

Housing Benefit Circular

Department for Work and Pensions
Caxton House, Tothill Street, London SW1H 9NA

HB A3/2016

ADJUDICATION AND OPERATIONS CIRCULAR

WHO SHOULD READ	All Housing Benefit staff
ACTION	For information
SUBJECT	The Housing Benefit (Abolition of the Family premium and limiting backdating) (Amendment) Regulations 2015 and the Universal Credit and Miscellaneous Amendment Regulations 2015

Guidance Manual

The information in this circular does affect the content of the HB Guidance Manual. Please annotate this circular number against

Family Premium: BW2: paragraphs W3.74 – W3.80, W3.391 and BP3: paragraphs P3.31, P3.73 & P3.251

Backdating: A2: paragraph W2.524

Severe Disability Premium: BW3: paragraphs W3.74 – W3.80 & W3.391 and BP3: paragraphs W3.210 – P3.231

Queries

- **extra copies of this circular/copies of previous circulars** can be found at <https://www.gov.uk/government/collections/housing-benefit-for-local-authorities-circulars>
- about the
 - **technical content of this circular**, contact housing.benefitenquiries@dwp.gsi.gov.uk
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The Housing Benefit (Abolition of the Family Premium and limiting backdating) (Amendment) Regulations 2015 and the Universal Credit and Miscellaneous Amendments Regulations 2015

Introduction

1. This circular provides information about the Housing Benefit (Abolition of the Family Premium and limiting backdating) (Amendment) Regulations 2015 ([S.I. 2015/1857](#)) and the Universal Credit and Miscellaneous Amendments Regulations 2015 ([S.I. 2015/1754](#))
2. SI 2015/1857 reduces the backdating period for working age claimants and abolishes the family premium for all new Housing Benefit (HB) entitlements after 30 April 2016 and for those who cease to have responsibility for any children or young people after 30 April 2016.
3. SI 2015/1754 amends the Housing Benefit Regulations 2006 ([S.I. 2006/213](#)) and the Housing Benefit (persons who have attained the qualifying age for state pension credit) Regulations 2006 ([S.I. 2006/214](#)) to ensure that where the Universal Credit carer element is in payment in respect of care for a severely disabled person in receipt of HB, the HB claimant may no longer receive a severe disability premium (SDP).

Backdating

4. The new arrangements, which come into force on 1 April 2016, reduce the maximum period for which HB claims may be backdated for working age claimants from six months to one month.
5. The good cause provisions have not changed. Working age claimants will still need to demonstrate good cause throughout the period for which they are requesting backdating. The new arrangements mean that HB cannot be backdated for more than one month if the claimant makes their request on or after 1 April 2016 (even if this is a belated request linked to a current claim for HB which was made before that date).
6. Good cause is not defined in legislation and the new regulations do not change the existing guidance for considering this. However, the reduction in the maximum backdating period makes it all the more important that claims are made promptly and you may want to remind claimants of this and encourage them to submit claims in good time.
7. The backdating period for persons who have newly attained the qualifying age for state pension credit will retain the three months backdating, but will no longer be able to exceed that duration with backdating provisions from the working age regulations.

Example

A working age claimant makes a claim for HB on 4 May 2016.

Subsequent to the award decision, on 18 May 2016 the claimant submits a request for their claim to be backdated for 6 months prior to the claim date of 4 May 2016.

As the regulations changed on 1 April 2016, the new rules apply.

The maximum period for which backdating may be considered is one month. So, counting back one month from the date when the claimant requested that the claim should include a past period (18 May 2016), backdating can only be considered from 18 April 2016.

Family Premium

8. The family premium will not be included in the HB applicable amount for new entitlements to HB beginning on or after 1 May 2016 or for any existing claimants who have a child or become responsible for a child (under 16) or young person (under 20) for the first time after 30 April 2016. It will also mean that if a current claimant ceases to have the family premium included in their claim because they cease to have responsibility for any children or young people, then they will not be able to regain access to the family premium if they become responsible again for any children or young people in the future.
9. Claimants who are receiving a passporting benefit (Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance or guarantee element of Pension Credit) will continue to be entitled to the family premium if they cease to claim the passporting benefit and claim HB only. The passporting benefit only provides a disregard for income and capital so the entitlement to the family premium is still there when calculating the HB entitlement.
10. Those claimants not on a passporting benefit will retain the family premium if they were entitled to it on 30 April 2016 until:
 - they make a new claim for HB; or
 - they no longer have responsibility for any children or young people.

Example - Transitional protection

A claimant is on Income Support (IS) and entitled to HB on 30 April 2016. They subsequently cease to claim IS and get standard HB. As they were entitled to the family premium on 30 April 2016 they are still entitled to it.

Although the IS claim passports them onto full HB it only provides a disregard of income and capital, entitlement to family premium is still included in the HB claim.

The Universal Credit and Miscellaneous Amendments Regulations 2015

11. HB claimants who are in receipt of Attendance Allowance (AA), Disability Living Allowance (DLA) or a Personal Independence Payment (PIP) are entitled to a severe disability premium (SDP) as long as they don't have a carer who is receiving Carers Allowance (CA) for looking after them. For couples an SDP is awarded where both are entitled to AA, DLA or PIP but only one of them has a carer receiving CA.
12. The carer element in Universal Credit is payable to someone looking after a person who is in receipt of AA, DLA or PIP but they don't have to be in receipt of, or have an underlying entitlement to CA to qualify for it. There is no reference to the receipt of the carer element of Universal Credit in HB regulations so an SDP can be awarded to an HB claimant even though someone is receiving payment via Universal Credit for looking after them.
13. The Universal Credit and Miscellaneous Amendments Regulations 2015 ([S.I. 2015/1754](#)) amended the Housing Benefit Regulations 2006 ([S.I. 2006/213](#)) and the Housing Benefit (persons who have attained the qualifying age for state pension credit) Regulations 2006 ([S.I. 2006/214](#)) so that, if a Universal Credit carer element is awarded to a Universal Credit claimant who is caring for an HB claimant, that person may not receive an SDP.
14. When the Universal Credit carer element is awarded to a Universal Credit claimant who is caring for an HB claimant, the Universal Credit team will complete form UC454 and email it to the HB claimant's local authority. Form UC454 will give the following information:
 - the HB claimant's name, National Insurance number, date of birth and address
 - the Universal Credit claimant's name, National Insurance number and address
 - the date that the caring started, the date Universal Credit was notified and the date the carer element was awarded.
15. If the Universal Credit carer element ceases to be in payment then the Universal Credit team will complete form UC456 and email it to the HB claimant's LA. Form UC456 will give the following details:
 - the HB claimant's name, National Insurance number, date of birth and address
 - the Universal Credit claimant's name, National Insurance number and address
 - the date that the caring ceased, the date Universal Credit was notified and the date the carer element ceased.