

# ADM Chapter F6: carer element

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# Introduction F6001 - F6009

## Introduction

F6001 The maximum amount of UC will include a carer element for each eligible adult claimant in the benefit unit who has regular and substantial caring responsibilities for a severely disabled person<sup>1</sup>.

1 WR Act 12, s12(2)(c)

F6002 The carer element is paid at one rate. If the conditions for a carer element are met, the carer element, at £150.39 per month, should be included in the claimant's maximum amount<sup>1</sup> of UC.

1 WR Act 12, s 8

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## Conditions for award of a carer element F6010 - F6040

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### Regular and substantial caring responsibilities

F6010 To qualify for an award of a carer element, the claimant must have regular and substantial caring responsibilities for a severely disabled person<sup>1</sup>.

1 WR Act, s 12(2)(c); UC Regs, reg 29(1)

F6011 A UC claimant will have regular and substantial caring responsibilities for a severely disabled person<sup>1</sup> where they

1. satisfy the conditions of entitlement to CA2 (see F6013) or
2. would satisfy the conditions of entitlement to CA if their earnings did not exceed the prescribed limit for CA3. This means that a UC claimant will qualify for the carer element irrespective of their earnings, provided they satisfy the other conditions of entitlement for CA (see the Note to F6013).

1 UC Regs, reg 30(1); 2 SS CB Act 92, s 70; 3 s 70(1)(b)

### No claim for CA necessary

F6012 The test at F6011 can be satisfied whether or not the claimant has made a claim for CA<sup>1</sup>. Where no claim for CA has been made, the UC DM will have to consider whether the claimant could satisfy the conditions for entitlement to CA.

**Example**

Tim receives the middle rate care component of DLA and confirmed that he is cared for by Mary, who is on UC, for at least 35 hours per week. Mary has not made a claim to CA but still receives the carer element as part of her UC award.

**Conditions of entitlement to CA**

F6013 The conditions for entitlement to CA are that

- 1.** the claimant is engaged in caring for a severely disabled person for any day (see DMG 60033 - 60042). A severely disabled person is a person to whom one of the benefits listed in DMG 60033 is payable and
- 2.** the claimant is regularly and substantially engaged in caring for that person for at least 35 hours a week (see DMG 60035 - 60042) and
- 3.** the claimant is not gainfully employed (see DMG 60051 - 60052) - but see the Note below for the UC carer element and
- 4.** the claimant is aged 16 or over (see DMG 60058) and
- 5.** the claimant is not in FTE (see DMG 60068 - 60081) and
- 6.** the claimant satisfies prescribed conditions of residence or presence in GB (see DMG Chapter 07 Part 2) and
- 7.** no one else is already entitled to CA for that severely disabled person.

**Note:** The condition in **3.** does not need to be satisfied for a claimant to qualify for the UC carer element. A UC claimant will qualify for the carer element if the conditions in **1.** and **2.** and **4.** to **7.** are satisfied. UC DMs therefore do not need to consider the amount of the claimant's earnings when considering entitlement to the carer element (but see F6014).

**Earned income from caring**

F6014 A claimant is not entitled to a carer element where they derive earned income from their caring responsibilities<sup>1</sup>. See ADM chapter H3 and H4 for the meaning of earned income.

## Breaks in regular and substantial caring

F6024 A temporary break or series of temporary breaks in care may be ignored in certain circumstances, enabling a person who does not satisfy the “caring condition” at F6013.1 to be treated as satisfying that condition. DMG 60045 provides guidance on the circumstances where temporary breaks still amount to regular and substantial caring.

## Temporary hospital breaks

F6025 If there is a break in caring because the severely disabled person is in hospital, entitlement to the carer element will continue in the circumstances described in DMG 60050.

F6026 – F6030

## Caring responsibilities – joint claimants

F6031 Where the conditions for the award of a carer element are met by both joint claimants, then a carer element for each of them should be included in their maximum amount<sup>1</sup>, but only if they are not caring for the same severely disabled person.

**Note:** It is possible that both members of a couple are severely disabled themselves and each one meets the criteria set out in F6011 for the care they provide for the other or another severely disabled person. In such a case a carer element should be included for each of them.

1 UC Regs, reg 29(2)

### Example

Max lives with his wife Amy and they are both entitled to CA. They each satisfy the conditions for the award of a carer element. At the time of the UC claim the standard allowance is £493.95 pcm and the rate of carer element is £148.61 pcm. Their maximum amount is £791.17 pcm (£493.95 + £148.61 + £148.61).

## Two or more carers for the same person

F6032 Where two or more people are regularly and substantially caring for the same severely disabled person, only one of them will be entitled to have the carer element included in the UC award. It will be up to them to choose and elect who will be entitled to the carer element. If there is no joint election the Secretary of State should decide who should have entitlement to the carer element<sup>1</sup>

1 UC Regs, reg 29(3)

### Example 1

Max lives with his wife Amy and they are both providing regular and substantial care for Amy's mother. They would each satisfy the conditions for the award of a carer element. However as the care they provide is for the same severely disabled person only one of them can qualify for a carer element. The couple elect that Amy should have entitlement to the carer element.

### Example 2

Bill and Ted are brothers who both provide care for their father George. Bill is in receipt of UC and provides regular and substantial care for his father. Ted also provides regular and substantial care for George, he does not get UC, and neither brother is in receipt of CA for caring for George. As Bill and Ted both provide the relevant care they have to elect who should have entitlement to the carer element. They decide that as Bill is in receipt of UC he would benefit most from receipt of the extra allowance and they nominate Bill to receive the carer element.

