that may be claimed by someone if they:

- are aged under 'state pension age' (see Section 1.4); and

- are unemployed or working part-time (i.e. less than 16 hours per week); and
- are not a full-time student; and
- have paid and/or been credited with sufficient National Insurance contributions to meet the contributions test; and

they have entered into a ‘claimant commitment’ which shows that they are able to meet the ‘labour market conditions’ by being available for work and actively seeking work.

If a person is working, any net earnings above £5.00 per week are deducted from the amount of New Style JSA that might otherwise be paid. Any earnings that may be paid to a partner are fully disregarded. Also disregarded are any savings and capital.

New Style JSA is paid for a maximum period of 26 weeks. The amount paid depends on a person’s age. People aged 25 or over will get £90.50 per week whilst those aged under 25 will get £71.70 per week.

Please go to this LINK for more information on and how to for New Style JSA apply.

Note: If a person’s only income is New Style JSA or as a result of job loss their income / their family’s income is reduced, then they should see if they have entitlement to Universal Credit. See C.1. Universal Credit for more information.

A.3: New Style Employment and Support Allowance

New Style ESA (formerly known as Contributory ESA) is a Department for Work and Pensions benefit that may be claimed by people aged 16 or over but under ‘state pension age’ (see Section 1.4) at times when they may be considered to be unable to work due to ill-health / disability - see the information on the Work Capability Assessment on the next page for how incapacity to work is assessed.

To qualify for New Style ESA, it is not simply sufficient to be unable to work. A person’s entitlement is also dependent upon them having paid / been credited with sufficient National Insurance contributions. Therefore, without knowledge of a person’s contributions record it may not be immediately apparent if they qualify. The ‘best practice’ might be to claim and allow the Department for Work and Pensions do the required contributions record checks.

How much: New Style ESA pays a basic ‘personal allowance’ of:

- £90.50 per week for those aged 25 and over; or
- £71.70 per week for people aged 16 to 24

In addition to the above amounts a person could be paid (after 13 weeks - the so called ‘assessment phase’) an additional:

- Work-related Activity Group - ‘work-related activity component’ of £35.95 per week where the claim was made prior to 3rd April 2017; or
- Support Group - ‘support component’ of £47.70 per week.

The ‘work-related activity component’ is paid to those who may be assessed as having ‘limited capability for work’ under the ‘work capability assessment’. The higher ‘support component’ is paid to those who may be assessed under the ‘work capability assessment’ as having both ‘limited capability for work’ and ‘limited capability for work-related activity’.

Working: If a person is on sick leave from their job, then they will usually get Statutory Sick Pay (possibly topped up with contractual sick pay) from their employer for the first 28 weeks of sickness.

After this they may seek to claim New Style ESA providing, they are able to meet the National Insurance contributions conditions for this benefit. Please note that whilst a person may not get Statutory Sick Pay and New Style ESA at the same time, a person may nonetheless get contractual sick and New Style ESA simultaneously.

People may not normally claim New Style ESA whilst actually undertaking work (as opposed to those that are absent from work due to ill-health). However, some forms of work are allowed e.g. voluntary work and so called 'permitted work'. Under the 'permitted work' rules a person may earn up to £167.00 per week, without it affecting their entitlement to New Style ESA. Do seek further information and advice as necessary.

The amount of New Style ESA payable is affected if the claimant gets an occupational pension. Any amount that would otherwise be paid is reduced by 50% of any occupational pension above £85.00 per week. However, a person's entitlement should not be affected by any contractual sick pay (as opposed to Statutory Sick Pay - see above) paid by their employer. The amount paid should also not be affected by any savings, Personal Independence Payment or other benefits. The fact that a claimant's partner works should also not affect entitlement. Do seek further advice and information as necessary.

Since **1st May 2012** Contributory ESA / New Style ESA have only been payable for a maximum of **365 days** for those placed into the 'Work-related Activity Group' (i.e. those assessed as having 'limited capability for work' but not 'limited capability for work-related activity'. If a person is placed in the 'Support Group' because they have been assessed as having both 'limited capability for work' and 'limited capability for work-related activity' then Contributory ESA / New Style ESA can be paid beyond the 365 days limit.

Please go to this LINK for more information on and how to apply for New Style ESA.

Note: If a person's only income is New Style ESA or as a result of being out of work due to ill-health, their income / their family's income is reduced, then they should see if they have entitlement to Universal Credit. See C.1. Universal Credit. Moreover, if a person's incapacity to work came about following an accident at work (or the contracting of an industrial disease) then they may like to see if they are entitled to claim Industrial Disablement Benefit under the industrial injuries scheme. See B.8 Industrial Injuries Benefit. If, as a result of the person's physical or mental health problems, they need help with their personal care or have difficulties associated with their mobility, then they may also like to see if they are entitled to Personal Independence payment. B.1 Personal Independence payment.

Work Capability Assessment

As part of claiming **New Style ESA** a person will be expected to undergo the 'Work Capability Assessment' - an assessment of their physical and mental capability to see if they may be considered to have 'limited capability for work' and 'limited capability for work-related activity'.

- A person who is assessed as having **Limited Capability for Work** will be placed into the **Work-related Activity Group** and expected to participate in Work-focused Interviews and Work-related Activity to identify barriers to work and get them job ready.

- A person who is assessed as having **Limited Capability for Work** and **Limited Capability for Work-related Activity** will be placed into the **Support Group** and not expected to participate in Work-focused Interviews and work-related activity as part of their claim.

The Work Capability Assessment has two phases. There is an ‘assessment phase’ and a ‘main phase’. It is during this phase that the Department for Work and Pensions (DWP) will seek to gather evidence about the person’s health problems and disability.

The DWP will ask the claimant to complete an ESA50 form in which they are expected to provide details of their health problems/disability and medication. The person would then normally undergo a medical assessment with a Healthcare Professional. The Healthcare Professional will use the information obtained during the assessment to produce a report outlining the person’s physical and mental functional abilities. It is at this point that a DWP Decision Maker will, taking on board the information presented in both the ESA50 form and Healthcare Professional’s report, determine whether or not the person may be considered to have ‘limited capability for work’ and ‘limited capability for work-related activity’.

During the ‘assessment phase’ (and up until the Work Capability Assessment has been completed) a person may be treated as though they have ‘limited capability for work’ and paid at least the basic amount of New Style ESA providing they are able to submit Med3 Fit Notes confirming their incapacity to work.

The **Limited Capability for Work (LCW)** involves assessing the claimant’s physical and mental health within the range of the following activities:

Physical Activity Areas (Part 1):	Mental Activity Areas (Part 2):
1. mobilising	11. learning tasks
2. standing and sitting	12. awareness of everyday hazards
3. reaching	13. initiating and completing personal actions
4. picking-up and moving objects	14. coping with change
5. manual dexterity	15. getting about
6. making self understood	16. coping with social engagement
7. understanding communication	17. appropriateness of behaviour
8. navigating and maintaining safety	
9. loss of control of bowel/bladder	
10. lost consciousness	

Depending upon the nature and level of functional limitations, different point scores (ranging from 6 points, 9 points and 15 points) may be awarded. If the person achieves a score of at least 15-points, then they will be assessed as having ‘limited capability for work’. If the person fails to get at least 15 points they will be considered not to have ‘limited capability for work’. In this situation, the DWP must then go on to consider whether the implications of that decision would pose a ‘**substantial risk**’ to the person’s physical or mental health (or the physical or mental health of another person) - a risk to health from the rigours of working or being expected to look for work. If such a risk exists, then the person will be treated as though they have ‘limited capability for work’.

Limited Capability for Work-related Activity (LCWRA): The assessment for ‘limited capability for work-related activity’ (putting people into the ‘Support Group’) only follows if a person has been held to have ‘limited capability for work’. The assessment operates on similar lines to the ‘limited capability for work’ assessment only, there is no point score system. All that matters is whether the person is able to undertake the relevant physical or mental tasks involved. Even at this stage, if a person is held not to have ‘limited capability for work-related activity’ then the DWP is obliged to consider whether such an outcome could pose a ‘substantial risk’ to the person’s physical or mental health (or the physical or mental health of another person) - a risk to health arising from the requirement to take part in Work-focused Interviews and work-related Activity. If such a risk exists, then the person will be treated as though they have ‘limited capability for work-related activity’.

Treated as Having LCW and LCWRA: Aside from the above provisions, there are some situations in which a person may be treated as having ‘limited capability for work’. This includes:

- when a person is in hospital and receiving medical treatment; and
- when a person is actually recovering from hospital treatment (as opposed to being in hospital).

A person who is considered to be 'terminally ill' (because their life expectancy is likely to be less than 12 months due a progressive disease) may be treated as though they have 'limited capability for work' and 'limited capability for work-related activity'. Similarly, those who are about to undergo (or who are undergoing or recovering from) treatment for cancer, may also be treated as though they have 'limited capability for work' and/or 'limited capability for work-related activity', if it is reasonable to do so in the circumstance - because it would be unreasonable to expect them to work, look for work, attend 'work-focused interviews' or undertake work-related activity.

Do seek further information and advice as necessary.

A.4: Bereavement Support Payment

The Bereavement Support Payment is a Department for Work and Pensions benefit which exists to provide financial support to people who are under 'state pension age' (see Section 1.4) and have been widowed - their spouse or civil partner has died on or after 6th April 2017. This new benefit was introduced as a replacement for the former bereavement benefits system. See below.

Entitlement to a Bereavement Support Payment is subject to the claimant's late spouse / civil partner having either met the required National Insurance contributions conditions for payment or having died as a result of an industrial accident or disease. Therefore, it may not be immediately apparent if a person qualifies. The 'best practice' might be to claim and allow the Department for Work and Pensions do the required contributions record check, etc.

How much: The new Bereavement Support Payment may be paid at two rates:

- Higher Rate: Lump Sum £3,500 plus 18 Monthly Payments @ £350 per month
- Standard Rate: Lump Sum £2,500 plus 18 Monthly Payments @ £100 per month.

A person will qualify for the higher rate where they were pregnant when their spouse/civil partner died, or they were entitled to Child Benefit when their spouse/civil partner died.

A person will also be entitled to the higher rate where since their spouse/civil partner died they have become entitled to Child Benefit for a child/young person who was living with them (or their late spouse/civil partner) immediately before they died. Any new relationship or new marriage or civil partnership should not affect entitlement to the Bereavement Support Payment.

Anyone who has been bereaved should get a full benefits check. This is because they may be entitled to other benefits such as Universal Credit and DWP Social Fund grant to help with funeral expenses.

Please go to this LINK for more information on and how to apply for the Bereavement Support Payment.

IMPORTANT: Prior to **6th April 2017** a bereaved spouse or civil partner could obtain a Bereavement Benefit consisting of a £2,000 lump sum **Bereavement Payment** or a **Widowed Parent's Allowance** (if they had a dependent child) or a **Bereavement Allowance** (if they were without children and aged 45 or over but under 'state pension age' - see Section 1.4 for more information). However, new rules from **9th February 2023** have meant that surviving partners (a person who was cohabitating with a deceased partner but not married / in a civil partnership relationship) may now apply for the Widowed Parent's Allowance where at the time of death the couple had a dependent child.

However, please note that to qualify any one affected needed to make a claim within 12 months of the date the new rules were introduced. This means that it is too late to apply now. We have kept this information in this booklet for information purposes only.

Note: If a person's only income is from Bereavement Support or they have a limited income then they may like to see if they are entitled to Universal Credit. See C.1 Universal Credit.

B. Non-Contributory Benefits (Non-Means Tested)

B.1: Personal Independence Payment

Personal Independence Payment (PIP) is a Department for Work and Pensions benefit. It was introduced in April 2013 as a replacement for Disability Living Allowance for people of 'working age'. It may be claimed by people who by reason of a physical or mental condition, need help with aspects of daily living and/or because they need help with their mobility.

Age Conditions: To claim Personal Independence Payment a person must be aged 16 or over but under State Pension Age. See Section 1.4 for more information.

The amount of PIP paid is dependent on the nature and level of help needed with daily living or the limitations of the person's mobility.

The '**daily living component**' can be paid at 2 different rates:

- £108.55 per week - the enhanced rate; and
- £72.65 per week - the standard rate.

The '**mobility component**' can be paid at 2 different rates:

- £75.75 per week - enhance rate; and
- £28.70 per week - standard rate.

Depending upon a person's circumstances it is possible for an award of the 'daily living component' and/or the 'mobility component'. It is possible for an award to be made for a mixture of the enhanced rate and standard rate. This can result in people getting, so called, 'enhanced / enhanced' or 'enhanced / standard' or 'standard / standard' awards.

The following gives a guide to what is covered in 'daily living' and 'mobility' needs.

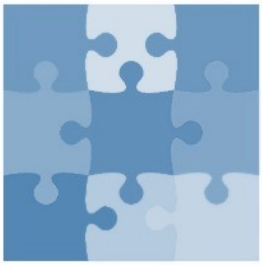
Daily Living Component:

1. Preparing and cooking food:	A person needs help (meaning: prompting, encouragement, assistance and/or supervision) or to use an aid to prepare and/or cook a simple meal (meaning: a one-course meal for one using fresh ingredients).
2. Eating and taking nutrition:	A person needs help (meaning: prompting, encouragement, assistance and/or supervision) or to use an aid at mealtimes with eating and/or conveying food or drink to their mouth.
3. Managing medication, therapy or monitoring of a health condition:	A person needs help (meaning: prompting, encouragement, assistance and/or supervision) or to use an aid to take their medication or with things like taking oxygen or home dialysis or an exercise routine designed to prevent their condition getting worse or with monitoring to ensure their health does not deteriorate.

4. Washing and bathing:	A person needs help (meaning: prompting, encouragement, assistance and/or supervision) or to use an aid when washing and/or bathing.
5. Managing toilet needs or incontinence:	A person needs help (meaning: prompting, encouragement, assistance and/or supervision) or to use an aid when toileting and/or getting on or off an un-adapted toilet or cleaning themselves afterwards.
6. Dressing and undressing:	A person needs help (meaning: prompting, encouragement and/or assistance) or to use an aid when dressing and undressing including selecting clothing, putting on socks and shoes.
7. Communicating verbally:	A person needs to use an aid or appliance to be able to speak and/or hear or they need communication support or an interpreter to help them to communicate.
8. Reading and understanding signs, symbols and words:	A person needs to use an aid or appliance or someone to explain things to them to help to understand basic or complex written or printed information.
9. Engaging with other people face to face:	A person needs prompting, encouragement or help from another person (social support) to engage socially and establish relationships.
10. Making budgeting decisions:	A person needs assistance with making simple or complex budgeting decisions.
Mobility Component:	
1. Planning and following journeys:	A person needs encouragement to leave home / someone to accompany them on a journey save distress from a mental health condition or cognitive impairment.
2. Moving around:	Once standing (with at least one biological foot on the floor), a person is unable to walk (with or without an aid) any appreciable distance or any appreciable distance without pain, discomfort or fatigue.

Terminal Illness (Special Rules): A person may be awarded the 'enhanced rate' of the 'daily living component' under a fast-track process if they are living with terminally illness. That is to say that they suffer from a progressive disease and as a result of this they are not reasonably expected to live more than 12 months (it was formerly six months prior to 3.4.2023). In such cases a SR1 form (formerly a DS1500 form) may be obtained from a person's doctor, healthcare professional, hospice or Macmillan nurse and presented to the DWP. If the claimant also has mobility needs, then an award of the 'mobility component' may be made providing the normal qualifying criteria for that component are satisfied.

Qualifying Period: In order to qualify for Personal Independence Payment, the claimant must be able to meet the 'daily living' and/or 'mobility' conditions for at least three months and be likely to continue to do so for a further nine months. Therefore, Personal Independence Payment is not available to people who have short term difficulties with their daily living / mobility. A person can apply at any point in time, but payment will not be made until the disability test has been met for at least three months. The only exception to this rule is where the claim is made under the Special Rules (see above) because the claimant is terminally ill. In this instance PIP may be awarded straight away. The 3 / 9 month rule does not apply.



