

Department for Work and Pensions

DECISION MAKING AND APPEALS (PART OF STRATEGIC COMMUNICATIONS)

Decision Makers Guide

Volume 7

Amendment 41 – February 2017

1. This letter provides details on Amendment 41; the changes have already been incorporated in to the Intranet and Internet versions of the DMG.
2. PDF amendment packages are also available. These can be printed with the amended pages being reproduced in full. Each page will contain the amendment number in the footer

PDF amendment packages can be found on the **Intranet** at:

<http://intranet/1/lq/acileeds/guidance/decision%20makers%20guide/index.asp>

or on the **Internet** at the 'Amdt Packages' tab on the following link:

<http://www.dwp.gov.uk/publications/specialist-guides/decision-makers-guide/>

Note: When printing PDF packages set the print properties to Duplex/Long Edge in order to produce double sided prints.

3. Amendment 41 affects chapter 39; The changes
 - make various amendments to DMG Chapter 39.
4. The last amendment packages amending Volume 7 were
Amendment 41 [October 2015]
5. Using a PDF amendment package remove the sheets as stated in the left hand column of the Remove and Insert table below and insert the new sheets as stated in the right hand column (note the record of amendments at the back of the Volume).

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39169 – 39250 (3 pages)
39419 – 39899 (5 pages)
Appendix 1 – Appendix 2 (4 pages)
Appendix 7 – Appendix 7 (1 page)

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- 39169 But DMG 39168 does not apply¹ where the other IFM, is a person
1. aged less than 18 **or**
 2. who is a qualifying young person for the purposes of CHB² **or**
 3. who is a qualifying young person under specified legislation³ (see ADM E2092)
 4. aged 18 years and under 19, and who is attending a F/T course of advanced education **or**
 5. aged 19 or over but under pension age, who is attending a F/T course of study at an educational establishment **or**
 6. in receipt of asylum support under relevant legislation⁴ **or**
 7. who is a fully maintained member of a religious order **or**
 8. detained in prison, remand centre or youth custody institution **and**
 - 8.1 that IFM **or**
 - 8.2 their partnerhad an award of a QB immediately before the period of detention started **or**
 9. who is regarded as receiving free hospital in-patient treatment **and**
 - 9.1 that IFM **or**
 - 9.2 their partnerhad an award of a QB immediately before first being regarded as receiving that treatment.
 10. who is ordinarily resident outside the UK⁵ (see DMG 070769 et seq)

*1 SFMFE (Gen) Regs, reg (8)(2); 2 SS CB Act 92, s 142; 3 WR Act 12, s 10(5);
4 Immigration and Asylum Act 1999, s 95; 5 SFMFE (Gen) Regs, reg 8(2)(h)*

Example

The mother of a deceased six month old child is 17 years old. The funeral director will not enter into a contract with her because of her age and she cannot therefore accept responsibility for the funeral expenses. The child's grandmother who is in receipt of a QB accepts responsibility for her granddaughter's funeral and makes a claim for SFFP. The claim is allowed because the DM decides that the responsible person is a close friend of the deceased and that it was reasonable for her to accept responsibility for the funeral expenses. Although there is an IFM (the child's mother), she does not need to be considered when looking at the IFM test because she is under 18¹.

1 R(IS) 7/04

Meaning of estranged

39170 The word estranged is not defined in legislation. The DM should give the word its ordinary meaning¹ of “alienated in feeling or affection”.

1 R(SB) 19/82; R(SB) 38/85

39171 Estrangement has connotations of emotional disharmony¹. Disharmony can arise from one person’s attitude towards another, even though the other party may not wish the situation to be as it is. The legislative² test is whether the surviving IFM is estranged from the deceased at the date of death. Estrangement should be viewed from the point of view of the surviving person, rather than the deceased. In circumstances where there has been estrangement between the surviving person and the deceased, but the relationship was reconciled prior to the date of the deceased’s death, the previous estrangement would be said to no longer exist.

1 R(SB)2/87; 2 SFMFE Regs, reg 8(i)(c)

Example

The claimant has taken responsibility for her father’s funeral and declared that there had been estrangement for over 20 years between herself and her deceased father. The claimant’s 3 brothers were still estranged from the deceased at the time of his death. However, when the claimant received news of her father’s hospitalisation and imminent demise, she decided to reconcile the relationship with her father, making regular visits to the hospital prior to his death. The DM decided that although the claimant’s brothers were estranged from the deceased at the date of their father’s death, the claimant was no longer estranged from the deceased.

39172

Conditions for IFMs, close relatives or close friends

39173 If the responsible person was an IFM, a close relative or close friend of the deceased they will only be entitled to a SFFP if¹

1. the deceased did not have a partner at the date of death (see DMG 39148 - 39156) **and**
2. it is reasonable for the responsible person to accept responsibility for the funeral costs (see DMG 39172) **and**
3. the conditions in DMG 39176 - 39180 are satisfied.

1 SFMFE (Gen) Regs, reg 7(8)(b), reg 7(8)(c), reg 7(8)(d), reg 7(8)(e)

Reasonable to accept responsibility

39174 The DM will decide whether it is reasonable for the responsible person to accept responsibility for the funeral costs by considering

1. the nature **and**
2. the extent

of that person's contact with the deceased¹.

Note: Where a person who accepts responsibility for the funeral expenses has a partner who is the close relative, IFM or close friend of the deceased, it is the partner's circumstances that are taken into account when considering if DMG 39172 and the test at DMG 39176 - 39182 is satisfied².

1 SFMFE (Gen) Regs, reg 8(5); 2 reg 7(8)(d) & (e) & 8(9)

39175 This test does not apply where

1. the responsible person is the surviving partner **or**
2. the deceased is a child and the responsible person or partner is the person responsible for that child for CHB purposes **or**
3. the deceased is a stillborn child and the responsible person is the parent or their partner.

39176 This test is separate from the comparison with close relatives at DMG 39176. The claim should be disallowed if the DM decides it is not reasonable for the responsible person to accept responsibility for the funeral costs. This applies even if there is no one else to take responsibility.