Subsequently Ted is awarded CA , the consequence of this award means Bill cannot be regularly and substantially caring for George and the carer element is withdrawn from his UC entitlement (to be regularly and substantially caring Bill has to satisfy the CoE for CA and he cannot do that where CA is awarded to somebody else).

## No election as to who is entitled to the carer element

F6033 Where the relevant people have failed to make an election as to who should receive the carer element the DM will have to make the determination by having regard to all the circumstances. DMs could consider, when deciding who should receive the carer element,

1. Which carer made the first claim?
2. Has the original carer relinquished payment to CA?
3. Does the disabled person live with one of the carers but not the other?
4. Are the two carers married/partners but living apart and disputing the care?

5. If the disabled person is a child, which one of the carers receives the child benefit?
6. Will the DM decision adversely affect one carer's financial position more than the other?
7. Could more info be obtained by arranging for a VO to see both carers individually?

## **Entitled to a carer element and LCW or LCWRA element**

### **One claimant entitled to both**

F6034 Where a claimant would qualify for

1. the carer element **and**
2. the LCWRA element

only one of those elements may be included in the award.

**Note:** From 3.4.17 where it is determined that a UC claimant has, or is treated as having, LCW, their award cannot include the LCW element<sup>1</sup>. But see the Appendix to ADM Chapter F5 (The LCWRA element) for exceptions where the removal of the LCW element does not apply.

F6035 The element to be included is the LCWRA element if the claimant qualifies for it or, if not, the carer element<sup>1</sup>. See ADM Chapter F5 for guidance on the LCWRA element.

1 UC Regs, reg 29(4)

### **Example**

Joe and Helen are entitled to UC. Joe cares for their severely disabled son Sean and in doing so would qualify for the carer element. Joe also has LCWRA. Joe and Helen's award of UC includes the LCWRA element but not the carer element.

### **Joint claimants each entitled**

F6036 Where each of a joint claim couple qualifies for a different element, either

1. the carer element **or**
2. the LCWRA element

then both of those elements may be included in the award.

## Example

Joe and Helen are entitled to UC. Helen cares for their severely disabled son Sean and in doing so would qualify for the carer element. Joe has LCWRA. Joe and Helen's award of UC includes the LCWRA element and the carer element.

F6037 The table below gives details of which additional amount or amounts can be paid in situations where there are combinations of the additional amounts. This includes single claims (claimant 1) or joint claims (claimant 1 and 2)

<b>Additional amount awarded to Claimant 1</b>	<b>and</b>	<b>Additional amount awarded to Claimant 2</b>	<b>and</b>	<b>Additional amount to be paid to Claimant 1</b>	<b>Additional amount to be paid to Claimant 2</b>
Carer				Carer	
LCWRA				LCWRA	
Carer	LCWRA			LCWRA	
Carer		Carer		Carer	Carer
LCWRA		LCWRA		LCWRA	
		Carer			Carer
Carer		LCWRA		Carer	LCWRA
		LCWRA			LCWRA
Carer				Carer	
Carer	LCWRA	Carer		LCWRA	Carer
Carer	LCWRA	LCWRA		Carer	LCWRA
Carer		Carer	LCWRA	Carer	LCWRA
Carer	LCWRA	Carer	LCWRA	Carer	LCWRA





## Run on after death of disabled person F6041 - F6999

F6041 Where

1. a claimant, who is providing regular and substantial care, is awarded a carer element **and**
2. the severely disabled person, in respect of whom that care is provided, dies

the carer element award will continue in payment until the end of the second assessment period following the assessment period in which the death occurred<sup>1</sup>.

1 UC Regs, reg 37

### Example 1

Amy is entitled to UC, which includes the carer element, for an assessment period that runs from the 10th of each month. The person she is caring for dies on 12.08.13. the carer element is included in the UC award up to and including 09.11.13.

### Example 2

Max lives with his wife Amy and they are both entitled to CA. They each satisfy the conditions for the award of a carer element. At the time of the UC claim, on 5.11.13, the standard allowance is £493.95 pcm and the rate of carer element is £148.61 pcm. Their maximum amount in respect of each assessment period is £791.17 pcm (£493.95 + £148.61 + £148.61). Max dies on 10.1.14, Amy continues to receive the couple standard allowance and two carer elements, £791.17, until 4.4.14 when the UC claim terminates. Amy will be entitled to UC as a single person without having to submit a claim<sup>1</sup>.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 9(10)

F6042 Where a new claim to UC is made by a carer and

1. CA is in payment **and**
2. the severely disabled person, in respect of whom the care was provided, died before the claim to UC was made

the carer will be entitled to the carer element for any AP where the CA is still in payment on the last day of that AP<sup>1</sup>

1 UC Regs, reg 29(1), 30(1) & D&A Regs, Sch 1, para 20

## **Example**

Tony has cared for his wife Helen for many years and CA is in payment to him. Helen dies on 10.6.21 and, as the couples entitlement to means tested benefits ends on her death, Tony claims UC on 14.6.21. He continues to receive CA for 8 weeks following Helen's death and the carer element is included in his award of UC up to and including 13.7.21.

**Note:** Carer element will only run on following death there is no run on for any other reason (such as following admission to hospital or residential care – temporary break rules would apply in these instances).

F6043 – F6999