Although Personal Independence Payment is a benefit intended for people of working age, once it has been awarded it can continue to be paid beyond retirement age providing the person continues to meet the qualifying rules. The important thing is that it is claimed before a person reaches State Pension Age.

Please go to this LINK for more information on and how to apply for Personal Independence Payment.

Disability Living Allowance remains for disabled children. Further, adults who have continued to get Disability Living Allowance will be expected to apply for Personal Independence Payment at some point in the future. See B.2: Disability Living Allowance for more information.

Note: If a person's functional impairment is as a result of an accident at work (or the contracting of an industrial disease), then they may like to see if they are entitled to claim Industrial Disablement Benefit under the industrial injuries scheme. See B.8 Industrial Injuries Benefit.

B.2: Disability Living Allowance

Disability Living Allowance (DLA) is a Department for Work and Pensions benefit paid to children who have personal care needs and/or mobility difficulties due to illness or disability.

Historically DLA was available to both disabled children and adults. However, DLA for people of 'working age' (aged 16 to State Pension Age - See Section 1.4 for more information) was replaced by Personal Independence Payment from 8th April 2013. This all means that whilst some adults (i.e. those who were receiving DLA prior to 8th April 2013 and who were aged 65 or over at the time) may still receive DLA essentially only children aged up to 16 may now apply for Disability Living Allowance.

Adults who presently get Disability Living Allowance will eventually be expected to claim Personal Independence Payment. See below.

Disability Living Allowance consist of:

- A '**care component**' which may be awarded where the disabled child needs help with their 'bodily functions' and/or they need 'supervision' or 'watching over' to ensure their safety. Help with 'bodily functions' translates to the child needing help with day-to-day activities like washing, bathing, toileting, dressing and taking medication, communication, behaviour, understanding and/or personal development due to a physical, sensory or cognitive impairment. A child may need 'supervision' or 'watching over' if they have a learning disability or are autistic.

- A **Mobility Component** for children aged 3 or over who may be considered to be unable or virtually unable to walk or children aged 5 or over who need guidance or supervision to follow the route of an unfamiliar journey. Children aged 3 or over may also qualify for the mobility component if they have no legs/feet or have a loss of both vision and hearing or are severely visually impaired.

  Also, a child may get the mobility component if they are entitled to the higher rate care component if they suffer with a condition such as autism or a learning disability and they exhibit unpredictable and severe behavioural problems. Do seek further information and advice as necessary.

How much: The '**care component**' can be paid at 3 different rates depending on the type and level of care needs. There is a higher rate of £108.55 per week, a middle rate of £72.65 per week and lower rate of £28.70 per week. The '**mobility component**' can be paid at two different rates depending upon the nature of mobility difficulties present. There is a higher rate of £75.75 per week and a lower rate of £28.70 per week.

The Substantially in Excess Test: Of course, it may be argued that all children depending on their age require help or a certain amount of help with their personal care and/or mobility. To qualify for Disability Living Allowance it will be necessary to show that the type of help required by the disabled child is either 1. not of the type that most non-disabled children of the same age or gender would require; or 2. of the same type of help that a non-disabled child of the same age and gender would require but that the level of help is substantially greater than that of a child of the same age and gender would need.

Terminal Illness (Special Rules): A child may be awarded the 'higher rate' of the 'care component' under a fast-track process if they are living with terminally illness. That is to say that the child suffers from a progressive disease and as a result of this they are not reasonably expected to live more than 12 months (it was formerly six months prior to 3.4.2023).

In such cases a SR1 form (formerly a DS1500 form) may be obtained from a person's doctor, healthcare professional, hospice or Macmillan nurse and presented to the DWP. If the child also has mobility needs, then an award of the 'mobility component' may be made providing the normal qualifying criteria for that component are satisfied.

Qualifying Period: In order to get DLA, the child must be able to meet the disability test (i.e. they meet the personal care or mobility conditions) for at least three months and be likely to continue to do so for a further six months. Therefore, DLA is not ordinarily available to children who have short term care and/or mobility needs.

A claim may be made at any time, but payment will not be made until the disability test has been met for at least three months. The only exception to this rule is where the claim is made under the special rules (see above) because the child is terminally ill. In this instance DLA may be awarded straight away.

DLA to PIP Conversion: A child who gets DLA will normally be invited to claim PIP as they approach their 16th birthday. A person aged 16 or over who gets DLA will be expected to apply for PIP when their current award of DLA is about to expire, or they have a change in their care or mobility needs and approach the Department for Work and Pensions to inform them of the change. Other adults who are getting DLA may be randomly selected and invited to apply for PIP. However, those aged 65 or over on **8th April 2013** will remain on DLA. They will not be able to claim PIP at any stage. Finally, any existing DLA adult claimant (aged under 65 on 8th April 2013) may seek to claim PIP if they believe that they would be better off under PIP. Anyone considering this should seek advice before doing so.

Please go to this LINK for more information on and how to apply for Disability Living Allowance.

B.3: Attendance Allowance

Attendance Allowance is a Department for Work and Pensions benefit for people (who do not already get Disability Living Allowance or Personal Independence Payment) who need help with their 'bodily functions' and/or they need 'supervision' or 'watching over' to ensure their safety.

Age Conditions: A person must have reached State Pension Age to be able to apply for Attendance Allowance. See Section 1.4 for more information.

Attendance Allowance is a weekly benefit for people over State Pension Age (see Section 1.4 for more information) who do not already get Disability Living Allowance or Personal Independence Payment but who need help with their '**bodily functions**' and/or they need '**supervision**' or '**watching over**' to ensure their safety.

Help with '**bodily functions**' translates to the person needing help with day-to-day activities like washing, bathing, toileting, dressing and taking medication, communication, memory and/or understanding due to a physical, sensory or cognitive impairment.

A person may need '**supervision**' or '**watching over**' to make sure they are safe/come to no harm if they suffer with a mental health condition, learning disability or dementia. They may also need '**supervision**' or '**watching over**' if they are very elderly or very frail or they have a propensity to fall and could not raise the alarm should they injure themselves.

How much: Attendance Allowance may be paid at 2 different rates. There is a:

- higher rate £108.55 per week; and
- lower rate £72.65 per week.

Normally people who need help during the day or night will get the lower rate. The higher rate will be paid where assistance is needed during both the day and night or where the person is terminally ill. See below.

Terminal Illness (Special Rules): A person may be awarded at the 'higher rate' under a fast-track process if they are living with terminally illness. That is to say that they suffer from a progressive disease and as a result of this they are not reasonably expected to live more than 12 months (it was formerly six months prior to 3.4.2023). In such cases a SR1 form (formerly a DS1500 form) may be obtained from a person's doctor, healthcare professional, hospice or Macmillan nurse and presented to the DWP.

Qualifying Period: In order to get Attendance Allowance the claimant must be able to meet the disability test (i.e. they meet the personal care conditions) for at least six months. Therefore, Attendance Allowance is not available to people who have short term care needs. A claim may be made at any time, but payment will not be made until the disability test has been met for at least six months. The only exception to this rule is where the claim is made under the special rules (see above) because the claimant is terminally ill. In this instance Attendance Allowance may be awarded straight away.

Please go to this LINK for more information on and how to apply for Attendance Allowance.

Note: If a person's functional impairment is as a result of an historic accident at work (or the contracting of an industrial disease) then they may like to see if they are entitled to claim Industrial Disablement Benefit under the industrial injuries scheme. See B.8 Industrial Injuries Benefit.

B.4: Carer's Allowance

Carer's Allowance is a Department for Work and Pensions benefit. It may be claimed by those who look after a person getting Attendance Allowance (any rate) or Disability Living Allowance care component (at the middle or higher rate) or the Personal Independence Payment daily living component.

To qualify the carer should:

- be aged 16 or over; and
- provide at least 35 hours' care per week; and
- not be working and assessed as earning more than £139.00 per week (it is a person's gross earnings after certain 'allowable deductions' that count); and
- not be adjudged to be in full-time education.

The care provided must total at least 35 hours per week (Sunday to Saturday - care provided on a Saturday will fall within one week and care provided on a Sunday will fall in another). A carer cannot average out the number of hours they provide care (e.g. 50 hours one week and then 20 hours the following week).

How much: The basic benefit payable is £81.90 per week.

Entitlement to Carer's Allowance may entitle a person getting Universal Credit to get an extra 'carer element' worth up to £198.31 per month built into their award. Whereas, an award of Carer's Allowance to those who still get a 'legacy benefit' (Income Support, Income-related ESA, Income-based JSA, Pension Credit, Housing Benefit), Pension Credit or Council Tax Support can benefit by getting a 'carer's premium'/ 'carer's additional amount' built into their assessment which could be worth up to £45.60 per week.

Depending on which other benefits (e.g. State Retirement Pension or New Style ESA) the carer receives, they may find that they get an 'underlying' award of Carer's Allowance only due to the 'overlapping benefits rule'. However, it may still be worth claiming because an 'underlying award' may still trigger entitlement to the carer's element/carer's premium/carer's additional amount.

Important Note: In some cases, a claim for Carer's Allowance can adversely affect the benefit rights of the person being looked after. This is because when Carer's Allowance is paid to a carer it restricts the disabled person's eligibility to the 'severe disability additional amount'/'severe disability premium' which may be included in Pension Credit, Income Support, Income-related ESA, Income-based JSA, Housing Benefit and Council Tax Support calculations. This can result in a loss of up to £81.50 per week for the disabled person. Similarly, an award of the 'carer element' within an award of Universal Credit will act to disqualify a disabled person from the 'severe disability premium' or 'severe disability additional amount'. Therefore, do seek expert advice if you are unsure how best to proceed. It is unusual for one person's benefits to adversely affect the benefits of another but in this situation, it can happen.

Carers National Insurance Credit: People who are entitled to Carer's Allowance get a NI Class 1 Credit towards e.g. State Pension/New Style JSA/New Style ESA/Bereavement Support entitlements.

Since 6th April 2010 carers who look after someone for at least 20 hours per week may also claim this NI Class 1 Credit providing the person who they care for receives Personal Independence Payment for daily living, Disability Living Allowance middle or higher rate care component or Attendance Allowance.

Please go to this LINK for more information on and how to apply for Carer's Allowance.

Note: If a person's income is only Carer's Allowance, then they should make enquiries to see if they may be entitled to Universal Credit. See C.1 Universal Credit. Moreover, if someone has had to give up work or reduce their hours of work due to a caring responsibility then they should also investigate whether they have an entitlement to Universal Credit. See C.1. Universal Credit.

B.5: Child Benefit

Child Benefit is a HMRC benefit that may be paid to a person for:

- a 'dependent child' - meaning a child aged under 16; and
- a 'qualifying young person' - meaning a young person aged 16 to 19 who is at school/college in 'non-advanced' education (i.e. studying up to and including 'A' level standard) or approved non-waged training;

who lives with them or for whom they contribute towards the cost of supporting them. This is known as the 'responsible for' test.

How much: Child Benefit is worth £25.60 per week for the eldest eligible child/young person and £16.95 per week for each other child/young person.

Child Benefit is not payable for a child/young person who has been in local authority care for more than 8 weeks unless they regularly stay at least one day per week with the claimant.

Child Benefit entitlement will also cease in the case of a young person should they start to get benefits in their own right or if they work more than 24 hours per week. Foster Carers may not claim Child Benefit for a child/young person for whom they receive a fostering allowance.

Since January 2013 the value of any Child Benefit award is reduced through a tapered income tax charge where the claimant's (or their partner's) income is over £60,000 (formerly £50,000) per year. The whole value of any Child Benefit award is lost if the claimant's (or their partner's) income is above £80,000 (formerly £60,000). The intention is from April 2026 to introduce in couple cases rules whereby the monetary thresholds will be based on a couple's combined income.

Child Benefit Extension Period (CBEP): When a child/young person ceases to be in education or training then Child Benefit may continue to be paid for a further 20 weeks. This period is known as the CBEP and is designed to allow time for the young person to get a place on a training scheme, apprenticeship or job. To be entitled to Child Benefit during the CBEP the young person must be registered for work, education or training as directed by the Department for Work and Pensions.

Please go to this LINK for more information on and how to apply for Carer's Allowance.

B.6: Guardian's Allowance

Guardian's Allowance is a HMRC benefit that may be awarded to people who are bringing up a child who is an orphan - their parents are dead, or where one parent is dead and the other parent cannot be traced or is sentenced to more than 2 years in prison (formerly 5 years until 1st April 2002) or detained under provisions of the Mental Health Act.

How much: Guardian's Allowance is worth £20.40 per week for each child.

Guardian's Allowance may be paid in addition to Child Benefit. Please go to this LINK for more information on and how to apply for Guardian's Allowance.

B.7: Statutory Sick Pay

Statutory Sick Pay is a benefit paid by employers to employees who are too sick to work. To qualify an employee must:

- be absent from their employment due to ill-health/disability
- have had average earnings of £123.00 per week or more
- have evidenced their ill-health/disability.

An employee only need evidence their ill-health/disability via self-certification for the first 7 days of their absence. Thereafter they will need to provide a doctor's sick notes (Med3 Fit Notes) confirming their ill-health/disability.

To qualify for Statutory Sick Pay it does not matter whether the employee works full-time or part-time. Entitlement is also not dependent upon how long the person has worked at the company or their National Insurance contributions record. All that matters is that due to ill-health/disability the employee is presently unable to do the job for which they were employed. Whilst agency workers and those on temporary contacts can qualify, providing they meet the conditions for payment, some groups are disqualified from the scheme.

Those excluded from the scheme includes certain pregnant workers, people who at the time of the onset of their entitlement are involved in trade dispute and new employees who have not yet started work. However, it is possible for an employee who has two jobs to get Statutory Sick Pay from one employer whilst still working for the other. Depending on the nature of ill-health/ disability a person could be too sick to do one form of employment but sufficiently able to do another form of work.

How much: Statutory Sick Pay is paid at £116.75 per week.

It is, however, not paid for the first 3 days ('waiting days' - weekends count and days the person would not normally work also count) of absence. Statutory Sick Pay may be paid for a maximum period of 28 weeks. Separate periods of sickness linked by a gap of less than 8 weeks are linked together.

Depending on the terms and conditions of employment, a person may qualify for contractual sick pay in isolation from or on top of any Statutory Sick Pay entitlement. Contractual sick pay should not be confused with Statutory Sick Pay.

Please go to this LINK for more information on and how to apply for Statutory Sick Pay.

Note: If, as a result of being off work, a person has suffered a drop in income, then they may like to see if they are entitled to Universal Credit. See C.1 Universal Credit. If an employee is long-term sick, then they may need to apply for New Style ESA. See A.3 New Style ESA. If someone is off work because of the effects of an accident at work (or because they have contracted an industrial disease) then they may wish to investigate whether they are entitled to claim Industrial Disablement Benefit under the industrial injuries scheme. See B.8 Industrial Injuries Benefit.

B.8: Industrial Injuries Benefit

The Industrial Injuries Benefit scheme is administered by the Department for Work and Pensions and provides for workers (not self-employed or volunteers) who suffer disability / disablement from:

- personal injury due to an accident at work; or
- contracting a prescribed industrial disease through working in a relevant place of employment.

The standard industrial injuries benefit is Disablement Benefit. Whilst a claim may be made straight after an injury / onset of the industrial disease, payment may only be awarded from the 15th week after the injury/onset of the industrial disease.

How much: The amount of Disablement Benefit paid is dependent upon the level of assessed disability/loss of faculty resulting from the injury / industrial disease. For example, £44.30 per week would be payable for 20% disablement (Note: An assessment between 14% and 19% is rounded up to 20%) and £221.50 per week for an assessment of 100% disablement.

Also, within the Industrial Injuries Benefit scheme is a Constant Attendance Allowance scheme for people who need help with their personal care as a result of their accident / disease and an Exceptionally Severe Disablement Allowance scheme for those with severe disablement who get Constant Attendance Allowance and have a permanent disablement.

Additionally, for those who had an accident/disease which onset before 1st October 1990 there is a Reduced Earnings Allowance scheme which aims to compensate for loss/reduction of earnings. Each of these schemes can in themselves increase the overall amount of industrial injuries benefit a person may get.