39177 Whether it is reasonable for a person to accept responsibility for the funeral costs is a question of fact¹. Although there are no set criteria in determining the nature and extent of a person's contact, the DM should take into account that

1. the bond between blood relations tends to be stronger than those who are not **and**
2. estrangement does not automatically erase the time a person spent with the deceased in previous years.

1 R(IS) 3/98

Example 1

The daughter of the deceased is the responsible person. She is 54 years old and the only surviving relative. She has not seen her father for 24 years. She wishes to pay her last respects to her father by taking responsibility for the funeral. Considering the nature and extent of the daughter's contact over the previous 30 years it is reasonable for her to accept responsibility for the funeral costs.

Example 2

The daughter of the deceased is the responsible person. She and her family live 100 kms away. She saw the deceased only occasionally, but kept in touch by telephone. Considering the personal and domestic circumstances of the daughter it is reasonable for her to accept responsibility for the funeral costs.

Example 3

A fellow resident of a care home is the responsible person. He met the deceased since living at the care home. Occasionally they played cards together and accompanied each other on outings. It would not be reasonable for the responsible person to accept responsibility for the funeral costs.

Example 4

The responsible person is a close friend of the deceased. They were next door neighbours for several years and went on social outings and holidays together. They cared for each other when either was ill. It would be reasonable for the close friend to accept responsibility for the funeral costs.

Close relative test

- 39178 If the test in DMG 39168 (read with DMG 39169) and the conditions in DMG 39171 **1.** and **2.** are satisfied and if the deceased had one or more close relatives the DM compares¹
1. the nature and extent of the responsible person's contact with the deceased **with**
 2. the nature and extent of **each** close relative's contact with the deceased, except any close relatives who² fall within the exceptions listed at DMG 39169

1 SFMFE (Gen) Regs, reg 8(6) & (7); 2 reg 8(8)

- 39179 The comparison should be carried out whether the responsible person was an IFM, a close relative or a close friend of the deceased.

Contact with the deceased

- 39180 A SFFP¹ is not payable if there are one or more close relatives of the deceased and the responsible person is
1. an IFM or a close relative or a close friend of the deceased **and**
 2. comparing the nature and extent of the contact with the deceased of any of those close relatives and the responsible person any of those close relatives were
 - 2.1 in closer contact² with the deceased **or**

2.2 in equally close contact and any of those close relatives, or their partners, have not been awarded a QB³.

Note: If a close relative lives in Northern Ireland and has been awarded the Northern Ireland equivalent of a QB, this will **not** prevent the responsible person from being entitled to a SFFP if they had equally close contact with the deceased. The Northern Ireland equivalent of a QB is treated in the same way as entitlement to a QB in GB⁴.

*1 SFMFE (Gen) Regs, reg 8(6) & (7); 2 reg 8(7)(a); 3 reg 8(7)(b);
4 SS (Northern Ireland Reciprocal Arrangements) Regs 1976, Sch 1*

39181 This test does not apply where

1. the responsible person is the surviving partner **or**
2. the deceased is a child and the responsible person or their partner is the person responsible for that child for CHB purposes **or**
3. the deceased was a stillborn child and the responsible person is the parent or their partner.

Example

The responsible person was a daughter of the deceased. The deceased was in a care home and was visited regularly by the responsible person and a son. The son's wife had little contact with the deceased. Another daughter lived away and only kept in touch by letter. The DM decides the responsible person and the son had equally close contact. The responsible person has been awarded CTB. The son has a family, is in remunerative work and has been awarded CTC at a rate higher than the family element. The responsible person satisfies the condition because the son has been awarded a QB.

39182 DMG 39177 does not apply¹ if the only close relative who was in closer or equal contact falls within the exceptions listed at DMG 39169.

1 SFMFE (Gen) Regs, reg 8(8)

Comparison of contact

39183 When comparing the nature and extent of contact with the deceased there are no specific criteria. The DM should consider the overall nature and extent of the contact with the deceased given the circumstances of the individual. For example, domestic or work responsibilities may prevent a close relative from keeping in regular contact with the deceased. But the nature of the contact may be equally as close as a close friend who visited every day.

39184 Facts for consideration for both the responsible person and other close relatives are

1. nature of the relationship (example: girlfriend, fiancé)
2. frequency of contact

3. type of contact (visit, telephone, letter)
4. domestic assistance given to the deceased
5. social outings and holidays
6. caring assistance given to the deceased
7. domestic responsibilities
8. work responsibilities
9. estrangements or arguments with the deceased.

The list is not in priority order and is not a complete list.

Example 1

The responsible person is a daughter of the deceased. She has a family and is in receipt of CTC payable at a rate higher than the family element. Due to her domestic and work responsibilities she saw the deceased every other week on a social visit. There is a son of the deceased who is in receipt of WTC including the disability element. He called to see the deceased on his way home from work each day and helped with domestic chores. He was the appointee of the deceased and looked after her financial affairs. The son had closer contact with the deceased than the responsible person.

Example 2

The responsible person who was in receipt of IS, had been a close friend of the deceased for 35 years. They shared a home and went on social outings and holidays. The DM decides it was reasonable for the responsible person to accept responsibility for the funeral costs. The deceased had a son in receipt of HB who lived a considerable distance away and kept in touch only at Christmas and birthdays. The responsible person had closer contact than any close relative.

39185 - 39250

Example 2

The deceased's son-in-law is the responsible person. The deceased's daughter (the responsible person's wife) redeems a life assurance policy in respect of the deceased. The monies can be deducted because the responsible person and his wife live in the same household.

39419 - 39424

Contributions towards funeral expenses

39425 The DM should deduct from the allowable funeral expenses any payment received by the responsible person or any other member of the family if given by a

1. charity **or**
2. relative of the responsible person **or**
3. relative of the deceased¹.

1 SFMFE (Gen) Regs, reg 10(1)(c)

39426 The DM should deduct in full **any** contribution received, providing the decision on the FP has not already been made. Any contributions made **after** the FP decision has been given cannot be said to have been received by the responsible person.

