

## Section 3: Backdating

### Backdated claims

- 300 From 6 October 2008, subject to 'good cause' having been demonstrated, a claim from a person of working age may be backdated for up to six months. Authorities should note the guidance in *HB/CTB Circular A16/2008*.
- 301 For claims from
- persons of Pension Credit age, *see paragraph 330*
  - working age men aged 60 – 64, *see paragraph 340*
- 302 The backdating rules for the period 1 April 2008 until 5 October 2008 are unchanged.
- 303 Subject to any particular conditions which might apply, eg thresholds and caps, the rate of subsidy for correctly paid backdated benefit is 100%.
- 304 The relevant regulations are the
- Housing Benefit Regulations 2006; regulation 83(12)
  - Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006; regulation 64(1)
  - Council Tax Benefit Regulation 2006; regulation 69(14)
  - Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006; regulation 53(1ZA)
  - Social Security (Miscellaneous Amendments) (No.4) Regulations 2008
  - Housing Benefit and Council Tax Benefit (Amendment)(No2) Regulations 2008
- 305 Subsidy is calculated on the total benefit backdated in the financial year. It is payable for the year in which the awards are made, even if the period for which benefit is backdated falls wholly or partially in the previous financial year.
- 306 Local authorities should be rigorous in establishing whether the criteria of 'continuous good cause' in the backdating rules have been met. If these criteria have not been met, backdated benefit should not be paid. It is down to the individual authority's discretion to establish whether 'good cause' has been proven.
- 307 Subsidy in backdated claims is subject to the external auditor's certification as per the relevant auditor certification instructions.
- 308 Local authorities must be able to demonstrate continuous good cause whenever backdated benefit is paid and must retain supporting evidence for audit purposes. If local authorities are unable to demonstrate continuous good cause, the DWP will deem the associated subsidy to have been overpaid.

309 Backdated amounts are those in respect of a period prior to the effective date of the claim. Late-assessments of claims or late-payments in themselves do not constitute backdated awards.

310-319

### Completion of the subsidy claim form

320 Backdated benefit should be treated in the same way as non-backdated expenditure, ie

- included in the total expenditure cells of the form, ie cells 011, 055 (English/Welsh authorities only), 094 and 142
- included in the relevant cell in each section of the form according to the type of payment made, and
- if subsequently found to be overpaid, must be treated as an overpayment rather than a backdated payment

321 Backdated benefit (excluding overpayments) must also be separately identified in cells 038, 077 (English/Welsh authorities only), 126 and 161. The purpose of these cells is to identify backdated expenditure so that relevant audit trails and assurance can be provided that expenditure has been properly incurred.

322 Local authorities should not consider backdating on a claim for benefit where a previous claim has already been received that still needs to be fully considered. Entitlement to benefit or a review of benefit should be made on the previous claim first, rather than backdating being considered on the new claim.

323-329

### Claims from persons of Pension Credit age

330 From 6 October 2008 the time limits for claiming benefits changed for persons of Pension Credit age.

331 From this date the time limit for claiming benefit from persons of Pension Credit age is three months.

332 From 6 October 2008 a local authority may consider the start date of the claim from a person of Pension Credit age is up to three months before the date on which the person actually makes the claim. However, the benefit paid should be treated as normal Housing Benefit and **not** backdated expenditure.

333 Local authorities should refer to the advice in *Circular A16/2008*.

334-339

## **Working age men aged 60 – 64**

- 340 Men aged 60-64 are working age customers, but are also entitled to claim Pension Credit. The following rules will apply to this group if
- the customer, or partner, is in receipt of Income Support (IS), income-based Jobseeker's Allowance (JSA(IB)) or income-related Employment Support Allowance (ESA(IR)), the six month time limit for backdating HB/CTB applies. However the customer will need to show good cause for not claiming before
  - neither the customer nor their partner receives any of these benefits, the three month time limit for making a claim for HB/CTB applies – ie effectively a three month limit on backdating applies
- 341 Local authorities should refer to the guidance in Circular *A16/2008*.

342-349

### **Queries**

- 350 If you have any queries concerning the content of this section, please see the HB/CTB contact list at  
<http://www.dwp.gov.uk/housingbenefit/contact/contact>

351-399