Please go to this LINK for more information on the Industrial Injuries Benefits scheme.

As well as making a claim for benefit under the Industrial Injuries Benefit scheme a person may like to seek legal advice about claiming civil compensation from their employers (former employers) for any injury or contracted disease. The time limit for bringing civil action is 3 years from the date of the accident or 3 years from the date the person first became aware that they had contracted a disease from work.

Note: If someone is off work following an accident at work or because of the effects of an industrial disease, then they should make enquiries about their entitlement to claim Statutory Sick Pay (see B.7 Statutory Sick Pay), New Style ESA (see A.2 New Style ESA) and Universal Credit (see C.1 Universal Credit. If, as a result of the accident / disease the person needs help with their personal care and/or mobility, then they may also like to investigate a potential entitlement to Personal Independence Payment (see B1. Personal Independence payment).

B.9: Armed Forces Compensation Scheme

The Armed Forces Compensation Scheme (replaced the War Widow's Pension and War Disablement Pension schemes) is designed to compensate for disablement or death caused or made worse by service at any time in the armed forces.

Under the scheme a person may get an award of:

- a lump sum payment for the injury sustained; and
- a 'guaranteed income payment' for loss of earnings and pension rights.

In each case the level of payment is dependent on the degree of injury and an age/salary tariff. A surviving spouse, civil partner or any partner with whom the person was in a 'substantial relationship' may receive a 'survivor's guaranteed income payment'. There is also a 'child's guaranteed income payment' payable where the person had a dependent child.

Please go to this LINK to find out more about the Armed Forces Compensation Scheme.

B.10: Maternity Allowance

Maternity Allowance is a Department for Work and Pensions benefit for women who have given birth and are not entitled to Statutory Maternity Pay (see B.11 Statutory Maternity Pay).

This could be because they no longer work and so do not have an employer from whom they can claim Statutory Maternity Pay or because whilst they work they are self-employed or because they are simply unable to meet the conditions for Statutory Maternity Pay (see B.11 Statutory Maternity Pay) from their current employers.

To qualify for Maternity Allowance a woman must have:

- worked (employed or self-employed) for at least 26 weeks out of the 66 weeks before the week in which the baby is due; and
- earn an average of at least £30.00 per week for any 13-week period during the aforementioned 66 week period.

How much: The weekly amount of Maternity Allowance paid will be the lesser amount between £184.03 and 90% of the claimant's average weekly earnings. It may be payable for a total of up to 39 weeks with payment starting no earlier than 11 weeks before the birth.

If a woman is working for an employer, then they are entitled to 52 weeks Statutory Maternity Leave when they give birth to a baby irrespective of how long they have worked for a company. The first 26 weeks is known as 'Ordinary Maternity Leave', the last 26 weeks as 'Additional Maternity Leave'.

The earliest that leave can be taken is 11 weeks before the expected week of childbirth, unless the baby is born early. A woman must take at least 2 weeks Statutory Maternity Leave (4 weeks if they're a factory worker) Statutory Maternity Leave after giving birth.

Please go to this LINK for more information on Maternity Allowance and how to apply.

Pregnant women are entitled to time off with pay for antenatal appointments made on the advice of their doctor, midwife or health visitor. Do seek further information and advice as necessary.

Note: If a woman is working and not entitled to Maternity Allowance (or Statutory Maternity Pay), or they do qualify but the taking of Statutory Maternity Leave means that the family's income is significantly reduced as a result, then they should see if they can qualify for Universal Credit during the period they are off work. Moreover, because Maternity Allowance may only be paid for 39 weeks, a family may like to enquire about any potential entitlement to Universal Credit during the period from week 40 to week 52. See Section 2.4: paragraph C.1: Universal Credit for more information. In addition, entitlement to the £500 Sure Start Maternity Grant from the DWP Social Fund should be explored. See Section 3.1: paragraph C: Sure Start Maternity Grant.

B.11: Statutory Maternity Pay (SMP)

Statutory Maternity Pay is a benefit paid by employers to an employee whilst they are on Statutory Maternity Leave.

To qualify for Statutory Maternity Pay the woman must:

- have worked for their employer for at least 26 weeks including at least part of the 15th week (the 'qualifying week') before the expected week of childbirth; and
- have average gross earnings of £123.00 per week or more during the set 'relevant period' - roughly the 23 week period before the baby is due; and

- be within the ‘maternity pay period’ - a period of 39 weeks starting no earlier than 11 weeks before the baby is due or the day after the baby is born; and
- give their employer at least 28 days’ notice of the date they want the payment of their SMP to begin and provide their employer with a MAT B1 confirming the expected date of birth.

How much: Statutory Maternity Pay is payable for up to 39 weeks - during the ‘maternity pay period’. The amount of weekly payment is equal to 90% of average earnings for the first 6 weeks then whichever is the lesser amount between £184.03 and 90% of the claimant’s average weekly earnings for the remaining period. Statutory Maternity Pay is often topped-up by contractual maternity pay from an employer.

A woman can choose to reduce her ‘maternity pay period’ at any point from two weeks (four weeks if working in a factory) after the birth of the baby and allow her partner to apply for Statutory Shared Parental Pay. See B.14 Statutory Shared Parental Pay.

A woman is entitled to 52 weeks Statutory Maternity Leave when they give birth to a baby irrespective of how long they have worked for a company. The first 26 weeks is known as ‘Ordinary Maternity Leave’, the last 26 weeks as ‘Additional Maternity Leave’.

The earliest that leave can be taken is 11 weeks before the expected week of childbirth, unless the baby is born early. A woman must take at least 2 weeks Statutory Maternity Leave (4 weeks if they’re a factory worker) after giving birth.

Please go to this LINK for more information on Statutory Maternity Pay and Statutory Maternity Leave.

Pregnant women are entitled to time off with pay for antenatal appointments made on the advice of their doctor, midwife or health visitor. Do seek further information and advice as necessary.

Note: If a woman has been working but is not entitled to any Statutory Maternity Pay, then they may have entitlement to Maternity Allowance. See B.10 Maternity Allowance. If a woman is not entitled to Statutory Maternity Pay or Maternity Allowance or they do qualify but nonetheless this significantly reduces the family’s income as a result then they should see if they can qualify for Universal Credit during the period they are off work. Moreover, because Statutory Maternity Pay may only be paid for 39 weeks a family may like to enquire about a potential entitlement to Universal Credit during the period between when any entitlement to Statutory Maternity Pay finishes and the end of the 52 week Statutory Maternity Leave period. See Section 2.4: C.1: Universal Credit for more information. In addition, entitlement to the £500 Sure Start Maternity Grant from the DWP Social Fund should be explored. See Section 3.1: C: Sure Start Maternity Grant.

B.12: Statutory Adoption Pay (SAP)

Statutory Adoption Pay is a benefit paid by an employer to an employee who is on Statutory Adoption Leave having adopted a child aged under 18. To qualify for Statutory Adoption Pay the employee must:

- have worked for their employer for at least 26 weeks by the date they have been notified that they have been matched with a child for adoption; and
- have average gross earnings of £123.00 per week or above during the set ‘relevant period’ - roughly the period of eight weeks prior to the day the person is matched with a child; and

- be within the ‘adoption pay period’ - a period of 39 weeks starting no earlier than 2 weeks before the date on which the child is expected to be placed and no later than the day on which the child is placed; and

- give their employer at least 28 days’ notice of the date they want the payment of their SAP to begin and provide their employer with the ‘matching certificate and written confirmation that they want to receive SAP rather than Statutory Paternity Pay. See B.13 Statutory Paternity Pay.

How much: Statutory Adoption Pay can be paid for up to 39 weeks beginning normally no earlier than 14 days before the adoption is to begin. The amount of benefit payable is equal to £184.03 per week or 90% of the claimant’s average earnings if this is less.

Adoptive parents are entitled to 52 weeks Statutory Adoption Leave. The first 26 weeks is known as ‘Ordinary Adoption Leave’, the last 26 weeks as ‘Additional Adoption Leave’. A couple adopting jointly can chose who takes Statutory Adoption Leave (and Statutory Adoption Pay) and who takes Statutory Paternity Leave (and Statutory Paternity Pay). Do seek further information and advice as necessary.

An adoptive parent can also get paid time off work to attend 5 adoption appointments after they have been matched with a child.

Please go to this LINK for more information on Statutory Adoption Pay and Statutory Adoption Leave.

Note: If an adoptive parent is not entitled to Statutory Adoption Pay or they do qualify but nonetheless this significantly reduces the family’s income as a result then they should see if they can qualify for Universal Credit during the period they are off work.

Moreover, because Statutory Adoption Pay may only be paid for 39 weeks, a family may like to enquire about any potential entitlement to Universal Credit during the period between when any entitlement to Statutory Adoption Pay finishes and the end of the 52 week Statutory Adoption Leave period. See Section 2.4: C.1: Universal Credit for more information. In addition, entitlement to the £500 Sure Start Maternity Grant from the DWP Social Fund should be explored. See Section 3.1: C: Sure Start Maternity Grant.

B.13: Statutory Paternity Pay - Birth and Adoption (SPP)

Statutory Paternity Pay is a benefit paid by an employer to an employee who is on Statutory Paternity Leave to care for a birth child or adoptive child or to support the mother, following the birth of a child or adoption of a child. It must be claimed for time taken off within eight weeks of any birth or adoption.

To qualify for Statutory Paternity Pay the employee must:

- have worked for their employer for at least 26 weeks in the case of a birth child by the 15th week before the baby is due or in the case of adoption by the week in which they are matched with a child; and

- have average gross earnings of £123.00 per week or above during the set ‘relevant period’ - in the case of a birth this period is roughly 23 weeks before the baby is due / in the case of adoption the period roughly eight weeks prior to the day the person is matched with a child; and

- be within the ‘paternity pay period’ - see below.

Moreover, to qualify, in the case of a birth child, the person must at least 15 weeks before the date on which the baby is due, notify their employer of the date, they want their SPP to start.

In the case of adoption, to qualify, the person must within seven days of the notification of the adoption match notify their employer of the date on which they expect the child to be placed for adoption and of the date when they want their SPP to start.

How much: Statutory Paternity Pay can be paid for up to two weeks within the ‘paternity pay period’ - see below. The amount of Statutory Paternity Pay is whichever is the lesser amount between £184.03 per week or 90% of the claimant’s average weekly earnings.

Paternity Pay Period: In the case of a birth child, a person will be in within the ‘paternity pay period’ when the child is born and up to eight weeks after this date. In the case of an adoption, a person will be within the ‘paternity pay period’ from the date of the child’s placement and up to eight weeks after this date. Do seek further information and advice as necessary.

A person is entitled to one or two consecutive weeks Statutory Paternity Leave from work if they are the father of a child, partner to the child’s mother, child’s adopter or partner of the child’s adopter providing they have worked for the employer for at least 26 weeks by the 15th week before the baby is due or by the week in which they are matched with a child. Any leave must be taken within 56 days of the birth or the adoption taking place. Do seek further information and advice as necessary.

Please go to this LINK for more information on Statutory Paternity Pay and Statutory Paternity Leave.

Note: If a family encounters a reduction in income as a result of taking time off work following the birth of a child or adopting a child then they should see if they can qualify for Universal Credit during the period they are off work. See Section 2.4: C.1: Universal Credit for more information.
In addition, entitlement to the £500 Sure Start Maternity Grant from the DWP Social Fund should be explored. See Section 3.1: C: Sure Start Maternity Grant.

B.14: Statutory Shared Parental Pay (SSPP)

Statutory Shared Parental Pay was introduced from 6th April 2020. It is a benefit paid by an employer where a woman has elected to give up their entitlement to:

- Maternity Allowance (see B.10 Maternity Allowance); or
- Statutory Maternity Pay (see B11. Statutory Maternity Pay); or
- Statutory Adoption Pay (see B.12 Statutory Adoption Pay)

early and thereby allow any remaining entitlement to be paid to their partner as Statutory Shared Parental Pay. Moreover, a person may qualify themselves if they have recently given birth or adopted and they choose to give up their Maternity Allowance, Statutory Maternity Pay or Statutory Adoption Pay early. A person may decide to do this because the rules when SSPP can be paid have greater flexibility and it could allow them to return to work for a longer period than would otherwise be possible without losing a right to more paid leave.

How much: Statutory Maternity Pay is payable for up to 37 weeks - during the ‘shared parental pay period’. See below. The amount of Statutory Shared Parental Pay is whichever is the lesser amount between £184.03 per week or 90% of the claimant’s average weekly earnings.

To qualify for Statutory Shared Parental Pay a person must in the case of a birth, child be able to meet the conditions for Statutory Maternity Pay relating to length of service and earnings. Whereas, in the case of adoption, the person must be able to meet the conditions for Statutory Adoption Pay relating to length of service and earnings.

The person must also be within the 'shared parental pay period' - this is the period starting at least two weeks after the payment of any Statutory Maternity Pay or Statutory Adoption Pay and ending when the natural 39 week Statutory Maternity Pay or Statutory Adoption Pay period would end. To qualify, the person or the person's partner must have sent a 'curtailment notice' to their employer at least eight weeks before they want payment of their Maternity Allowance, Statutory Maternity Pay or Statutory Adoption Pay to stop.

They must also provide their employer with at least eight weeks' notice of the date on which they want payment of their SSPP to start and provide them with confirmation of the baby's due date or the date of the adoption placement. They must also provide confirmation that their partner consents to them claiming SSPP and that the care of the child will be a shared responsibility.

Shared Parental Pay Period: Is the 37 week period (starting at least two weeks after any Maternity Allowance, Statutory Maternity Pay or Statutory Adoption Pay has been paid) after, the person or their partner has notified their employer that they wish to 'curtail' their Maternity Allowance, Statutory Maternity Pay or Statutory Adoption Pay entitlement.

Please go to this LINK for more information on Statutory Shared Parental Pay and Shared Parental Leave.

B.15: Statutory Parental Bereavement Pay (SPBP)

Statutory Parental Bereavement Pay was introduced from 6th April 2020. It is a benefit paid by employers to employees who are exercising their right to take two weeks leave where they have suffered the death of a child (aged under 18) or a still birth (after 24 weeks of pregnancy).

To qualify for Statutory Parental Bereavement Pay an employee must:

- be a bereaved parent; and
- have been working for their employer for at least 26 weeks before the week in which the child died or the still birth took place; and
- have average gross earnings of £123.00 per week or above during the set 'relevant period' - roughly the period eight weeks prior to the death of the child / still birth; and
- give their employer notice of the week or weeks in which they would like the payment.

How Much: Statutory Parental Bereavement Pay can be paid for up to two weeks within the 'relevant period' - see below. The amount of Statutory Parental Bereavement Pay is whichever is the lesser amount between £184.03 per week or 90% of the claimant's average weekly earnings.

An employee is entitled to two weeks Statutory Bereavement Leave if they suffer the death of a child (aged under 18) or a still birth (after 24 weeks of pregnancy). A person does not need to take the whole two weeks or take the leave in consecutive weeks.

A person may just take one weeks leave (not two) or one week's leave followed by a return to work followed by a further weeks leave. Do seek further information and advice as necessary.

Please go to this LINK for more information on Statutory Parental Bereavement Pay and Statutory Parental Bereavement Leave.

If a person is not able to qualify for Statutory Parental Bereavement Pay or they suffer a significant drop in income as a result, then they should see if they can qualify for Universal Credit during this period. Moreover, if as a result of the death of a child or a still birth a person is having to take sick leave, then during this period they may be entitled to Statutory Sick Pay and/or Universal Credit. See C.1 Universal Credit and / or B.7 Statutory Sick Pay for more information. A woman who has had a still birth may nonetheless be able to qualify for Statutory Maternity Pay (See Section 2.4: paragraph B.11: Statutory Maternity Pay) or Statutory Sick Pay (See Section 2.4: paragraph B.7: Statutory Sick Pay) for more information.

Note: A family that have suffered the bereavement of a child might be able to get a Funeral Expenses Payment towards the cost of the funeral. See 34.1 paragraph D Funeral Expenses Payment for more information.