39427 Funeral expenses are not defined. Include any expenses reasonably connected with the funeral, for example, flowers, organist's fees (see DMG 39282).

Loan or contribution

39428 The DM decides on the available evidence whether monies received are a

1. loan **or**
2. contribution.

39429 Where money is received by the responsible person, or a member of their family, in the form of a loan and there is evidence that the loan is

1. to be repaid **or**
2. a legally enforceable debt,

it should **not** be treated as a contribution and should not be deducted from the funeral payment.

39430 Sometimes a person offers the claimant a loan in the expectation that it will be repaid when a SF payment is granted. **Each case should be decided on the facts.**

39431 Some transactions between relatives are not intended to be legally binding and the lender cannot sue the borrower if the loan is not repaid. However, the fact that the lender may be unwilling to sue is not the same as the obligation not being legally

binding. If the lender expected the money to be repaid, it cannot be said to be an outright gift, and would be a loan rather than a contribution.

Example 1

The wife of the deceased is the responsible person. She claims a funeral payment and reports that she borrowed the sum of £2,000 from her relatives in order to help pay the funeral bill. This sum will be repaid to her relatives when the SF Funeral Payment is made. The DM decides that the sum was a loan and should therefore not be deducted when a decision is made on the funeral payment.

Example 2

The wife of the deceased is the responsible person. She claims a funeral payment and reports that she received a contribution of £1,000 towards the cost of the funeral. The DM deducts this contribution from the funeral payment. The claimant requests a revision and now reports that the contribution was a loan, not a contribution and her son expects repayment. The claimant is unable to provide documentary evidence of the change to the status of the £1,000 i.e. that it was in fact a loan and it is unlikely that the son could sue the mother for repayment. The £1,000 is a contribution and is therefore deductible from the funeral payment.

Deductions from an award of a funeral payment – Crowdfunding

- 39432 There is a means of raising monies through social media which is known as “crowdfunding”. Monies raised through crowdfunding are being used to help with the cost of a funeral. Where monies donated in this manner are received by a person who uses those monies to settle the bill with the funeral director and then makes a claim to the Social Fund for a funeral payment, the question arising is whether the monies donated by crowdfunding can be deducted from the funeral award. Crowdfunding is stated to be a means to raise money for “non-charitable good causes”. So although the monies are received by the responsible person, the contribution is not from a charity. Consequently, monies raised via crowdfunding cannot be treated as deductions¹ from an award of a funeral payment.

1 SFMFE (Gen) reg 10(1)(c)

Funeral grant from public funds

- 39433 The DM deducts from the allowable funeral expenses the amount of any funeral grant if¹
1. the deceased was entitled to a WDisP **and**
 2. the funeral grant is paid out of public funds.

1 SFMFE (Gen) Regs, reg 10(1)(d)

Prepaid funeral plans

- 39434 No SFFP should be made for any allowable expense which has been provided on the death of the deceased under a prepaid funeral plan or analogous arrangement (see DMG 39336)¹.

1 SFMFE (Gen) Regs, reg 9(10)(a)

Plan includes an allowance for items or services outside the funeral director's control

- 39435 Some pre-paid funeral plans include an allowance towards items or services outside the funeral director's control. For example, an allowance towards burial costs and minister's fees.
- 39436 If the responsible person claims that the pre-paid funeral plan includes an allowance towards these items or services the DM should deduct the allowance included in the plan as a resource¹.

1 SFMFE (Gen) Regs, reg 10(1)(e)

Example

A funeral plan provides for the funeral director's fees (see DMG 39282 - 39286), and an allowance towards burial and minister's fees. The value of the cover is £1200 (£800 of which is for the funeral director's fees).

The DM should allow the necessary costs of specified items/services not branded under the plan and up to £120 for any other funeral expenses and deduct the allowance of £400 towards burial and minister's fees as a resource.

39437

Funeral plan not paid in full

- 39438 If a plan had not been paid in full before the death of the deceased ask the claimant to find out from the plan provider whether the money paid into the plan can be repaid.
- 39439 The DM should take account of any money repaid from the plan as a resource¹.

1 SFMFE (Gen) Regs, reg 10(1)(e)

39440 - 39444

Payments from specified trusts not to be deducted from allowable expenses

39445 The assets of the deceased may include payments made from the following trusts¹

1. the Macfarlane Trust
2. the Macfarlane (Special Payments) Trust
3. the Macfarlane (Special Payments No. 2) Trust
4. the Fund
5. the Eileen Trust
6. a trust established from funds provided by the Secretary of State in respect of persons who suffered, or are suffering, from Variant Creutzfeldt-Jakob disease for the benefit of persons eligible for payment in accordance with its provisions
7. the Skipton Fund
8. the London Bombings Relief Charitable Fund
9. the Caxton Foundation²
10. MFET Ltd.

Note: see DMG Chapter 28 for the meanings of the listed organisations.

1 SFMFE (Gen) Regs, reg 10(2) & 10(3); 2 SS (Misc Amend) (No. 3) Regs 2011

39446 Where the assets of the deceased include payment from any of the funds in DMG 39445, the DM should establish the amount of any savings remaining from such payment(s).

39447 The DM should take no account of these savings in deciding what deductions, if any, to make from the allowable expenses.

39448 - 39699

Cold weather payments

39700 A SF CWP is normally paid automatically by IS Computer System or JSA Payment System when

1. a cold weather period is recorded or forecasted at an authorized Met Office station¹
2. the claimant's home²
 - 2.1 is situated in a PO postcode district covered by the specified or specified alternative weather station **or**
 - 2.2 is treated as situated in a PO postcode district covered by the nearest weather station where no alternative station is specified
3. the claimant has been awarded
 - 3.1 SPC for at least one day during the recorded or forecasted cold weather period³ **or**
 - 3.2 IS, JSA(IB) or ESA(IR) for at least one day during the recorded or forecasted cold weather period **and**
 - 3.2.a whose family includes a child under age five **or**
 - 3.2.b the IS or JSA(IB) applicable amount includes one of the following premiums - PP, EPP, HPP, DP, SDP, DCP, EDP **or**
 - 3.2.c they also receive CTC which includes an element for a child or qualifying young person who is disabled or severely disabled **or**
 - 3.2.d the ESA(IR) applicable amount includes one of the following premiums - PP, SDP or EDP **or**
 - 3.2.e they receive ESA(IR) and the applicable amount includes either the support component or the work-related activity component⁴.

