

## Housing Benefit Circular

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

# HB A14/2014

### ADJUDICATION AND OPERATIONS CIRCULAR

<b>WHO SHOULD READ</b>	All Housing Benefit staff
<b>ACTION</b>	For information
<b>SUBJECT</b>	Special Educational Needs (Consequential Amendments to Subordinate Legislation) Order 2014 (SI 2014 / 2103)

### Guidance Manual

The information in this circular does affect the content of the HB Guidance Manual. Please annotate this circular number against paragraph BW1.80, BW2 Annex B and BP1.210.

### 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-2014>
- about the
  - **technical content of this circular**, contact [housing.benefitenquiries@dwp.gsi.gov.uk](mailto:housing.benefitenquiries@dwp.gsi.gov.uk)
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## **Special Educational Needs (Consequential Amendments to Subordinate Legislation) Order 2014 (SI 2014 / 2103)**

### **Introduction**

1. The Department for Education has made regulations which amend the Housing Benefit (HB) regulations as a consequence of the passing of the Children and Families Act 2014.
2. This circular explains what changes have been made and why.

### **Background**

3. The Department for Education is changing the way that parents of children with special educational needs can access the support their children need.
4. From 1 September 2014, under Part 3 of the Children and Families Act 2014, parents of children and young people with special educational needs can ask for them to be assessed under a new participative assessment process which will provide them with an Education, Health and Care (EHC) plan.
5. The parents of children and young people with an EHC plan will also have the option of a personal budget through which they will have control over how some of the provisions set out in the EHC plan will be delivered.
6. Part 3 of the Children and Families Act 2014 replaces Part 4 of the Education Act 1996 for children and young persons living in England and will be rolled-out gradually from 1 September 2014. Part 4 will continue to apply to children and young people living in Wales.
7. More information about these changes can be found on GOV.UK:  
<https://www.gov.uk/children-with-special-educational-needs>

### **Amendments to HB Regulations**

8. The new personal budget payments are intended to procure services which would normally be commissioned or provided by local authorities. Therefore, Ministers have decided that they shouldn't be classed as income or capital when assessing entitlement to HB.
9. Specific disregards have been added to the HB Regulations 2006 (SI 2006/213) and the HB (persons who have attained the qualifying age for State Pension Credit) Regulations 2006 (SI 2006/214) by the Special Educational Needs (Consequential Amendments to Subordinate Legislation) Order 2014 (SI 2014/ 2103).
10. Regulation 20 of SI 2014/2103 amends the HB Regulations 2006 (SI 2006/213) by inserting paragraph 66 into Schedule 5 (sums to be disregarded in the

calculation of income other than earnings) and paragraph 61 into Schedule 6 (capital to be disregarded).

11. Regulation 21 of SI 2014/2103 amends the HB (persons who have attained the qualifying age for State Pension Credit) Regulations 2006 (SI 2006/214) by inserting paragraph 26F into Part 1 of Schedule 6 (capital to be disregarded).