C. Means Tested Benefits

C.1: Universal Credit

Universal Credit is designed to provide people with a minimum amount of money to live off. It provides for the costs associated with day-to-day living and rent. If someone has a mortgage, then they may be eligible for a loan to help them with their mortgage interest payments. If someone has council tax liability, then they may claim Council Tax Support.

Age Conditions: Universal Credit is available to people of 'working age'. This is to say people aged 18 or over but under the 'Qualifying Age for Pension Credit'. See Section 1.4. Young people aged 16/17 year-olds may apply for Universal Credit in limited circumstances. See below.

A person may apply for **Universal Credit** if they have less than £16,000 in savings / capital. People may apply in a number of different situations. People may apply if, for example, they are:

- unemployed - without paid employment
- a carer
- working part-time or full-time but with limited earnings
- unable to work due to ill-health / disability

If a person is seeking to establish a claim for Universal Credit on grounds that they are too sick to work (i.e. the have 'limited capability for work') then they will be subjected to an assessment under the **Work Capability Assessment**. The assessment operates along the same lines as it does for New Style ESA. See Section 2.4: paragraph A.3: New Style ESA for more details.

Young People: 16/17-year-olds are able to apply for Universal Credit in limited circumstances. These include where the young person is too sick to work, is a carer for a severely disabled person, is pregnant and within 11 weeks of childbirth or they are a lone parent. In addition, 16/17-year-olds who are unable to live with their parents (including anyone who acts in place of their parents) because they are 'estranged' from them; or because there would otherwise be a 'serious risk' to their physical or mental health, may also apply. Do seek further information and advice as necessary.

Students: The general rule is that a person may not claim Universal Credit whilst they are considered to be 'receiving education'. However, there are also some exceptions to this rule depending on the age and circumstances of the claimant and the nature of the course they are on. Do seek further information and advice as appropriate.

How much: The amount of Universal Credit paid depends on the personal and financial circumstances of the claimant (and their partner). The means-test formula is:

Maximum Universal Credit less Assessed Income = Universal Credit Paid

The '**Maximum Universal Credit**' amount is made up of the following 'standard allowance' plus additional allowances that can be paid for dependent children/disability and to those who have a caring responsibility.

It can also include an amount for a person's housing costs e.g. their rent / service charges. However, it will not include any SMI assistance towards a person's mortgage interest payments even if they are eligible for / receive an SMI loan. Please see page 35 for more information.

Standard Allowance:

- £617.60 per month - couple where at least one member is aged 25 or over

- £489.23 per month - couple where both members are aged under 25
- £393.45 per month - single person aged 25 or over
- £311.68 per month - single person aged under 25

The extra amount allowed for a dependent child is either £333.33 per month or £287.92 per month depending on when the child was born and whether it is the eldest child. In addition to this an extra £487.58 per month or £156.11 per month can be included for a disabled child. The extra amount paid if the claimant (or their partner) is disabled (i.e. they have 'limited capability for work' or 'limited capability for work' and 'limited capability for work-related activity') is £156.11 per month or £416.19 per month. The amount allowed for those who have a caring responsibility (i.e. they are getting or would have entitlement to Carer's Allowance) is £198.31 per month.

If a person lives in **rented accommodation**, how much will be allowed in the Maximum Universal Credit amount to help them with their rent will depend on whether they live in accommodation provided by their local authority / a social landlord or private landlord.

If they live in rented accommodation provided by their local authority / a social landlord, then the whole amount of their rent would usually be allowed unless they are affected by the 'spare room subsidy' (aka bedroom tax) and/or they have a 'non-dependent' (e.g. grown-up son or daughter or elderly relative) living with them who should be contributing towards the rent. If a person lives in privately rented accommodation, then any amount they get in help towards their rent would be capped to the level of the Local Housing Allowance which would be set according to the number of bedrooms needed. This amount may then be reduced if a 'non-dependent' deduction applies.

If a person has a **mortgage** (and/or loan that is secured against the property in which they live as their normal home) and they qualify for an award of Universal Credit, then they will be eligible for a Support for Mortgage Interest (SMI) loan (with a current interest rate of 3.16% - April 2024) from the DWP. Any SMI loan would, in effect, pay for the interest of the mortgage / loan and be paid direct to the mortgage / loan company. The upper limit for help is £200,000. So, any SMI assistance would be capped at this level.

The amount that is paid to the lender is that calculated using a standard interest rate published by the Bank of England. Therefore, the amount allowed may not be sufficient to meet the whole of the actual interest if the lender's interest rate is higher. Once the amount of the SMI has been determined it will not normally be revised for 12 months. Any SMI paid to a person awarded Universal Credit will be paid after a 'waiting period' of <u>three</u> months but is someone has migrated on to Universal Credit from a 'legacy benefit' or reclaimed Universal Credit after a break of less than six months then they will not have to serve another 'waiting period'. Any SMI assistance would need to be repaid upon the future sale of the property in question or when the owner dies. The rule which disqualified people in <u>work</u> from being eligible to a SMI loan was scrapped from 3rd April 2023.

The '**Assessed Income**' amount represents the amount to be deducted as the claimant's (and their partner's) income (if any). In assessing the figure, a person's (and partner's) income or some forms of income are counted in full (e.g. Carer's Allowance, New Style JSA, New Style ESA and Industrial Injuries Disablement Benefit), whilst other forms of income are fully disregarded (e.g. Child Benefit, Disability Living Allowance and Personal Independence Payment). If the claimant is working, then it is normally 55% (formerly 63%) of their take-home pay which is taken into account <u>after</u> any 'work allowance' disregard (worth £404.00 per month to people living in rented accommodation or £673.00 per month to others) that may be applied because they either have a child(ren) or they are disabled (i.e. they have 'limited capability for work' or 'limited capability for work-related activity').

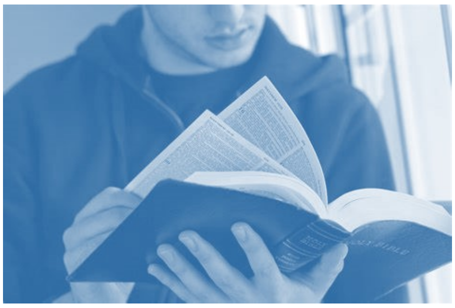
The amount paid is then the balance (if any) between the **Maximum Universal Credit** amount and the **Assessed Income** amount. If a person is affected by the **Benefit Cap**, then the amount of Universal Credit awarded may be restricted. The Benefit Cap is designed to limit the overall amount of Social Security benefits paid to people of 'working age' to a certain level. The levels are £423.46 per week (£486.98 per week in Greater London) for couples / single people with children and £283.71 per week (£326.29 per week in Greater London) for single people without children.

If a person (and their partner) has assessed **savings/capital** above £6,000 (but below £16,000 - the capital cut off point for Universal Credit entitlement), it will affect the amount of Universal Credit received - for each £500 a person (and/or their partner) has above £6,000 they will be treated as having £4.35 per month income.

Universal Credit Case Studies

1. Richard

Richard Is aged 22. He is unemployed and lives at home with his mother and father. Richard would be entitled to **£311.68 per month** Universal Credit.



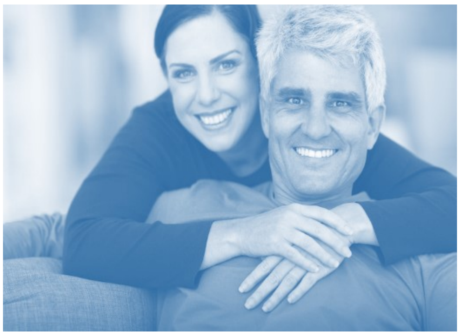
2. Abda

Abda Is aged 25 and is a lone parent. She has a young daughter. She lives at her parent's home. Her only income is £25.60 per week Child Benefit.

Abda would be entitled to **£681.37 per month** Universal Credit. This would consist of £393.45 per month Standard Allowance plus £287.92 per month Child Element = £683.74 per month. Abda's Child Benefit would be fully disregarded.

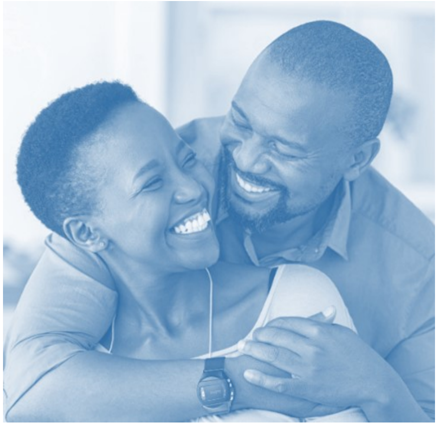
3. John and Debbie

John and Debbie are aged 47 and 45 respectively. They live in rented accommodation. Their rent is £395.00 per month. John is disabled. He receives £138.20 per week New Style ESA (under the Work Capability Assessment he was found to have 'limited capability for work' and 'limited capability for work-related activity'). In addition to this he gets Personal Independence Payment (PIP) of £108.55 per week for his 'daily living' and £75.75 per week for his 'mobility'. Debbie receives £81.90 per week Carer's Allowance because she looks after John.



The couple would be entitled to **£673.34 per month** Universal Credit. They would be entitled to £1,627.10 per month Maximum Universal Credit (£617.60 Standard Allowance plus £416.19 LCWRA Element plus £198.31 Carer's Element plus £395.00 Housing Cost Element = £1,627.10) less £953.76 Assessed Income (£598.86 New Style ESA plus £354.90 Carer's Allowance = £953.76). John's PIP would be fully disregarded as an income.

4. Mirko and Darna:



Mirko and Darna: Are aged 33 and 31 respectively. They have two young children aged 3 and 2. They live in rented accommodation. Their rent is £380.00 per month. Mirko works. He earns £1,450.00 net per month. Darna does not work. The couple receive Child Benefit of £42.55 per week.

The couple would be entitled to **£998.14 per month Universal Credit**. The couple would be entitled to £1,573.44 per month Maximum Universal Credit (£617.60 Standard Allowance plus £575.84 per month Child Element x two children plus £380.00 per month Housing Cost Element = £1,573.44) less £575.30 per month Assessed Income (£1,450.00 wages less Work Allowance £404.00 @ 55% = £575.30) = £998.14 per month. The couple's Child Benefit would be fully disregarded.

Discretionary Housing Payments: A person whose Maximum Universal Credit amount includes an award for rent may apply for a **Discretionary Housing Payment** from their local authority if despite getting Universal Credit they find things particularly difficult to make ends meet. This might be in the case where they are affected by the 'Spare Room Subsidy' (aka bedroom tax) or Benefit Cap or some other financial misfortune.

The Claimant Commitment: As part of the entitlement conditions for Universal Credit, claimants (and their partners) will normally need to enter into a '**claimant commitment**' which sets out what 'work-related requirements' they must meet as part of the claim. There are FOUR different 'work-related requirements' according to a person's capacity for work and personal circumstance. These work-related requirements will range from examining a person's ability to find or remain in work and identifying training and work opportunities to expecting a person to be available for work and actively seeking work. The penalty for breaking a work-related requirement (e.g. person fails to attend or take part in a work-focused interview) is a benefit sanction which will result in a reduced amount of Universal Credit or no Universal Credit altogether.

Universal Credit has replaced a number of, so called, '**legacy benefits**'. These are:

▪ Income-based JSA:	a benefit for those who are unemployed
▪ Income-related ESA:	a benefit for those who are too sick to work
▪ Income Support:	a benefit for lone parents with young children and carers
▪ Child Tax Credit:	provides financial support to families on a low income
▪ Working Tax Credit:	a benefit for some groups of part-time / low paid workers
▪ Housing Benefit:	provides assistance with rent payments for those on a low income

For the time being at least, those who live in sheltered housing schemes or schemes designed to provide accommodation for homeless people (so called 'exempt accommodation') will continue to be able to claim Housing Benefit for their rent/housing costs. Therefore, people in these circumstances will get Universal Credit for their day-to-day living and Housing Benefit towards their rent.

Those presently getting any of the above 'legacy benefits' may be expected to apply for Universal Credit under a process known as '**natural migration**' when they have a relevant change of circumstance e.g. they get a job, lose a job, become too sick to work or become well enough to return to work.

Then, anyone who is has not been required to apply for Universal Credit under the terms of 'natural migration', will eventually be randomly selected and instructed to apply for Universal Credit under a process known as '**managed migration**'. This is It was planned that 'managed migration' would take place between 2019 and 2023. However, due to operational delays and the Coronavirus pandemic this time scale has been put back. Whatever the case, once the exercise of 'managed migration' has taken place no one will be left claiming a 'legacy benefit'.

Please go to this [LINK] for more information on Universal Credit and how to apply for Universal Credit.

C.2: Pension Credit

Pension Credit is designed to provide older people with sufficient income for day-to-day living. If someone then needs help with their rent and council tax, they may apply for Housing Benefit and/or Council Tax Support.

Age Conditions: A person must have reached the Qualifying Age for Pension Credit (QAPC) to be able to apply for Pension Credit. This used to be 65 up until November 2018. However, since this date it has increased whereby since October 2020 a person has needed to be aged 66 before being treated as having reached the QAPC. In couple situations, since 15th May 2019 both members of the couple need to have reached this age to make a claim. See Section 1.4 for more information.

How much: The amount of Pension Credit (Guarantee Credit) paid depends on the personal and financial circumstances of the claimant (and their partner). The means-test formula is:

Maximum Pension Credit less **Assessed Income** = **Pension Credit Paid**

The '**Maximum Pension Credit**' amount is made up of the following 'Standard Minimum Guarantee' plus additional allowances that can be paid for severe disability and to those who have a caring responsibility. The amount awarded can also include an amount for any dependent children / young person the claimant (and/or their partner) has.

The 'Standard Minimum Guarantee' amounts are:

- £332.95 per week - couple
- £218.15 per week - single.

In addition to this amount a person may be awarded an extra 'carer's additional amount' (worth £45.60 per week) and/or an extra 'severe disability additional amount' (worth £81.50 per week for a single claimant and £163.00 for a couple) if they are disabled and certain other conditions apply. A person may also get help towards their mortgage interest should they have one.

Pension Credit Case Studies:

1. Jacob

Jacob is aged 77. He lives with his daughter. His only income is £115.50 per week State Retirement Pension. Jacob would be entitled to **£102.65 per week** Pension Credit (£218.15 Standard Minimum Guarantee less £115.50 Retirement Pension = £102.65).

2. Joan

Joan is aged 68. She lives alone in rented accommodation. Joan receives £153.90 State Retirement Pension £72.65 per week Attendance Allowance because she needs help with her personal care.

Joan would be entitled to **£145.75 per week** Pension Credit. She would be entitled to £277.45 per week Maximum Pension Credit (£218.15 per week Standard Allowance plus £81.50 Severe Disability Additional Amount = £299.65) less Income £153.90 per week (£153.90 State Pension) = £145.75 per week.

Joan would be awarded the 'Severe Disability Additional Amount' because she gets Attendance Allowance, she lives alone and no one claims Carer's Allowance for looking after her. Her Attendance Allowance would be fully disregarded as income for Pension Credit purposes.

Joan would also qualify for Housing Benefit and Council Tax Support to help her with her rent and council tax bills.

3. Dev and Priya

Dev and Priya are aged 71 and 69 respectively. They live in their own home. Dev receives £156.60 per week State Retirement Pension and £55.30 per week Private Pension. Priya has a £91.90 per week State Retirement Pension.

The couple would be entitled to **£29.15 per week** Pension Credit. They would be entitled to £332.95 per week Maximum Pension Credit (£332.95 per week Standard Allowance) less Income £303.80 per week (£156.60 per week Dev's Retirement Pension plus £55.30 per week Dev's Private Pension plus £91.90 per week Priya's State Pension = £303.80) = £29.15 per week.

The couple would be entitled to Council Tax Support to help with their council tax. If they lived in rented accommodation, then they could also get Housing Benefit to help them with the rent they were paying.