Note 1: A claimant is a person who is claiming or has claimed IS, SPC, JSA(IB) or ESA(IR).

Note 2: From 1.11.16⁵, see guidance at 39740 et seq.

1 SFCWP (Gen) Regs, reg 2(1)(a); 2 reg 2(1)(b); 3 reg 1A(1)(b);

4 reg 1A(1); 5 Social Fund Cold Weather Payments (General)(Amendment) Regulations 2016, reg 1(2)

39701 DMG 39700 **3.2**, **3.4** and **3.5** do not apply to a person who lives in a care home, independent hospital, Abbeyfield Home or the Ilford Park Polish Home¹.

Note 1: Care home means² an establishment which provides accommodation, together with nursing or personal care for people who

1. are or have been ill
2. have or who have had a mental disorder
3. are disabled or infirm
4. are or have been dependent on alcohol or drugs

other than a hospital, independent clinic, children's home or other establishment excepted by regulations.

Note 2: For the meaning of an independent hospital³ please see DMG 39156

1 SFCWP (Gen) Regs, reg 1A(4); 2 Care Standards Act 2000, s 3; Public Services Reform (Scotland) Act 2010, Sch 12 para 2; 3 National Health Service Act 2006, s 275; Care Standards Act 2000, s 2; National Health Service (Scotland) Act 1978, s 10F(1)(a) & (b)

39702 If a CWP has not been paid automatically or clerically by IS Computer System or JSA Payment System, the DM should treat any representations about entitlement as a claim and decide whether there is any entitlement¹. The claimant has the right of appeal against the DM's decision². However, a CWP cannot be made more than 26 weeks from and including the last day of the winter period in which the relevant period of cold weather falls³. This allows time for a claimant to report a change if they feel they may have qualified after receiving their winter fuel bills in association with the winter season for which help with heating expenses is provided.

1 SS Act 98, s 8(1)(a); 2 s 12(1)(a); SS CS (D&A) Regs 26(b); 3 SFCWP (Gen) Regs, reg 2(6)

Example

A cold weather period is recorded at the Fylingdales Meteorological Station for the period 10.1.11 to 16.1.11. John has been in receipt of IS since September 2010 and lives at an address with a postcode YO62. On 28.6.11 he applies for a backdated payment of a CWP stating his daughter Jane was born on 2.1.11 but he did not notify the Department of the birth at the time. The DM treats this as a claim and decides he is entitled to a CWP as the claim is within 26 weeks of the recorded cold weather period.

Period of cold weather

39703 A cold weather period is a period of seven consecutive days during which the average mean daily temperature is recorded as, or is forecast to be, zero degrees celsius or below¹.

1 SFCWP (Gen) Regs, reg 1(2)

39704 Any day included in one cold weather period cannot be included in any other cold weather period.

The designated Met Office station

39705 PO postcode districts¹ are linked to authorized weather stations. PO postcodes have four parts to them

1. area example **LS14 1NX**
2. district example **LS14 1NX**
3. sector example **LS14 1NX**
4. group of houses/building example **LS14 1NX**.

A postcode district may also include a letter at the end example **SW1A**.

The DM should ignore the letter at the end of the postcode district when deciding which weather station covers the claimant's home. A list of primary weather stations and their linked PO postcode districts is at Appendix 1 to this Chapter.

Note: From 1.11.16, Schedule 1 is revoked². See guidance at 39740 et seq.

1 SFCWP (Gen) Regs, reg 1(a) & 2 & Sch 1;

2 Social Fund Cold Weather Payments (General) (Amendment) Regulations 2016, reg 2(6)

39706 A cold weather period is triggered when the weather station

1. records a period of cold weather **or**
2. forecasts¹ that a period of cold weather will occur.

The Met Office notify SF Problem Management, Live Support of cold weather periods, who then notify DOs.

1 SFCWP (Gen) Regs, reg 1(2)

39707 Appendix 2 to this Chapter is a list of specified alternative weather stations¹ for use if information is not available from the primary station.

Note: From 1.11.16, Schedule 2 is revoked². See guidance at 39740 et seq.

1 SFCWP (Gen) Regs, reg 2(1A)(a), reg 2(1B)(a) & Sch 2;

2 Social Fund Cold Weather Payments (General) (Amendment) Regulations 2016, reg 2(6)

39708 If the primary (or any specified alternative) station is unable to provide details for any day, the nearest station to the primary station that can provide temperature details for that day will be treated as the linked station¹.

Note: From 1.11.16, see guidance at 39753.

1 SFCWP (Gen) Regs, reg 2(1A)(b), reg 2(1B)(b)

39709 If the claimant's home is not situated in a listed area the DM should

1. check the area defined in Appendix 1 to this Chapter.
2. establish which area covers the claimant's home **and**

3. treat the station appropriate to that area as the claimant's designated station¹.

Note: From 1.11.16, see guidance at 39755.

1 SFCWP (Gen) Regs, reg 2 & Sch 1

39710 - 39739

Amendments to CWP scheme – from winter 2016/17

- 39740 The following guidance highlights changes to the CWP scheme (from winter 2016/17 which runs from 1.11.16 to 31.3.17). Prior to 1.11.16, legislation provided the designated primary weather stations for postcode districts (see 39705) and the designated alternative stations (see 39707). The designations listed within specified Schedules¹ could only be amended by Statutory Instrument. The following changes to the CWP scheme ensure that appropriate changes to weather station designations can be made quickly and without the need for those changes to be effected through secondary legislation. Changes will usually be agreed as part of an annual review of the CWP scheme, having regard to recommendations made by the Met Office. Any changes can then be implemented expediently (see 39762 to 39764). These changes to the CWP scheme come into effect from 1.11.16².

1 SFCWP (Gen) Regs, Sch 1 & Sch 2;

2 Social Fund Cold Weather Payments (General)(Amendment) Regulations 2016 (SI 2016 No.876), reg 1(2)

39741

Definitions

Met Office

- 39742 Met Office¹ means the Met Office of the Department for Business, Energy and Industrial Strategy.

1 SFCWP (Gen) Regs, reg 1(2)

39743

Primary station

- 39744 Primary station¹ means a station designated by the Secretary of State as a primary station for a postcode district².

1 SFCWP (Gen) Regs, reg 2(7); 2 reg 2A(1)

39745

Secondary station

- 39746 Secondary station¹ means a station designated by the Secretary of State as a secondary station for a postcode district²

Note: A secondary station would be used in circumstances where

1. a primary station was unable to provide temperature information in respect of a particular day **or**
2. the Met Office is unable to produce a forecast in respect of a particular period at a primary station (see 39753 to 39754).

1 SFCWP (Gen) Regs, reg 2(7); 2 reg 2A(2)

39747

Alternative station

39748 Alternative station¹ means a station which

1. in the opinion of the Met Office, is the most geographically and climatologically representative for the postcode district in which the home of the claimant is situated **and**
2. is able to provide the temperature information for the relevant
 - 2.1 recorded period of cold weather **or**
 - 2.2 forecasted period of cold weather.

Note: An alternative station would be used to determine whether there is a recorded or forecasted period of cold weather in circumstances where

1. the primary and secondary station is unable produce the requisite information **or**
2. the primary station is unable to produce the requisite information and there is no secondary station specified (see 39753 to 39754).

1 SFCWP (Gen) Regs, reg 2(7)

39749

Revocation of Schedule 1 & Schedule 2

39750 Schedule 1¹ (39705 and Appendix 1) contains a list of postcode districts and their primary designated weather station. Schedule 2² (39707 and Appendix 2) lists alternative stations which are used when the primary station is unable to provide the temperature information. Schedules 1 and 2 are revoked from 1.11.16³.

1 SFCWP (Gen) Regs, Sch 1; 2 Sch 2;

3 Social Fund Cold Weather Payments (General) (Amendment) Regulations 2016, reg 2(6)

39751

Secondary and Alternative Stations

39752 Prior to 1.11.16, legislation¹ does not specify secondary weather stations for every primary station. If the primary (or any specified alternative) station is unable to provide details for any day, the nearest station to the primary station that is able to provide the temperature information is used to determine whether there has been a period of cold weather (see 39708).

1 SFCWP (Gen) Regs, reg 2(1A)(b) & reg 2(1B)(b)

39753 From 1.11.16, where a primary station is unable to provide temperature information in respect of a particular day, the mean daily temperature of that day at

1. the secondary station **or**
2. an alternative station, where
 - 2.1 there is no secondary station designated **or**
 - 2.2 the secondary station is unable to provide temperature information in respect of that day

is to be used to determine whether or not there is a **recorded** period of cold weather at a primary station¹.

1 SFCWP (Gen) Regs, reg 2(1A)

39754 From 1.11.16, where the Met Office is unable to produce a forecast in respect of a particular day at a primary station, the forecast in respect of that period produced at

1. the secondary station **or**
2. the alternative station, where
 - 2.1 there is no secondary station designated **or**
 - 2.2 the secondary station is unable to produce a forecast in respect of that period

is to be used to determine whether or not there is a **forecasted** period of cold weather at the primary station¹.

1 SFCWP (Gen) Regs, reg 2(1B)

Home of the claimant

39755 From 1.11.16, where the home of the claimant is not situated within a postcode district for which a primary station is designated, the home is to be treated as if it were situated within a postcode district

1. which, in the opinion of the Met Office, is the most geographically and climatologically representative of that postcode district **and**

2. for which a primary station is designated¹.

1 SFCWP (Gen) Regs, reg 2(2)

39756

Designation of Primary and Secondary Stations

- 39757 A primary station must be designated for each postcode district¹.

1 SFCWP (Gen) Regs, reg 2A(1)

- 39758 A secondary station may be designated for each postcode district¹.

1 SFCWP (Gen) Regs, reg 2A(2)

39759

Publication of designations

- 39760 Details of designated primary (and where appropriate, secondary) stations must be published. However the publication of those details may be made in the most appropriate manner¹.

Note: A CWP Postcode Tool is being made available via the Gov.uk website, where departmental staff and the general public can access weather station information and postcode linkages.

1 SFCWP (Gen) Regs, reg 2B

39761

Review and variation of designations

- 39762 Each designation must be reviewed every 12 months, in the period beginning 1st November and ending 31st October¹.

1 SFCWP (Gen) Regs, reg 2C(2)

- 39763 If, on review or at any other time, a designation is no longer appropriate, the Secretary of State must

1. vary the designation expediently **and**
2. publish details of the varied designation¹, in an appropriate manner².

Note: When determining whether to vary a designation, regard must be given to any recommendation made by the Met Office³.

1 SFCWP (Gen) Regs, reg 2C(3); 2 reg 2C(4); 3 reg 2C(5)

- 39764 For the purposes of a review or a variation¹, whether a designation is appropriate includes in particular, whether the station designated

1. is geographically and climatologically representative for the relevant postcode district **and**
2. provides accurate temperature information.

1 SFCWP (Gen) Regs, reg 2C(6)

39765 - 39770

Amount of Cold Weather Payment

39771 The amount of the payment in respect of each period of cold weather will be £25.00¹.

1 SFCWP (Gen) Reg, reg 3; SFCWP (Gen) Amdt Regs 2011, reg 1(2)

Overlap period

39772 When a forecast period shares one or more days with a recorded period, the shared days will form an overlap period¹.