If Dev or Priya were to qualify for Attendance Allowance, then the other could apply for Carer's Allowance. Whilst no Carer's Allowance would actually be paid due to the 'overlapping benefits' rule (see Section 4: Overlapping Benefits Rule) it would mean that they could then qualify for the **Carer's Additional Amount** worth an extra £45.60 per week in Pension Credit entitlement. If they could both qualify for Attendance Allowance, then not only could they both apply for Carer's Allowance (albeit that no Carer's Allowance would be paid due to the 'overlapping benefits' rule) for looking after each other (meaning that they would get two lots of the Carer's Additional Amount included in their Pension Credit entitlement) they would also be entitled to two lots of the **Severe Disability Additional Amount** worth an extra £163.00 per week.

Similar principles would apply where the couple were already getting (or getting a combination of) Disability Living Allowance (middle or higher rate care component) or Personal Independence Payment (daily living component).

Do seek further information and advice as necessary.

People who get Pension Credit can also claim Housing Benefit and Council Tax Support to help them with their rent and council tax.

Since **1st February 2019** people who are getting or applying for Pension Credit (Guarantee Credit) may get extra amounts for a child/young person built into their award for whom they are 'responsible for', providing they do not already get an award of Child Tax Credit and/or Working Tax Credit. Where this additional amount of Pension Credit is payable, the amount awarded would be:

- £76.79 per week for the eldest child/young person born before 6.4.2017
- £66.29 per week for any second or subsequent child/young person born before 6.4.2017 or for each child/young person born on or after 6.4.2017.

In addition to these amounts, a further award of £35.93 per week would be payable for a child/young person who gets Disability Living Allowance or Personal Independence Payment. However, if the child/young person gets Disability Living Allowance (higher rate care component) or Personal Independence Payment (enhanced rate of the daily living component) or they are certified as severely sight impaired or blind then a higher amount of £112.21 per week would be allowed instead.

The '**Assessed Income**' amount represents the amount to be deducted as forming the claimant's (and their partner's) income (if any). In assessing a person's (and partner's) income some forms of income are counted in full (e.g. State Pension. Retirement Pension, occupational pension, private pension and Industrial Injuries Disablement Benefit) whilst other forms of income are fully disregarded (e.g. Child Benefit, Attendance Allowance, Disability Living Allowance or Personal Independence Payment). Any Housing Benefit and/or Council Tax Support in payment would also be fully disregarded.

Unlike Universal Credit there is no upper capital limit. However, any assessed savings/capital above £10,000 will affect the amount of Pension Credit received - for each £500 a person (and/or their partner) has above £10,000 they will be treated as having £1.00 per week income. Therefore, a person could have many thousands of pounds in savings and still qualify for a payment of Pension Credit.

Historically, there was a **Savings Credit**, but this has been scrapped for most new claimants. It may now only be claimed by / awarded to people who reached 'State Pension Age' (see Section 1.4) before **6th April 2016** or who were already getting the 'savings credit' by this date.

The 'Savings Credit' is paid on top of any Guarantee Credit entitlement or on its own where there is no entitlement to Guarantee Credit because a person (and/or their partner's) income was too great. The Savings Credit was meant to reward people who had savings and pension income above £189.80 (single) or £301.22 per week (couple). The actual amount of Savings Credit paid depends on the claimant's (and their partner's) existing income and circumstances. The maximum amount that may now be paid is £17.01 per week for a single person and £19.04 per week for couples.

Please go to this LINK for more information on Pension Credit and how to make a claim.

C.3: Housing Benefit

Housing Benefit is a benefit administered by local authorities. It is designed to help people with their rent and/or eligible service charge payments (not mortgage payments).

Historically, Housing Benefit was available to a wide range of people including people who were retired; too sick to work; unemployed; or working. However, Universal Credit has, in effect, now replaced Housing Benefit for people of 'working age' that is unless they are living in supported accommodation. See below.

Therefore, Housing Benefit is now really only available to people who have reached the 'Qualifying Age for Pension Credit'. See Section 1.4 for more information.

In the case of couples, since the 15th May 2019, both members of the couple must have attained this age to qualify Housing Benefit with transitional protection rules applying to enable, so called, 'mixed age couples', to retain Housing Benefit entitlement where it was awarded to them before the 15th May 2019 rule change.

Those who are entitled to Housing Benefit who receive a 'means-tested benefit' (meaning: Pension Credit (Guarantee Credit), Income-based JSA, Income-related ESA or Income Support) and who are living in social housing (such as local authority or housing association accommodation) should qualify for maximum help. This means that the amount of Housing Benefit they get should be sufficient to meet all of their rent. However, if the person is under State Pension Age (see Section 1.4) and affected by the 'spare room subsidy' (aka the 'bedroom tax') or the 'benefit cap' then they will get less help. In the case of the spare room subsidy the amount of Housing Benefit paid will reduced according to how many spare bedrooms a person is considered to have. In the case of the benefit cap some or virtually all of the amount a person would otherwise get by way of Housing Benefit may be reduced depending on the amount by which their total benefit income exceeds the level of benefit cap in their case.

If someone is getting a 'means-tested benefit' (see above) irrespective of whether they are of 'working age' or State Pension Age (see Section 1.4)**,** and living in privately rented accommodation, then the amount of Housing Benefit awarded will be in keeping with the level of local housing allowance for the property in question.

In such cases, similar to cases involving the spare room subsidy, the level of rent is restricted in keeping with the number of bedrooms a person is deemed to require given the size of their family. If there are no 'means-tested benefits' (see above) in place, then the amount of Housing Benefit paid will depend upon the claimant's personal circumstance including the nature and level of their (and their partner's) income and savings.

In addition, irrespective of whether a person is living in local authority, housing association or privately rented accommodation the amount of Housing Benefit paid might also be affected by a deduction for 'non-dependants' (e.g. grown-up son or daughter) who live with the claimant. The expectation is that any non-dependants living in the property should make a financial contribution towards the overall rent/housing cost.

It is on this basis that the overall amount of Housing Benefit may be reduced. The actual level of any 'non-dependant' deduction is dependent on the type and level of income of the non-dependant. However, a 'non-dependant' deduction should not be made if, for example, the Housing Benefit claimant (or their partner) gets Attendance Allowance, Disability Living Allowance (care component) or Personal Independence Payment (daily living component).

Note: Savings/capital - people who have savings/capital above £16,000 will not be entitled to Housing Benefit unless they are getting Pension Credit (Guarantee Credit). Do seek further information and advice as necessary.

Note: For the time being at least, those who live in **supported accommodation** (i.e. accommodation provided by a housing association, charity or not-for-profit organisation where care, support and/or supervision is provided) or accommodation provided for homeless people can continue to be able to claim Housing Benefit for their rent/housing costs. This applies even if the person is getting Universal Credit for their day-to-day living, Housing Benefit (not Universal Credit) should help them with their rent payments.

Please go to this LINK for more information relating to Housing Benefit for people living in Wolverhampton.

A **Discretionary Housing Payment** may be claimed from the local authority in addition to any Housing Benefit awarded where there is a need for extra assistance due to some financial hardship or financial misfortune. Do seek further information and advice as necessary.

C.4: Council Tax Support

There are potentially FOUR different ways in which a person may be entitled to a reduction in their council tax bill / may be entitled to receive help towards it. There is the:

A. Status Discount scheme

B. Disability Reduction scheme

C. Council Tax Support scheme

D. Second Adult Rebate scheme

Which provisions may apply will depend upon a person's (and their partner's) personal and financial circumstances. Some people may qualify for assistance under more than one scheme. The following provides a guide to the various provisions.

What is important to know is that depending on the local authority the Council Tax Support scheme may operate differently. When the national Council Tax Benefit scheme was scrapped it was up to each local authority to devise its own scheme though in doing so ensuring that those who had reached 'state pension age' (see Section 1.4) would be no worse off.

A. Status Discount: The council tax is made up of a 50% property element and a 50% personal element. Bandings and basic bills assume there are two adults (people aged 18 or over) in each property. The personal levy is set at 25% per adult (25% X 2 adults = 50%). Therefore, if a person lives alone then they are automatically (irrespective of the nature and level of their income or capital) entitled to a 25% discount on their council tax bill.

When assessing how many adults live in a particular property some people may be treated as though they are invisible. That is to say that despite the fact they live in the property the level of council tax bill is assessed as though they do not.

The people who are treated as being invisible for council tax purposes includes anyone who is:

- 'severely mentally impaired' because they have an impairment of intelligence and/or social functioning (and this has been certified by their GP / a registered medical practitioner), due to, for example, mental illness, dementia, autism or a learning disability and they are in receipt of a 'disability benefit' (e.g. Attendance Allowance, PIP daily living component or DLA middle or higher rate care component) or they have been assessed under the Work Capability Assessment for ESA or Universal Credit as having 'limited capability for work' (with or without an assessment of 'limited capability for work-related activity')
- a carer who looks after someone who is disabled and who lives in the same property who is not their partner or their child (unless the child is aged 18 or over)

A person who is a full-time student / student nurse and anyone aged 18 / 19-year-olds who are at or have just left school / college.

B. Disability Reduction: This scheme enables the basic amount of the council tax to be reduced where a disabled person (child or adult) lives in the property and it either has:

- a room which is predominantly used by the disabled person

- an extra bathroom or kitchen which is needed for the disabled person
- sufficient floor space to allow use of a wheelchair.

To be eligible, the particular feature (e.g. extra bathroom) should be of importance to the disabled person because of their disability/well-being.

If someone qualifies for Disability Reduction then their council tax bill will be reduced by the difference between the charge for the Band their property is in and the next lowest Band, or in the case of Band A properties, because there is no lower Band, a reduction equal to the difference between Band A and Band B. Do seek further information and advice as necessary.

C. Council Tax Support (Wolverhampton): This scheme is designed to provide assistance with council tax payments to people living on a 'low income'. The amount of assistance a person will get under the scheme depends upon their age and nature / level of their income. The way it operates in Wolverhampton means that there are essentially three maximum levels of assistance. If a person is:

- **Over the Qualifying Age for Pension Credit:** They may get 100% assistance <u>unless</u> due to being a mixed age couple they are getting Income-based JSA, Income-related ESA, Income Support or Universal Credit in which case it would be 78%. However, it could be up to 88% if they or their partner get DLA (care component at the higher rate) or PIP (daily living component at the enhanced rate); or
- **Under the Qualifying Age for Pension Credit:** They may get 78%. However, it could be up to 88% if they are single and aged under 25 and they have no dependent children <u>or</u> they (or their partner) get DLA (care component at the higher rate) or PIP (daily living component at the enhanced rate) <u>or</u> the claimant (or their partner) has a child who is blind or for whom DLA or PIP is awarded.

People who receive Universal Credit, Income Support, Income-related ESA, Income-based JSA or Pension Credit (Guarantee Credit) should normally qualify for the maximum levels of help outlined above.

People who are not in receipt of one of these aforementioned benefits will find that the level of assistance they get (if any) is dependent upon the level of the claimant's (and their partner's) income and savings/capital.

In Wolverhampton, if someone is under the 'Qualifying Age for Pension Credit' (see Section 1.4) and assessed as having savings/capital above £6,000 then they will not be able to get any Council Tax Support even if they get Universal Credit, Income Support, Income-related ESA or Income-based JSA. If someone has reached the 'Qualifying Age for Pension Credit' (see Section 1.4) and they have savings/capital above £16,000 then they will similarly not be able to qualify for any Council Tax Support unless they get Pension Credit (Guarantee Credit).

Example 1: Emily is aged 72. She gets Pension Credit (Guarantee Credit). Her overall council tax bill is £1,785.02 (Band B property - 2024/25 figure) per year. Emily will get a rebate of 100%. This means that providing she has claimed Council Tax Support, she will not have to pay anything towards her council tax.

Example 2: Harold is aged 47. He gets Universal Credit. His overall council tax bill is £1,530.01 (Band A property - 2024/25) per year. Harold will get a maximum rebate of 78% under the Council Tax Support scheme. This means that providing he has claimed Council Tax Support, Harold will only be expected to contribute £336.60 per year (£6.47 per week) towards his overall liability.

The overall amount of Council Tax Support assistance may be reduced by a deduction for '**non-dependants**' (e.g. a grown-up son/daughter or elderly relative but not partner) who live with the claimant. The expectation is that any non-dependant(s) living in the property should make a contribution towards the overall housing costs. The actual level of 'non-dependant' deduction may range from £nil per week to £15.83 per week (2024/25 figure). How much is actually deducted is dependent on the age, type of income of the non-dependant. However, a 'non-dependant' deduction should not be made if the claimant (or their partner) gets Attendance Allowance, Disability Living Allowance (care component) or Personal Independence Payment (daily living component).

D. Second Adult Rebate: People may benefit from this scheme if they (their partner) have reached the 'Qualifying Age for Pension Credit' (see Section 1.4). It enables those who qualify to get up to 25% reduction in their overall council tax bill if the other people living with them (i.e. non-dependents - grown up sons or daughters) are on benefits or have a low income. This is irrespective of the level or type of income or capital the claimant (or their partner) has. Do seek further information and advice as necessary.

Wolverhampton Council Tax Bands 2024-2025

Band A:	£1,530.01	**Band E:**	£2,805.02
Band B:	£1,785.02	**Band F:**	£3,315.02
Band C:	£2,040.01	**Band G:**	£3,825.03
Band D:	£2,295.02	**Band H:**	£4,590.04

Please go to this LINK for more information (including how to make a claim) about the City of Wolverhampton Council's Council Tax Support scheme.

Note: If a person is living outside of Wolverhampton, then they will need to seek further information and advice on what Council Tax Support provision is made in by their respective local authority.

Section 3:
Other Sources of Help

3.1. Department for Work and Pensions - Loans and Grants

The Department for Work and Pensions can award one of the following where the claimant (or partner) is in receipt of a 'qualifying benefit' (see below) at the point of application:

A. Advance Payment (Universal Credit):

An '**Advance Payment**' may be claimed by those who have successfully applied for Universal Credit (or they have applied for Universal Credit and it is considered likely that they will qualify) but they will be in financial need during the period before their Universal Credit is actually paid.

The maximum amount a person can be awarded is that equal to their overall assessed maximum Universal Credit including any amount included as assistance towards their rent.

A person can make an application for an Advance Payment through their Universal Credit Journal, Job Centre Work Coach or through the Universal Credit Service Centre (Telephone: 0800 328 5644).

The Department for Work and Pensions will normally recover the value of any Advance Payment by making deductions from the future payments of Universal Credit over a 24-month period.

Strictly speaking an **Advance Payment** of Universal Credit should only be awarded in cases where there is a '**financial need**' - meaning that there would be a 'serious risk' of damage to the claimant's health or safety or the health or safety of a member of their family (i.e. partner or child for whom they are responsible) were a payment not made.

An '**Advance Payment**' may also be claimed by those who have applied for Income Support, Income-based JSA, Income-related ESA or Pension Credit who are in 'financial need' (see above) and there is a delay in payment being made.

Please go to this LINK for more information about Universal Credit Advance Payments and how to make a claim.

B. Budgeting Advance (Universal Credit):

A 'Budgeting Advance' may be claimed by those getting Universal Credit. The application does not need to be related to any specific need but be related to:

- purchasing an item of furniture or household equipment
- purchasing an item of clothing or footwear
- the payment of rent in advance or removal expenses or for repairs or home improvements or maintenance work including work to make the home more secure
- funeral expenses or maternity expenses
- travelling expenses or expenses associated with seeking or re-entering work.

The amount of payment is dependent upon the size of the claimant's family. The maximum Budgeting Advance would typically be £348.00 for a single person, £464.00 for a couple without children and £812.00 for a couple/lone parent with a child(ren). A Budgeting Advance must be repaid within 52 weeks.

In the Spring Budget 2024 it was announced that the intention was to increase the repayment period for a Budgeting Advance from 52 weeks to 104 weeks from December 2024.

To qualify for a Budgeting Advance the claimant (and/or their partner) must be getting or awarded Universal Credit at the time of claim and have been getting Universal Credit or a ‘qualifying benefit’ (see below) for at least **six months** (gaps of 28 days are ignored) prior to the date of claim.

A person can make a claim for a Universal Credit Budgeting Advance through their Universal Credit Journal, Job Centre Work Coach or through the Universal Credit Service Centre (Telephone: 0800 328 5644).