1 SFCWP (Gen) Regs, reg 1(2)

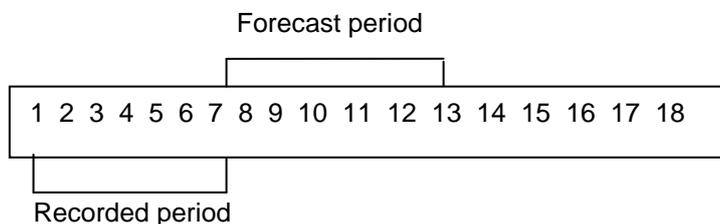
39773 If both a recorded and forecast period of cold weather are linked by an overlap period, the DM should only make payment for the forecast period¹, but see DMG 39714 if the qualifying conditions are not satisfied in the forecast period¹.

1 SFCWP (Gen) Regs, reg 2(3)

Example

No cold weather period triggered before day one

Qualifying conditions satisfied throughout the recorded/forecast periods



Eligible period is days 1-13 inclusive. A CWP is made for the period 7-13.

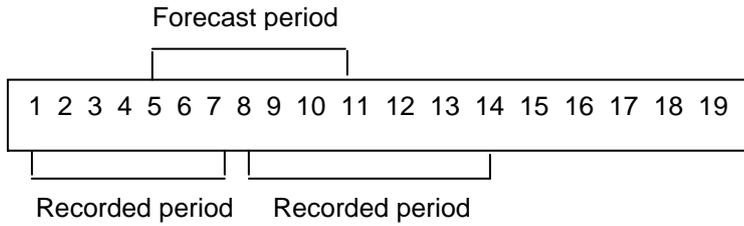
39774 Payment may be made for the last recorded period of cold weather¹ if

1. there is a continuous period of recorded and forecast periods **and**
2. each of those periods is linked by an overlap period **and**
3. the total number of recorded periods exceeds the total number of forecast periods.

1 SFCWP (Gen) Regs, reg 2(4)

Example

Qualifying conditions satisfied throughout the recorded/forecast periods



- 1. Eligible period 15 days 1-14 inclusive
- 2. A CWP is made for the forecast period 5-11
- 3. A CWP is made for the last recorded period 8-14.

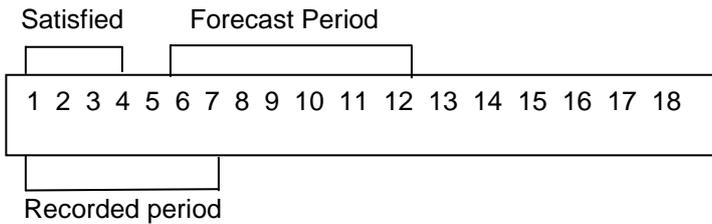
39775 A payment can be made for the recorded period where the claimant

- 1. would have been entitled to a CWP but for the fact that a forecast period takes priority **and**
- 2. is unable to satisfy the qualifying conditions for at least one day of the forecast period¹.

1 SFCWP (Gen) Regs, reg 2(5)

Example

Qualifying Conditions



- 1. Qualifying conditions satisfied in the recorded period up to day 4
- 2. Qualifying conditions not satisfied in the forecast period
- 3. Eligible period is days 1-12
- 4. A CWP is made for the period 1-7.

39776 - 39899

Appendix 1

Note: From 1.11.16, see guidance at 39740 et seq.

Identification of stations and postcode districts

Column (1)		Column (2)
Met Office Station		Postcode districts
1.	Aberporth	SA35 - 48, SA64 - 65.
2.	Aboyne No. 2	AB30 - 34, AB38, AB51- 55, DD8 - 9.
3.	Albemarle	DH1 - 7, DH9, DL4 - 5, DL14 - 17, NE1 - 13, NE15 - 18, NE20 - 21, NE23, NE25 - 46, SR1 - 7, TS21, TS28 - 29.
4.	Andrewsfield	CB1 - 5, CB10 - 11, CB21 - 25, CM1 - 9, CM11 - 24, CM77, CO9, RM4, SG8 - 11.
5.	Auchincruive	DG9, KA1-26, KA28 - 30, PA 20.
6.	Aultbea No. 2	IV21 - 22, IV26.
7.	Aviemore	AB37, IV13, PH19 - 26.
8.	Bainbridge	BD23 - 24, DL8, DL11 - 13.
9.	Bedford	MK1 - 19, MK40 - 46, NN1 - 16, NN29, PE19, SG5 - 7, SG15 - 19.
10.	Bingley No. 2	BB4, BB8 - 12, BB18, BD1 - 22, HD3, HD7-9, HX1 - 7, LS21, LS29, OL13 - 14, S36.
11.	Boscombe Down	BA12, RG28, SO20 - 23, SP1 - 5, SP7, SP9 - 11.
12.	Braemar No. 2	AB35 - 36, PH10 - 11, PH18.
13.	Brize Norton	OX1 - 6, OX8, OX10 - 14, OX18, OX20, OX25 - 29, OX33, OX44, SN7.
14.	Capel Curig No. 3	LL24-25, LL41.
15.	Cardinham (Bodmin)	PL13 - 18, PL22 - 35, TR9.
16.	Carlisle	CA1 - 8, DG12, DG16.
17.	Cassley	IV27 - 28, KW11, KW13.
18.	Charlwood	BN5 - 6, BN44, GU5 - 6, ME6, ME14 - 20, RH1 - 20, TN1 - 20, TN22, TN27.
19.	Charterhall	NE71, TD1 - 6, TD8, TD10 - 15.

20.	Chivenor	EX23, EX31 - 34, EX39.
21.	Coleshill	B1 - 21, B23 - 38, B40, B42 - 50, B60 - 80, B90 - 98, CV1 - 12, CV21 - 23, CV31 - 35, CV37, CV47, DY1 - 14, LE10, WS1 - 15, WV1 - 16.
22.	Crosby	CH41 - 49, CH60 - 66, FY1 - 8, L1 - 40, PR1 - 5, PR8 - 9, PR25 - 26.
23.	Culdrose	TR1 - 8, TR10 - 20, TR26 - 27.
24.	Dunkeswell Aerodrome	DT6 - 8, EX1 - 5, EX8-15, EX24, TA21.
25.	Dunstaffnage	PA30 - 31, PA34 - 35, PA37 - 38, PA62 - 65, PA67 - 75, PA80.
26.	Dyce	AB10 - 16, AB21 - 25, AB39, AB41 - 43.
27.	Edinburgh Gogarbank	EH1 - 42, EH47 - 49, EH51 - 55, FK1 - 7, FK9 - 10, KY3, KY11 - 12.
28.	Eskdalemuir	DG3 - 4, DG10 - 11, DG13 - 14, ML12, TD7, TD9.
29.	Filton	BS1 - 11, BS13 - 16, BS20 - 24, BS29 - 32, BS34 - 37, BS39 - 41, BS48 - 49, GL11 - 13, NP16, NP26.
30.	Fylingdales	YO13, YO18, YO21 - 22, YO62.
31.	Glasgow, Bishopston	G1 - 5, G11 - 15, G20 - 23, G31 - 34, G40 - 46, G51 - 53, G60 - 62, G64, G66, G69, G71 - 78, G81 - 84, ML4 - 5, PA1 - 19, PA21 - 27, PA32.
32.	Gravesend , Broadness	BR5 - 8, CM0, DA1 - 18, ME1 - 5, ME7 - 8, RM1 - 3, RM5 - 20, SS0 - 17.
33.	Hawarden Airport	CH1 - 8, LL11 - 14, SY14.
34.	Heathrow	BR1 - 4, CR0, CR2 - 9, E1 - 18, E20, EC1-4, EN1 - 5, EN7 - 11, HA0 - 9, IG1 - 11, KT1 - 24, N1 - 22, NW1 - 11, SE1 - 28, SL0, SL3, SM1 - 7, SW1 - 20, TW1 - 20, UB1 - 11, W1 - 14, WC1 - 2, WD1 - 2.
35.	Hereford-Credenhill	GL1 - 6, GL10, GL14 - 20, GL50 - 53, HR1 - 9, NP7 - 8, NP15, NP25, SY8, WR1 - 11, WR13 - 15.
36.	Herstmonceux, West End	BN7 - 8, BN20 - 24, BN26 - 27, TN21, TN31 - 40.
37.	High Wycombe	HP5 - 23, HP27, OX9, OX39, OX49, RG9, SL7 - 9.
38.	Hurn	BH1 - 25, BH31, DT1-2, DT11, SP6.
39.	Isle of Portland	DT3 - 5.
40.	Keele	CW1 - 3, CW5, CW12, ST1 - 8, ST11 - 12, ST14 - 21.

41.	Kinloss	AB44 - 45, AB56, IV1 - 3, IV5, IV7 - 12, IV15 - 20, IV30 - 32, IV36.
42.	Kirkwall	KW15 - 17.
43.	Lake Vyrnwy No. 2	LL20 - 21, LL23, SY10, SY15 - 17, SY19, SY21 - 22.
44.	Langdon Bay	CT1 - 21, ME9 - 13, TN23 - 26, TN28 - 30.
45.	Leconfield	DN14, HU1 - 20, YO11 - 12, YO14 - 17, YO25.
46.	Leek, Thornccliffe	DE4, DE45, S32 - 33, SK13, SK17, SK22 - 23, ST9 - 10, ST13.
47.	Lerwick	ZE1 - 3.
48.	Leuchars	DD1 - 7, DD10 - 11, KY1 - 2, KY6 - 10, KY15 - 16, PH12, PH14.
49.	Linton on Ouse	DL1 - 3, DL6 - 7, DL9 - 10, HG1 - 5, LS1 - 20, LS22 - 28, TS9, TS15 - 16, YO1, YO7 - 8, YO10, YO19, YO23 - 24, YO26, YO30 - 32, YO41 - 43, YO51, YO60 - 61.
50.	Liscombe	EX16, EX35 - 36, TA22, TA24.
51.	Little Rissington	CV36, GL54 - 56, OX7, OX15 - 17, WR12.
52.	Llys dinam	LD1 - 8, SA19 - 20, SY7, SY9, SY18
53.	Loch Glascarnoch	IV4, IV6, IV14, IV23 - 24, IV63.
54.	Loftus	SR8, TS1 - 8, TS10 - 14, TS17 - 20, TS22 - 27.
55.	Machrihanish	KA27, PA28 - 29, PA41 - 49, PA60.
56.	Marham	CB6 - 7, IP24 - 28, PE12 - 14, PE30 - 38.
57.	Mona	LL33 - 34, LL42 - 49, LL51 - 78.
58.	Morpeth, Cockle Park	NE22, NE24, NE61 - 70.
59.	North Wyke	EX6 - 7, EX17 - 22, EX37 - 38, PL19 - 21, TQ1 - 6, TQ9 - 14.
60.	Nottingham Watnall	CV13, DE1 - 3, DE5 - 7, DE11 - 15, DE21 - 24, DE55 - 56, DE65, DE72 - 75, LE1 - 9, LE11 - 14, LE16 - 19, LE65, LE67, NG1 - 22, NG25, NG31 - 34.
61.	Pembrey Sands	SA1 - 8, SA14 - 18, SA31 - 34, SA61 - 63, SA66 - 73.
62.	Plymouth, Mountbatten	PL1 - 12, TQ7 - 8.
63.	Redesdale Camp	CA9, DH8, NE19, NE47 - 49.
64.	Rhyl No. 2	LL15 - 19, LL22, LL26 - 32.