An application may also be made using claim form SF500. Any eligible Budgeting Loan amount would be reduced by the amount of savings the claimant (and/or their partner) has above £1,000 (£2,000 if the claimant or their partner is aged 63 or over). Any loan award would be recovered by the Department for Work and Pensions through weekly deductions from benefit.

Budgeting Loans: Exist for those getting Income-based JSA, Income-related ESA or Pension Credit who have been getting a ‘Qualifying Benefit’ (see below) during the preceding six months. The money must be needed for a specific reason e.g. to purchase an item(s) of furniture/ household equipment, clothing and footwear or maternity items or help the claimant to move home, attend a funeral or make repairs/improvements to their home. Any Budgeting Loan must be repaid. A claim can be made using form SF500 available online or from the local JobCentre Plus office.

Please go to this LINK for more information about a Universal Credit Budgeting Advance and how to make a claim.

C. Sure Start Maternity Grant:

A **Sure Start Maternity Grant** (SSMG) may be claimed for maternity needs where the claimant or their partner (or a daughter for whom they receive Child Benefit) is pregnant or has given birth within the last six months (prior to 18.10.2018 the time limit was three months) including still births after 24 weeks of pregnancy.

The amount paid is £500 for each expected child. A claim may be made at any time from 11 weeks before the expected date of childbirth or until three months after the actual date of birth, providing the claimant (or their partner) is getting a ‘qualifying benefit’ (see below) at the time of claim.

An application for a SSMG may be made using claim form SF100 (with a MAT B1 before the birth or the birth certificate after the birth). The amount awarded is not affected by any amount of savings the claimant (and/or their partner) has.

New rules mean that a person may not qualify for a SSMG if they already have a child aged under 16. If there is already a child under 16 and now twins/triplets are expected/born, then an award will be made for all the expected children less one.

If a person is claiming for a young daughter for whom they receive Child Benefit, then a SSMG will be payable providing the daughter does not already have a child. People who are adopting a child aged under 12 months may also claim a SSMG in a similar way. Do seek further information and advice as necessary.

Please go to this LINK for more information on the Sure Start Maternity Grant including how to make a claim or contact the Sure Start Maternity Grant helpline (Telephone: 0800 169 0140).

D. Funeral Expenses Payment:

A **Funeral Expenses Payment** may be claimed for financial assistance towards the expenses associated with the cost of a funeral where the claimant (or their partner) may be treated as being ‘eligible’ to claim and it is ‘reasonable’ to treat them as ‘responsible’ for the costs of the funeral. A person may be treated as both ‘eligible’ and ‘responsible’ if they were the partner of the deceased when s/he died, or the deceased was a child for whom they (or their partner) were getting Child Benefit. A claim may also be made by a parent, son or daughter or another ‘close relative’ (or a ‘close friend’) providing that it is accepted that it is ‘reasonable’ for them to be ‘responsible’ for the funeral expenses. In this situation, the rules can be complex so please do seek further advice and information.

An application may be made using claim form SF200. The form should be available from the local Job Centre Plus office or from the DWP Bereavement Service (Telephone: 0800 731 0469). A claim may be made any time from the date of death to six months (was previously 3 months) from the date of the funeral (not six months from the date of death). A claim may only be made for certain items associated with the cost of a funeral or cremation.

There is a limit of £1,000 on the cost of the undertaker’s fees, cost of a coffin, religious costs, flowers and transport. The amount is intended to cover the cost of a simple funeral. It is frequently the case that the amount allowed falls short of the actual cost of the funeral.

Please go to this LINK for more information on Funeral Expenses Payments and how to apply.

Qualifying Benefit: A ‘qualifying benefit’ is Universal Credit, Income Support, Income-related ESA, Income-based JSA, Pension Credit (Guarantee Credit) or Pension Credit (Savings Credit). In the case of a claim for a Sure Start Maternity Grant it also includes Child Tax Credit (where paid at an amount equal to or greater than the ‘family element’ of £545.00 per annum), Working Tax Credit (where the WTC calculation includes an award of the ‘disability element’ or ‘severe disability element’). In the case of a Funeral Expenses Payment, it includes all of the aforementioned benefits plus Housing Benefit.

E. Cold Weather and Winter Fuel:

The DWP can also award:

- A **Cold Weather Payment** may be made where there has been a recognised period of actual or forecasted cold weather in the claimant’s area and they have a child aged under 5 or they receive Pension Credit (Guarantee Credit) or Pension Credit (Savings Credit).

  Alternatively, an award can be made where the claimant gets Child Tax Credit, Income Support, Income-based JSA, Income-related ESA or Universal Credit and the award includes the ‘disability premium’, ‘enhanced disability premium’, ‘severe disability premium’ or ‘work-related activity component’ or a ‘disabled child’ or ‘severely disabled child’ element/increase. Each period of cold weather lasting one week should result in an award of a £25.00 Cold Weather Payment.

There should be no need claim a Cold Weather Payment. The DWP should automatically make payment.

Please go to this LINK for more information on Cold Weather Payments.

- A **Winter Fuel Payment** where the claimant is of 'Pension Credit Qualifying Age' (see Section 1.4) and not excluded because they are in prison, have been in hospital for more than a year or are receiving Pension Credit and living in a residential care home or they are living abroad. The maximum amount paid is subject to age - £200 where aged between 'Pension Credit Qualifying Age' and 79 and £300 where aged 80 or over. Payment is normally made automatically. The Winter Fuel Payment Helpline telephone number is: 0800 731 0160.

Please go to this LINK for more information on the Winter Fuel Payment and how to claim.

3.2 Blue Badge (Parking Concessions)

A person may qualify where they are getting:

- Disability Living Allowance - higher rate mobility component; or
- Personal Independence Payment - mobility component, having been awarded at least 8 points under the 'moving around' criteria or 12 points under the 'planning and following journeys' criteria.

A person may also qualify if they are aged 2 or over and:

- are registered blind;
- have a 'permanent and substantial disability which causes inability to walk or very considerable difficulty in walking'; or
- regularly drive and have a severe disability in both arms and are unable to operate / have considerable difficulty operating all or some types of parking meters.

A Blue Badge may be obtained for a child aged under 3 if they must always be accompanied by bulky medical equipment (e.g. ventilators, suction machine, feed pump, oxygen equipment) that cannot be carried around with the child without great difficulty and/or they need to be near a motor vehicle at all times, so that they can be treated in the vehicle or quickly driven to a place of treatment should the need arise.

Wolverhampton: To get a Blue Badge a person will have to apply online or obtain an application form from the City of Wolverhampton Council. Those who do not have automatic entitlement via DLA Mobility higher rate also need to obtain medical evidence from their General Practitioner. For more information about the Blue Badge scheme in Wolverhampton go to:

https://www.wolverhampton.gov.uk/parking-and-roads/blue-badge-scheme

People living outside Wolverhampton should seek to contact their own local authority on how to apply for a Blue Badge (see this LINK). You can go to these links for Blue Badge eligibility and applications for people living in Wales (see this LINK), for people living in Scotland (see this LINK) and Northern Ireland (see this LINK).

3.4: Motability Scheme

The Motability Scheme enables people who receive one of the following qualifying benefits to use it to enhance their mobility:

- higher rate mobility component of Disability Living Allowance

- enhanced rate mobility component of Personal Independence Payment
- Armed Forces Independence Payment/Mobility Supplement of a War Pension.

The scheme does this by enabling people to lease a car (including an adapted car), powered wheelchair or mobility scooter. It is also available to parents of children who receive one of the qualifying benefits.

Motability Approved

To qualify, the award of the qualifying benefit must have at least 12 months still to run. Please see this LINK or ring 0300 456 4566 (Motability Operations) for more information.

3.5: Vehicle Excise Duty (Road Tax) Exemption

Claimants who receive one of the listed qualifying benefits under the Motability scheme (see 4. above) are entitled to exemption from vehicle road tax. A vehicle will be exempt where '*it is being used, or kept for use, by or for the purposes of a disabled person*'. If the disabled person does not have a vehicle, they can nominate another person's vehicle to be exempt (e.g. a child for parents vehicle) but the 'used by or for the purposes of a disabled person' rule still applies.

Those who receive only the 'standard rate' of the mobility component of Personal Independence Payment may qualify for 50% discount off their vehicle road tax.

When an award of benefit is made, a re-usable 'Certificate of Entitlement' should be provided for use in claiming an exemption.

Please go to this LINK for more information.

3.6: NHS Benefits

A number of groups are exempt from prescription, dental treatment, glasses (or contact lenses) and sight tests charges. This includes:

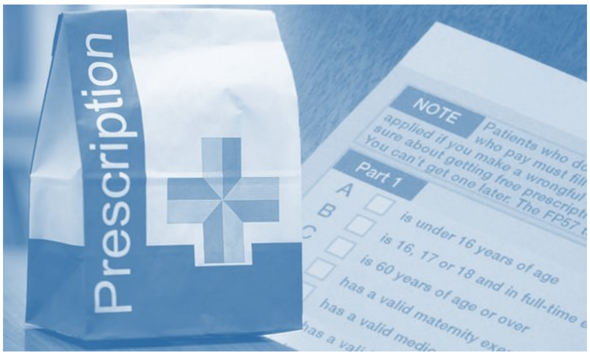
- people aged under 16
- people aged under 19 in full time education
- people who receive Income Support, Income-related ESA or Income-based JSA
- people who receive Pension Credit (Guarantee Credit)
- people who get Child Tax Credit or Working Tax Credit and have been issued with an NHS Exemption Certificate
- people who receive Universal Credit and do not have earnings of more than £435.00 per month or no more than £935.00 per month if their award includes money for a child (the 'child element') or they are too sick for work (i.e. they have been assessed as having 'limited capability for work')
- people living permanently in a care home funded in full or in part by their local authority.

People who do not qualify for free help can apply for assistance on grounds of 'low income'. The claim form for help towards NHS costs is an HC1. Anyone who qualifies for assistance will be provided with either an HC2 Certificate (confirming maximum assistance) or an HC3 (confirming partial assistance).

Prescriptions: If a person is not entitled to free prescriptions because they do not meet any of the above conditions then they may still qualify for free prescriptions if they:

- are aged 60 or over
- are pregnant or have given birth within the last 12 months
- are undergoing treatment for cancer or the effects of cancer
- have epilepsy requiring continuous anti-convulsive therapy
- have diabetes (except where it is treated by diet alone)
- have a continuing (not temporary) physical disablement that prevents them from leaving the house without help from another person.

People who have a permanent fistula (e.g. caecostomy, colostomy, laryngostomy or ileostomy) requiring continuous surgical dressing or an appliance may also qualify for free prescriptions.



A prescription now costs £9.65 (£9.90 from 1.5.2024) per item. Anyone who does not qualify for free prescriptions should enquire about ‘pre-payment certificates’ which can help reduce the costs where four or more prescription items in any are needed in a three-month period (a 3-month ‘pre-payment certificate’ costs £31.25 - 2023/24) or 13 or more items in a 12 month period (a 12 month ‘pre-payment certificate’ costs £111.60 - 2023/34).

The claim form for applying for a ‘pre-payment certificate’ is FP95 and should be available from any local pharmacy or a person may apply online. Please see this LINK or ring 0300 300 1341 (NHS Business Services Authority) for more information.

Prescriptions are **free of charge** for people living in Wales, Scotland and Northern Ireland. If you want more information about the cost of dental treatment, glasses (or contact lenses) and sight tests charges in Wales then please go to this LINK, Scotland then please go to this LINK and Northern Ireland then please go to this LINK.

3.7: Fares to Hospital

Patients who are exempt from NHS charges (see 3.6 above) because e.g. they get Universal Credit, Income Support, Income-related ESA or Income-based JSA or Pension Credit (Guarantee Credit), can get help with their fares to and from hospital. So too can those who receive Working Tax Credit or Child Tax Credit and have an NHS Exemption Certificate sent to them from HMRC.

Payment should come from the hospital, not the Department for Work and Pensions. Other groups may still qualify for full assistance (HC2 certificate) or partial assistance (HC3 certificate) on grounds of ‘low income’. Patients can claim for help with the cost of hospital fares on the HC1 claim form.
If the patient is not able to get to the hospital on their own and they qualify for assistance with their fares, then they may also get help towards the fares of a companion. Help towards the cost of fares usually means bus fares - cost of travel by the cheapest means of transport which is reasonable, having regard to the patient’s age, medical condition and any other relevant circumstance.

If the patient is unable to use public transport due to a 'physical disability' or no public transport is available for the journey, then the cost of petrol if someone has journeyed by car or taxi fare can be met.

Parents: If it is a child (aged under 16) who needs to go into or attend hospital, then their parents may claim help with the travel expenses involved in accompanying them.

Visitors (people visiting someone in hospital) who receive Universal Credit, Income-based JSA, Income-related ESA, Income Support or Pension Credit (Guarantee Credit) or Pension Credit (Savings Credit) may be eligible for help with fares via a Budgeting Advance/Budgeting Loan available from the DWP. Do seek further information and advice as necessary.

Please go to this LINK for more for more information.

3.8: Free School Meals

All children in Reception, Year 1 and Year 2 are entitled to free school meals. A child is also entitled to a free school lunch if their parent(s) receive:

- Income Support
- Income-related ESA
- Income-based JSA
- Pension Credit (Guaranteed Credit)
- Universal Credit - provided if they are working the level of their income is below £7,400 per year (£616.67 a month - after tax and not including any benefits received.

A child will also be eligible if their family qualifies for Child Tax Credit but not Working Tax Credit based on an assessed annual income of less than £16,190 per year or they receive support under the Immigration and Asylum Act. If someone gets Working Tax Credit (apart from during the four-week run-on period), they will not be eligible for benefits-related Free School Meals, regardless of their income.

Wolverhampton: Please go to this LINK for more information on the free school meals arrangements in Wolverhampton or ring on (01902) 554128 or email @ freeschoolmeals@wolverhampton.gov.uk.

People living outside Wolverhampton should seek to contact their own local authority on the free meal provision in their area.

3.9: Education - 16 to 19 Year Olds - Bursary Scheme

The 'Bursary' scheme is aimed at providing financial assistance to young people who are in full-time education or training.

The bursary is money that can be used to pay for things like clothing, books and equipment for the young person's course or transport and lunch on days they study or train.

Those who qualify may receive a bursary of up to £1,200 a year. The groups of young people who will qualify are those who are considered to be most in need. This includes:

- young people in care
- young care leavers

- young people who are getting Universal Credit
- disabled young people who receive Disability Living Allowance and Employment and Support Allowance or Universal Credit
- disabled young people who receive Personal Independence Payment and Employment and Support Allowance or Universal Credit.

Other students facing genuine financial difficulties may be awarded a bursary at the discretion of their school, college or training provider. Any bursary payment will not count as an income for Universal Credit purposes.

Please see this LINK for more information.

3.10: The Family Fund

Provides grants to families getting benefits and/or tax credits with a severely disabled child aged under 18. The aim is to ease the stress on families which arises from the day-to-day care of the child.

The Family Fund can help with:

- holidays / leisure activities for the family
- a washing machine and/or tumbler drier if extra washing is needed due to the child's disability
- bedding and clothing needed due to extra wear and tear
- a computer for the child
- play equipment related to the child's special needs.

Claim forms are available from the Family Fund Trust - 4 Alpha Court, Monks Cross Drive, York YO32 9WN - Telephone: 01904 550055. Applications may now also be made online: www.familyfund.org.uk.

3.11: Severn Trent Trust Fund

This Trust Fund can, through its 'Big Difference Scheme', help people by reducing the amount that they need to pay for their water rates.

The Trust Fund can also help with other essential bills and priority debts (e.g. fuel, rent, council tax arrears) and household needs. However, it is understood that the Trust Fund cannot assist with catalogue debts, loans, benefit overpayments or court fines.

More information and an application form may be obtained from www.sttf.org.uk or by contacting the Trust Fund on 0121 355 7766.