65.	Rochdale	BL0 – 9, M24, M26, OL1 – 12, OL15 – 16, SK15.
66.	Rostherne No. 2	CW4, CW6 – 11, M1 – 9, M11 – 23, M25, M27 – 35, M38, M40 – 41, M43 – 46, M50, M90, PR7, SK1 – 12, SK14, SK16, WA1 – 16, WN1 – 8.
67.	Rothamsted	AL1 - 10, EN6, HP1 - 4, LU1 - 7, SG1 - 4, SG12 - 14, WD3 - 7, WD17 - 19, WD23 - 25.
68.	St. Athan	CF3, CF5, CF10 - 11, CF14 - 15, CF23 - 24, CF31 - 36, CF61 - 64, CF71 - 72, NP10, NP18 - 20, SA10 - 13.
69.	St. Bees Head No. 2	CA13 - 15, CA18 - 28.
70.	Salsburgh	EH43 - 46, G65, G67 - 68, ML1 – 3, ML6 - 11.
71.	Scilly, St. Mary's Airport	TR21 - 25.
72.	Shap	CA10 - 12, CA16 - 17, LA8 - 10, LA22 - 23.
73.	Shawbury	SY1 - 6, SY11 - 13, TF1 - 13.
74.	Sheffield	DN1 - 8, DN11 - 12, HD1 - 2, HD4 - 6, S1 - 14, S17 - 18, S20 - 21, S25 - 26, S35, S40 - 45, S60 - 66, S70 - 75, S80 - 81, WF1 - 17.
75.	Skye: Lusa	IV40 – 49, IV51 – 56, PH36, PH38 - 41
76.	South Farnborough	GU1 - 4, GU7 - 35, GU46 - 47, GU51 - 52, RG1 - 2, RG4 - 8, RG10, RG12, RG14, RG18 - 27, RG29 - 31, RG40 - 42, RG45, SL1 - 2, SL4 - 6, SO24.
77.	Stonyhurst	BB1 - 3, BB5 - 7, LA2, LA6 - 7, PR 6.
78.	Stornoway Airport	HS1 - 9.
79.	Strathallan Airfield	FK8, FK11 - 19, G63, KY4 – 5, KY13 - 14, PH1 - 7, PH13.
80.	Thorney Island	BN1 - 3, BN9 - 18, BN25, BN41 - 43, BN45, PO1 - 22, PO30 - 41, SO14 - 19, SO30 - 32, SO40 - 43, SO45, SO50 - 53.
81.	Threave	DG1 - 2, DG5 - 8.
82.	Tibenham Airfield	NR1 - 35
83.	Tiree	PA61, PA66, PA76 - 78, PH42 - 44.
84.	Trawsgoed	LL35 - 40, SY20, SY23 - 25.
85.	Tredegar, Bryn Bach Park No. 2	CF37 - 48, CF81 - 83, NP4, NP11 - 13, NP22 - 24, NP44, SA9.
86.	Tulloch Bridge	FK20 - 21, PA33, PA36, PA40, PH8 - 9, PH15 - 17, PH30 - 35, PH37, PH49 - 50.

87.	Waddington	DN9 - 10, DN13, DN15 - 22, DN31 - 41, LN1 - 13, NG23 - 24, PE10 - 11, PE20 - 25.
88.	Walney Island	LA1, LA3 - 5, LA11 - 20.
89.	Wattisham	CB8 - 9, CO1 - 8, CO10 - 16, IP1 - 23, IP29 - 33.
90.	Westonbirt	BA1 – 3, BA11, BA13 – 15, GL7 – 9, RG17, SN1 – 6, SN8 – 16, SN25 – 26.
91.	Wick Airport	IV25, KW1 - 3, KW5 - 10, KW12, KW14.
92.	Wittering	LE15, NN17 - 18, PE1 - 9, PE15 - 17, PE26 - 29.
93.	Yeovilton	BA4 - 10, BA16, BA20 - 22, BS25 - 28, DT9 - 10, SP8, TA1 - 20, TA23.

Appendix 2

Note: From 1.11.16, see guidance at 39740 et seq.

Specified alternative stations

Column (1)	Column (2)
Meteorological Office Station	Specified alternative Station
Aberporth	Pembrey Sands
Albemarle	Redesdale Camp
Bingley No. 2	Stonyhurst
Boscombe Down	Westonbirt
Braemar No. 2	Aboyne No. 2
Capel Curig No. 3	Lake Vyrnwy No. 2
Cardinham (Bodmin)	North Wyke
Carlisle	Keswick
Charlwood	Kenley Airfield
Coleshill	Pershore College
Crosby	Rhyl No. 2
Culdrose	Scilly, St. Mary's Airport
Dunstaffnage	Skye, Lusa
Edinburgh Gogarbank	Strathallan Airfield
Eskdalemuir	Redesdale Camp
Gravesend Broadness	Kenley Airfield
Hawarden Airport	Crosby
Heathrow	Gravesend, Broadness
Hereford-Credenhill	Pershore College
High Wycombe, HQ Air	Rothamsted

Hum	Swanage
Keele	Shawbury
Kinloss	Lossiemouth
Lake Vyrnwy No. 2	Shawbury
Langdon Bay	Gravesend, Broadness
Leconfield	Linton on Ouse
Linton on Ouse	Bramham
Liscombe	North Wyke
Llysdimam	Sennybridge No. 2
Mona	Rhyl No. 2
North Wyke	Okehampton, East Okement Farm
Redesdale Camp	Albemarle
Rhyl No. 2	Crosby
Rochdale	Rostherne No. 2
St Athan	Mumbles Head
St Bees Head No. 2	Threave
Shap	Keswick
Sheffield	Nottingham - Watnall
Stonyhurst	Bingley No. 2
Thorney Island	Hurn
Threave	Dundrennan
Tiree	Skye, Lusa
Trawsgoed	Llysdimam
Tredegar, Bryn Bach Park No. 2	Sennybridge No. 2
Tulloch Bridge	Aviemore

Appendix 7

Benefits excluded from being assets of the deceased as at the date of death (see DMG 39408)

AA	MA
BA	PIP
CA	REA
CHB	RP
CTC	SDA
CTB	SP
DLA	SPC
ESA	UC
ESDA	WdisbP
GA	WFP
HB	WWP
IB	WMA
IS	WPA
IDB	WP
IIDB	WTC
JSA	

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