3.12 Discretionary Housing Payment

A person who gets Housing Benefit or Universal Credit (where their Universal Credit calculation includes an 'housing cost element' award for help towards their rent / service charge payments), may apply for a Discretionary Housing Payment from their local authority. To qualify the person must be seen to need extra help financially in order to pay their rent.

This may apply in cases where a person gets less help with their rent because of the Spare Room Subsidy (aka the ‘bedroom tax) or the Benefit Cap, or for some other reason. Even when a Discretionary Housing Payment award is made, it may not cover the whole cost of any shortfall between a person’s rent and the help they get from Housing Benefit/Universal Credit.

Moreover, any award will normally be time limited (e.g. 3 months) to enable the person time to perhaps liaise with their landlord to get a reduction in their rent/move to cheaper alternative accommodation / find paid employment or better paid employment.

A Discretionary Housing Payment may also be applied for, to help with other associated ‘housing costs’ such as rent in advance payments, deposits and/or removal expenses. However, a Discretionary Housing Payment may not be claimed to cover a deduction in benefit for an ‘ineligible service charge’ or a deduction made to repay an overpayment or for help towards council tax bills or arrears.

Wolverhampton: For more information about the City of Wolverhampton Council’s Discretionary Housing Payment scheme please go to www.wolverhampton.gov.uk/article/6760/Discretionary-Housing-Payment-DHP. People will be able to use this link to also apply.

Please see Discretionary Housing Payment Guidance Manual which is the statutory guidance provided to all local authorities by the Department for Work and Pensions on the operation of the Discretionary Housing Payment scheme.

Note: If a person is living outside of Wolverhampton, then they will need to seek further information and advice on how they can apply for a Discretionary Housing Payment from their respective local authority.

Section 4: The Overlapping Benefits Rule

A person cannot normally receive more than one of the following benefits at any one time due to what is known and the ‘overlapping benefits’ rule.

- State Pension / Retirement Pension
- New Style ESA (formerly Contributory ESA)
- New Style JSA (formerly Contributory JSA)
- Carer’s Allowance
- Severe Disablement Allowance
- Widowed Parent’s Allowance
- Widow’s Pension
- Maternity Allowance

If a person claims and is entitlement to more than one of the above benefits, then either any contributory benefit will be paid in preference to any non-contributory benefit with a top up of any balance of any non-contributory benefit that may be due, or the person will receive the benefit that is worth the most (i.e. the one that is paid at the highest rate). In any event do seek further information and advice as may be deemed necessary.

Example: Sarah and Stuart live together. Sarah has recently been awarded New Style ESA because she is too sick to work (i.e. has been assessed as having ‘limited capability for work’). In addition to Sarah’s New Style ESA the couple also get Universal Credit. The couple have a young disabled son, Edward, who has recently been awarded Disability Living Allowance (middle rate care component and higher rate mobility component) for his care needs and mobility. Sarah is Edward’s main carer and claims Carer’s Allowance for looking after him. However, her New Style ESA overlaps with and is worth more than her entitlement to Carer’s Allowance. This means that her Carer’s Allowance is awarded in name only. However, despite the ‘overlapping benefits’ rule the couple are better off if Sarah claims Carer’s Allowance. This is because they may now ask for the extra ‘carer’s element’ to be included in their award of Universal Credit. The ‘carer’s element’ is worth an extra £185.86 per month.

Section 5: Going into Hospital

Benefits may be affected if a person (or their partner or any of their dependent children) goes into hospital. The rules concerning what counts as a day in or out of hospital are complex and alter depending on the benefit and whether someone is entering hospital from living in the community or from being in a care home. The following provides a guide:

- **DLA/PIP/Attendance Allowance (entering hospital from being in the community):** the day a person goes into hospital from living in the community and the day a person leaves hospital to return to live in the community will not be treated as a day in hospital
- **Other Benefits (entering hospital from being in the community):** the day a person goes into hospital from living in the community will not be treated as a day in hospital but the day they leave will be.

If a person has more than one stay in hospital, then linking rules apply. Any periods in hospital (or residential care) will be linked if they fall within 28 days of each other. So, an earlier time spent in hospital (or residential care) would be linked to a current/present day stay and benefit entitlement could then be affected after 28 days. See below. A continuous period of 29 days spent at home (not in hospital/residential care) will break the link between stays.

5.1: Attendance Allowance, DLA and PIP:

Any Attendance Allowance, DLA care component and mobility component or PIP daily living component or mobility component, stops after a person (adult aged 18 or over) has been in hospital for 28 days. However, following a fairly recent judgement by the Supreme Court (*Mathieson v Secretary of State for Work and Pensions*) those aged under 18 may continue to receive DLA / PIP without it being stopped. Previously DLA / PIP was stopped in the case of children / young people after 84 days of being in hospital.

DLA and Attendance Allowance are not affected by a stay in a hospice (including an NHS hospice) where the claimant is terminally ill.

Once DLA/AA stops, any payment of the Severe Disability Premium/Severe Disability Additional Amount paid as part of Income Support, Income-related ESA, Pension Credit, Housing Benefit or Council Tax Support will also stop. If this results in a loss of Income Support, Income-related ESA or Pension Credit then any Housing Benefit/Council Tax Support will also stop. A fresh claim for Housing Benefit / Council Tax Support will need to be made. However, please be aware that if the person is of ‘working age’ then they may not be able to reapply for Housing Benefit. The person may need to apply for Universal Credit instead. The disability or enhanced disability premiums (or any premiums paid for children) paid as part of Income Support, Housing Benefit or Council Tax Support do not stop when DLA stops after 28 days.

Going into a Care Home: A person’s benefit entitlement is not normally affected by a stay in a care home. However, any Attendance Allowance, DLA care component or PIP daily living component will stop after 28 days (linking rules apply) unless a person is a ‘self-funder’ (meaning: paying for the cost of their accommodation without financial assistance from their local authority).

5.2: Carer’s Allowance:

Carer’s Allowance is not paid when DLA middle rate care, PIP daily living component or Attendance Allowance stops following 28 days in hospital.

Entitlement to the ‘Carer’s Premium’/‘Carer’s Additional Amount’ paid with Income Support, Income-related ESA, Pension Credit, Housing Benefit and Council Tax Support can, in this situation, continue to be paid for 8 weeks after Carer’s Allowance or DLA care component, PIP daily living component, Attendance Allowance stops.

Note: Carer’s Allowance can continue to be paid for 8 weeks after the death of a disabled person and Carer’s Allowance can be paid during short breaks where e.g. the carer goes into hospital, if the carer has other breaks from providing care because of e.g. holiday/stays in respite care. Do seek further information as required.

5.3: Universal Credit:

Will not be affected until the claimant (or partner) has been in hospital for more than six months. However, any ‘carer element’ would stop once the PIP/DLA/Attendance Allowance of the person the claimant cares for has stopped (normally after 28 days). If the claimant’s partner enters hospital and the stay is expected to last (or has lasted) longer than six months, then any joint claim would end. The claimant would need to reclaim as a single person. If it is the claimant’s child that enters hospital, there will be no change providing the stay is no longer than six months.

5.4: Income Support, Income-related ESA and Pension Credit:

A claimant will normally continue to receive the full amount of their benefit. However, do note that a payment of the Severe Disability Premium or Severe Disability Additional Amount will cease to be payable once DLA care component, PIP daily living component or Attendance Allowance ceases to be paid, which would be the case after a 4-week spell in hospital. After 52 weeks in hospital no premiums or additional amounts will be included for Income Support, Income-related ESA or Pension Credit purposes. After a period of 52 weeks where one member (or both members) of a couple has been in hospital, they will need to make separate benefit claims as a single person/two single people.

5.5: New Style ESA and Retirement Pension:

Entitlement will not normally be affected providing the normal rules of entitlement continue to be met.

5.6: Income-based JSA:

May be paid for up to 13 weeks under the temporary illness rules when the claimant is in hospital and/or sick due to the claimant being held to not be capable of work / able to meet the job search and availability for work conditions.

5.7: Housing Benefit:

Will stop after a person has been temporarily absent / in hospital for 52 weeks unless there is an imminent prospect of them returning home, in which case payments may continue for a short period. The amount may drop also if there is a loss of DLA, PIP or Attendance Allowance and no passport benefit (e.g. Income Support, Income-related ESA or Pension Credit (Guarantee Credit)) is in place.

5.8: Council Tax Support:

Will normally stop after 52 weeks in hospital. The amount may drop also if there is a loss of DLA, PIP or Attendance Allowance and no passport benefit (e.g. Income Support, Income-related ESA or Pension Credit (Guarantee Credit)) is in place. If the home is left empty, then a person may apply for the property to be exempt from any council tax charges. The important thing is that a person keeps the DWP or local authority informed of any changes in their circumstances to save the risk of any overpayment of benefit occurring.

The above is as meant a guide only. Do seek further information and advice as necessary.

Section 6: Backdating Benefit Claims

Normally people will only be paid benefit from the date they claim. However, some benefits may be backdated depending on which benefit is being claimed and the reason for the delay. The following provides a guide. If a person is claiming benefit late then they will need to request that their claim is backdated. If they need to show a reason as to why they delayed, then this needs to be explained. A person may appeal against a decision which refused to backdate a claim.

6.1: Universal Credit

A claim for Universal Credit may be backdated for **one month** where a person (and their partner) could not 'reasonably' have claimed earlier because they have a disability, or they were unwell at the relevant time and this has been confirmed by way of medical evidence, or the claim could not be made due to system failure or system maintenance and the claim has been made on the first day that the system was working. A claim may also be backdated for up to one month where a person has been part of a joint claim, but this has been terminated because they have ceased to be a member of a couple. However, this only counts if the person was the first to report the separation and they are now reclaiming as a single person.

6.2: Pension Credit

A claim may be backdated for up to **3 months**. To be eligible a person does not need to have a reason for their failure to claim. They only need show that they were entitled through the relevant period.

6.3: Income Support and Income-based JSA

A claim for Income Support or Income-based JSA can be backdated for up to **3 months** where a person was sick/disabled, or had a learning difficulty, or language difficulties, or literacy difficulties, or were caring for someone who was sick or disabled or were dealing with a domestic emergency and it was not "reasonably practicable" for them to seek help with their claim. A claim may also be backdated for up to 3 months where information provided by the DWP led them to believe a claim would not succeed or as a result of written advice from an adviser (e.g. Citizens Advice, Solicitor, Social Worker or other professional adviser). A claim may be backdated for up to **one month** where there has been a delay in claiming due to e.g. DWP telephone lines being busy or not working, local DWP office strike, adverse postal conditions, death of a close relative.

6.4: Housing Benefit

A claim may be backdated for up **3 months** where the person claiming is aged over the 'Qualifying Age for Pension Credit' (see Section 1.4) and they (or their partner) are not getting Income Support, Income-related ESA, Income-based JSA or Universal Credit. To be eligible a person does not need to have a reason for their failure to claim. They only need show that they were entitled through the relevant period.

A claim may be backdated for up **one month** where the person claiming is aged under the 'Qualifying Age for Pension Credit' (see Section 1.4) and they can show 'good cause' (see below) for failing to claim before they did.

Examples of '**good cause**' could be where a person's failure was due to ill-health (physical or mental ill-health), or where they have been misled by advice given by their local authority, the DWP or an adviser working for an independent advice agency.

If the claimant were only entitled for a shorter period, then the length of backdating would be limited to this period only. Ignorance of one's rights, communication difficulties (including reading difficulties) are not in themselves 'good cause' but coupled with other factors they could amount to a person having 'good cause'.

6.5: Council Tax Support

In Wolverhampton people who are over the 'Qualifying Age for Pension Credit' (see Section 1.4) and not getting Income Support, Income-related ESA, Income-based JSA or Universal Credit, may get a claim backdated for **three months**. People under the 'State Pension Age' may get their claim backdated for up to **one month** if they can show 'good cause' (see above) for failing to claim before they did.

If a person is living outside of Wolverhampton, then they will need to seek further information and advice on what Council Tax Support backdating provision (if any) is operated by their own local authority.

6.6: Child Tax Credit and Working Tax Credit

Claims for CTC and WTC can normally only be backdated for up to **one month**. A person will not have to show any reason for their failure to claim, only that they qualified during the period in question.

6.7: New Style ESA, Child Benefit, Carer's Allowance and Industrial Injuries Benefit

Payment of these benefits may be backdated for up to **3 months**. A person will only need to show that they would have qualified had they claimed sooner.

6.8: Disability Living Allowance, Personal Independence Payment and Attendance Allowance

A claim for DLA, PIP or Attendance Allowance may not be backdated.

Section 7: Overpayments

Overpayments can arise due to a number of different reasons. An overpayment could occur due to a person not being wholly truthful with the Department for Work and Pensions (DWP), Her Majesty's Revenue and Customs (HMRC) or local authority (Housing Benefit and Council Tax Support) or because a person failed to inform the relevant agency of changes in their financial or personal circumstances. An overpayment could also occur due to errors made by the DWP, HMRC or local authority.

The important things to remember when dealing with overpayments are 1. to ensure that the amount being stated as being overpaid has been correctly calculated; 2. to be mindful of the fact that depending on the cause of the overpayment, not all overpayments are legally recoverable; and 3. that even where an overpayment is established, the DWP, HMRC or local authority have a discretionary power to write-off recovery (e.g. where recovery would cause substantial distress or undue hardship).

7.1: All Benefits apart from Housing Benefit / Council Tax Support, Tax Credits and Universal Credit

Claimants have a duty to disclose correct information when making a claim and keep the DWP (relevant office) notified of changes of circumstance. If an overpayment occurs due to a person's failure to disclose or misrepresentation of a material fact, then it may be recoverable.

A person can be considered to have failed to disclose a fact of which they had knowledge and which they were aware needed to be reported or it was right to expect them to report it because it was reasonable to expect them to know that it might affect their benefit entitlement.

Misrepresentation occurs when a person provides information which is inaccurate or fails to give information deliberately and with an intention to mislead. Once a failure to disclose or misrepresentation has been established then the overpaid amount is the difference between what a person was paid and their entitlement during the same period. In cases where a person has been overpaid because of excess capital then the overpaid amount is recovered using the *diminishing capital* rule. Under this rule the DWP reduces the capital amount by the amount overpaid during each 13-week period.

People can appeal against overpayment decisions arguing that the overpayment should not be recovered because the cause was something other than a failure to disclose or misrepresentation. People can also appeal against the amount of overpayment to be recovered arguing that it has not been properly calculated. Whilst the DWP has the discretion to write-off an overpayment, a refusal to do this is not a decision that can be appealed.

7.2: Universal Credit

All overpayments of Universal Credit are recoverable.

7.3: Housing Benefit

An overpayment of Housing Benefit is basically a payment of benefit which the local authority has decided a person was not entitled to under the rules.

The general rule is that all overpayments of Housing Benefit are recoverable except those caused by **official error** and no 'relevant person' contributed to that error and no relevant person ought reasonably to have known that an overpayment had occurred. A relevant person is the claimant, a person acting on the claimant's behalf (e.g. appointee) or person to whom payment was made (e.g. landlord).

An overpayment can be recovered from the person to whom the payment was made (e.g. landlord) or the claimant. If the overpayment has been caused by a failure to disclose or misrepresentation, then the overpayment will be recovered from the person who failed to disclose or misrepresented information. If the overpayment was caused by 'official error' and the claimant (or person acting on their behalf) could reasonably have been expected to know that they were being overpaid, then the overpayment can be recovered from the claimant (or person acting on their behalf) rather than the person to whom payment was made.

Once a recoverable overpayment has been established then the overpaid amount is the difference between what a person was paid and their entitlement during the same period.

People can appeal against overpayment decisions, arguing that the overpayment is non-recoverable. People can also appeal against the amount of overpayment to be recovered, arguing that it has not been properly calculated. Whilst the local authority has discretion to write-off an overpayment, a refusal to do this is not a decision that can be appealed.

7.4: Council Tax Support

In Wolverhampton all overpayments of Council Tax Support are recoverable. If you are dealing with someone who lives outside of Wolverhampton, then you will need to contact the person's own local authority to see what its recovery policy is.

7.5: Child Tax Credit (CTC) and Working Tax Credit (WTC)

If a person (and partner in the case of joint claims) is paid more CTC/WTC than they were entitled to, then they will be deemed to have been overpaid. Overpayments are usually caused by CTC/WTC entitlement being calculated using incorrect details on income or personal details or people not keeping HMRC informed of changes in circumstance which reduce entitlement or because HMRC have made a mistake. An overpayment can be recovered from the person (or persons) to whom the award was made.

HMRC will adjust a person's CTC/WTC on-going/future award to recover an overpayment of CTC/WTC. Where there is no longer any CTC/WTC entitlement, HMRC will usually demand payment in full but repayment can be negotiated with HMRC.

Whilst HMRC have the power to recover all overpayments, they do, however, have a discretionary power to not recover and should be seen to be exercising this discretion particularly in cases of hardship or where the overpayment was caused by official error. An overpayment will be considered to have occurred due to 'official error' if it occurred because of a mistake made by HMRC and the claimant reasonably thought that the award was correct.

HMRC produce a code of guidance (**COP 26 booklet**) that outlines the policy on recovering CTC/WTC overpayments. There is no right of appeal against a decision to recover but there is a right of appeal in terms of whether a person's CTC/WTC award has been properly calculated. See link below for COP 26 booklet:
revenuebenefits.org.uk/pdf/COP26.pdf

The above is meant as a guide only. The important thing is that a person keeps the DWP/HMRC or local authority informed of any changes in their circumstances to save the risk of any overpayment of benefit occurring. Do seek further information and advice as necessary.

Section 8: Disputes and Appeals

DWP Benefits

Decisions concerning Universal Credit, Income Support, Income-based JSA, Income-related ESA, Pension Credit (Guarantee Credit), Pension Credit (Savings Credit), Disability Living Allowance, Personal Independence Payment and Attendance Allowance can normally be altered by way of 'supersession', 'mandatory reconsideration' (also known as a 'revision') or 'appeal'. The DWP will often refer to both a supersession and mandatory reconsideration as a 'reconsideration' for ease of language. Before going to an appeal, a person must normally have first had a mandatory reconsideration on the decision against which they want to appeal.

8.1: Supersession

A supersession is what a person should ask for if their circumstances have changed, resulting in a need for them to get a greater amount of benefit or less benefit.

Example: Joan is getting Attendance Allowance at the lower rate. Her care needs have increased entitling her to the higher rate of Attendance Allowance. Salima will need to ask for a 'supersession' if she is to get her Attendance Allowance award to correctly reflect her current care needs.

There is no time limit for requesting a supersession, however, a supersession will normally only take effect from the date it is requested. If, however, a person is slow to report a change of circumstance which would result in them getting more benefit, then the DWP can go back 12 months and pay arrears from this date providing that there is a good reason for the failure to report the change sooner. If a person was slow in reporting a change of circumstances which would result in them getting less benefit, then the DWP would not carry out a supersession. They would instead undertake a mandatory reconsideration which would enable them to seek to recover any overpaid benefit effective from the date the change took place. A supersession can be requested in writing or over the phone. If a person is not happy with the outcome of a supersession, they may challenge the decision by way of a 'mandatory reconsideration' (and after this an appeal).

8.2: Mandatory Reconsideration

A mandatory reconsideration is what a person would ask for if they wanted to ask the DWP to look at a benefit decision again because they thought it was wrong.

The time limit for requesting a mandatory reconsideration is one month from the date the decision was sent. This time limit can be extended by 14 days if a person has asked for a written explanation (which has not already been included in the decision notice or given at a later date) of the decision they are seeking to challenge.

If the DWP does not respond to this request within 1 month then the person will be given a further 14 days from the date the reasons are provided. The time limit for mandatory reconsideration can further be extended by 12 months if a person was late seeking a mandatory reconsideration and they had a good reason for their delay. It is not sufficient, however, for a person to argue that they were ignorant of the time limits.

A mandatory reconsideration will normally take effect from the date of the claim/decision in dispute, with arrears of any unpaid benefit being payable from this date.

Example: Henry claimed Income-related ESA. The DWP held that he was entitled to the basic amount. Henry thought this was wrong. He thought that he should get 'severe disability premium' included in his award worth an extra £81.50 per week. Henry asks (within one month) for a mandatory reconsideration of the DWP's original decision. The claim is looked at again. The DWP acknowledges that an error was made. Henry is entitled to an arrear's payment of the severe disability premium that was not paid, dating back to the date of his claim.

A mandatory reconsideration can be requested in writing or over the phone. If a person is not happy with the outcome of a mandatory reconsideration, then they may challenge the decision by way of appeal.

8.3: Appeal

If a person is not happy with a decision, then they can appeal to an independent appeal tribunal - known as a First-tier Tribunal. However, before going to appeal the person must normally have asked for a 'mandatory reconsideration' of the decision which they disagree with. The idea of this is that it gives the DWP another chance to correct any defect at this point, dispensing with the need to go to appeal. If the person is challenging a decision relating to the Work Capability Assessment (other than one relating to their failure to attend a face-to-face assessment with a Healthcare Professional) then they can by-pass the 'mandatory reconsideration'. They may go straight to asking for an appeal (see Connor v SSWP - High Court).

The time limit for requesting an appeal is one month from the date the decision was issued - the date on decision notice. This time limit may be extended where a person has requested a written explanation for a decision in the same way as in the case of mandatory reconsideration. See above. The time limit for appeal can be extended for 12 months where a First-tier Tribunal considers it "fair and just" to do so.

Any appeal will be heard by a First-tier Tribunal - comprising of a Judge - a qualified lawyer - sitting alone. However, if the appeal is connected to whether the person should be treated as though they have 'limited capability for work' and/or 'limited capability for work-related activity' for Employment and Support Allowance or Universal Credit purposes then the appeal would be heard by a First-tier Tribunal of two - a Judge and a medical member who will be a doctor.

If the appeal is connected to Disability Living Allowance, Personal Independence Payment or Attendance Allowance entitlement then it would be heard by a First-tier Tribunal of three - a Judge, a medical member and a disabled member. The disabled member will be someone who is either disabled themselves or someone who has experience of working with disabled people.

An appeal against a decision concerning a Social Security benefit entitlement (including Personal Independence Payment, Employment and Support Allowance or Universal Credit but not Housing Benefit / Council Tax Support - see next page) may be made online. See this LINK.

Alternatively, a person can appeal using a **SSCS1 form** which is available through this LINK. If a person is appealing in writing, then they should send their completed SSCS1 form to HMCTS, Social Security and Child Support Appeals, SSCS Birmingham, Phoenix House, Rushton Avenue, Bradford BD3 7BH.

If a person is making their appeal application online then the online form will ask them for certain information enabling verification that a 'mandatory reconsideration' has been completed, although note that in appeals concerning the work capability assessment a 'mandatory reconsideration' is not strictly required.

If the person is making their appeal in writing, then it should contain a copy of the notice sent by the DWP following a 'mandatory reconsideration' request. This evidences the fact that a mandatory reconsideration has been completed.

An appeal application should also contain the grounds for the appeal - the reasons why the appeal is being made. The grounds for the appeal can simply be a matter of the person pointing out that they do not agree with the decision of the DWP because of x, y and / or z. In cases relating to disability (e.g. PIP or Work Capability Assessment cases) it may be that the grounds for appeal are simply that the claimant does not think that the DWP has fully taken into account nature of their ill-health and/or disability and the way it impacts on them when reaching the decision in question.

In the case of an overpayment, it may simply be that they do not think that they were overpaid and/or that they do not think that the overpayment should be recovered from them. Additionally, if the person has a representative who is helping them with the appeal, then that person's/ organisation's details should be included in the appeal request.

Important: The outcome of a supersession, mandatory reconsideration or appeal is not necessarily always certain. Please be aware that in the case of Disability Living Allowance, Personal Independence Payment and Attendance Allowance a person could end up getting less money than they were before. Whilst this is rare, it can (and does) happen if the tribunal believe the person's care needs / mobility difficulties are less than the DWP did. It is wise to be sure of your grounds before embarking on action seeking to get an award of Disability Living Allowance, Personal Independence Payment and Attendance Allowance changed.

Housing Benefit: The provisions of supersession, mandatory reconsideration and appeal explained above, apply similarly to decisions made on Housing Benefit. One key difference is that you do not need to ask for a mandatory reconsideration before making an appeal application / going to appeal. Also, you do not make your appeal to HMCTS. You must send it instead to the Housing Benefit authority who made the decision.

Council Tax Support: A person can ask for a supersession of their award if their circumstances have changed in order to ensure that they are not being overpaid or underpaid in consequence. A person may ask for a mandatory reconsideration if they want their local authority to look at their award again because they think there is something wrong with the way their entitlement has been calculated.

In Wolverhampton an 'appeal' to a Valuation Tribunal may be made if a person wishes to challenge a decision on the amount of Council Tax Support awarded to them. Any appeal must be sent to the City of Wolverhampton Council and not to HMCTS.

Child Tax Credit (CTC) and Working Tax Credit (WTC):

Since April 2014 a person must (as in the case of DWP benefits) request a mandatory reconsideration of the decision first before any appeal. The idea of this is that it gives HMRC another chance to correct any defect at this point, dispensing with the need to go to appeal. If the revision does not deliver the desired outcome, then an appeal may be requested. In relation to overpayments, whilst appeals can be made about whether or not a person has been overpaid, a person cannot appeal against the decision to recover any overpayment. Do seek further advice and information as necessary.

Section 9: Contacts

The following contact information is for residents of Wolverhampton. If a person lives in another local authority area, then they should check to see if the details below apply.

9.1: Making New Claim: Universal Credit

An on-line claim may be made on: www.gov.uk/apply-universal-credit

If a person has no access to a computer, then they should contact their local Job Centre who will provide details on where they can go to make an on-line claim.

Universal Credit Service Centre: Telephone: 0800 328 5644

9.2: Making New Claim: New Style ESA, New Style JSA and Maternity Allowance

Benefits Contact Centre
Telephone: 0800 055 6688

9.3: Existing Claims: Income Support, ESA and JSA

Wolverhampton Benefits Centre
JobCentre Plus
Post Handling Site B
Wolverhampton
WV99 1BS

Telephone: 0800 169 0310

The office dealing with Income Support, New Style ESA and New Style JSA.

9.4: Pension Credit and State Retirement Pension

Telephone: 0800 731 7898 - new State Pension claims

Telephone: 0800 731 0469 - existing State Pension / State Retirement Pension claims

Telephone: 0800 991 234 - new Pension Credit claims

Telephone: 0800 731 0469 - existing Pension Credit claims

Above are the numbers for the offices dealing with State Pension/State Retirement Pension and Pension Credit claims - new claims, progression of claims and reporting changes of circumstance.

The office postal address is dependent upon a person’s postcode. Therefore, we advise a person rings in the first instance to establish the correct postal address for correspondence.

9.5: Personal Independence Payment

Stage One: Claim Line 0800 917 2222 - PIP1 Form

Stage Two: How Your Disability Affects You - PIP2 Form

Note: The address where the form needs to be returned to is stated at the back of the form.

Stage 1 and Stage 2 new claim enquiries: 0800 917 2222

The office dealing with general on-going enquiries to do with existing PIP claims: 0800 121 4433.

9.6: Disability Living Allowance and Attendance Allowance

Office dealing with a new Disability Living Allowance claim for child aged under 16

Disability Living Allowance
Disability Benefit Centre 4
Post Handling Site B
Wolverhampton
WV99 1BY

Telephone: 0800 121 4600

Office dealing with Disability Living Allowance for those aged 65 or over who have an existing claim.

FREEPOST
DWP
Disability Living Allowance 65

Telephone: 0800 731 0122 where date of birth on or before 8th April 1948.

The office dealing with existing Disability Living Allowance claims for those aged under 65.

Disability Benefits Centre (DLA/AA)
Warbreck House
Warbreck Hill Road
Blackpool
FY2 0YE

Telephone: 0800 121 4600

The office dealing with new and existing Attendance Allowance claims

Attendance Allowance
Mail Handling Site A
Wolverhampton
WV98 2AD

Attendance Allowance - Telephone: 0800 731 0122

9.7: Housing Benefit and Council Tax Support

Housing Benefit and Council Tax Support may be contacted at the Civic Centre, St Peter's Square, Wolverhampton WV1 1SH.

For all Housing Benefit/Council Tax Support enquiries (01902) 551166 (City Direct).

9.8: Carer's Allowance

Carer's Allowance
Mail Handling Site A
Wolverhampton
WV98 2AB

Telephone: 0800 731 0297

The Disability and Carer’s Service dealing with Carer’s Allowance claims.

9.9: Child Tax Credit and Working Tax Credit

HMRC
Royal Mail Street
Liverpool
L75 1WX

For new Working Tax Credit and Child Tax Credit claims.

HMRC
Tax Credit Office
Comben House
Farriers Way
Netherton
Merseyside
L75 1AX

For renewal of Working Tax Credit and Child Tax Credit claims.

HMRC
Tax Credit Office
BX9 1ER
United Kingdom

For notifying of change of circumstance and complaints in connection with Working Tax Credit and Child Tax Credit claims.

Tax Credits Claimant Helpline Telephone: 0345 300 3900

Tax Credits **Intermediaries Helpline** Telephone: 0345 300 3946 (Intended for advisers only)

9.10: Child Benefit and Guardian’s Allowance

HM Revenue and Customs - Child Benefit/Guardian’s Allowance Office
PO Box 1
Washington
Newcastle upon Tyne
NE88 1AA

Telephone: 0300 200 3100 (Child Benefit)
Telephone: 0300 322 9080 (Guardian’s Allowance)

The office dealing with claims and the office to notify of changes of circumstance for Child Benefit and Guardian’s Allowance.

9.11: Maternity Allowance

Maternity Allowance
Wrexham Maternity Allowance
Mail Handling Site A
Wolverhampton
WV98 1SU

Telephone: 0800 169 0283
The office dealing with claims for Maternity Allowance.

9.12: Bereavement Support / Bereavement Benefits

Bereavement Support Payment
Mail Handling Site A
Wolverhampton
WV98 2BS

Bereavement Service Helpline: 0800 731 0469

The office dealing with claims for Bereavement Support / Bereavement Benefits - obtain a claim form and to report changes in circumstance.

9.13: Armed Forces Compensation Scheme

Veterans UK
Tomlinson House
Norcross
Thornton-Cleveleys
Lancashire
FY5 3WP

Telephone: 0808 191 4218

The office dealing with the Armed Forces Compensation Scheme and War Disablement Pensions.

9.14: Industrial Injuries Disablement Benefit

Barnsley IIDB Centre
Mail Handling Site A
Wolverhampton
WV98 1SY

Barrow IIDB Centre
Mail Handling Site A
Wolverhampton
WV98 1SY

Note: There are two postal addresses for claims for industrial diseases depending on the type of the disease involved - Barnsley or Barrow. Do seek further information as appropriate. Telephone: 0800 121 8379 for Industrial Injuries Disablement benefit claims and queries.

9.15: DWP Social Fund

DWP Helpline: 0800 169 0140 for a Budgeting Loan, Sure Start Maternity Grant and Funeral Expenses Payment.

`**Budgeting Loans:** An application for a Budgeting Loan may be made using a SF500 Claim Form. An SF500 Claim Form may be obtained from the Helpline or downloaded at www.gov.uk/budgeting-help-benefits/how-to-claim. Postal claims may be handed into or sent to the claimant's local Job Centre. Alternatively, a claim may be made on-line following the same link to the web site.

Sure Start Maternity Grant: An application for a Sure Start Maternity Grant may be made on-line or using a SF100 Claim Form. An SF100 Claim Form may be obtained direct from the Helpline or downloaded at www.gov.uk/sure-start-maternity-grant. Postal claims may be handed into or sent to the claimant's local Job Centre.

Funeral Expenses Payment: An application for a Funeral Expenses Payment may be made using a SF200 Claim Form. An SF200 Claim Form may be obtained from the Helpline or downloaded at www.gov.uk/funeral-payments/how-to-claim. Postal claims may be handed into or sent to the claimant's local Job Centre. Alternatively, a telephone claim may be made on 0800 085 2463.