

# Chapter E2: Benefit unit, awards and maximum amount

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## Awards and maximum amount of UC

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# Chapter E2: Benefit unit, awards and maximum amount

## Introduction

E2001 This chapter gives guidance on the constitution of a benefit unit.

## Relevant terms

### Claimant

E2002 A claimant<sup>1</sup> means either a single claimant or each of joint claimants.

*1 WR Act 12, s 40*

### Couples

E2003 Couple<sup>1</sup> means

1. two people who are married to, or civil partners of, each other and are members of the same household **or**
2. two people who are not married to, or civil partners of, each other but are LTAMC.

*1 WR Act 12, s 39(1)*

**Note:** From 10.12.14, in England and Wales, a civil partnership may be converted into a marriage<sup>1</sup>. When this happens, the marriage is treated as subsisting from the date the civil partnership was formed<sup>2</sup>. From 16.12.14, in Scotland, a civil partnership may be converted into a marriage<sup>3</sup>. Couples in Scotland also have the option to have a marriage ceremony. In either case, the marriage is treated as subsisting from the date the civil partnership was formed<sup>4</sup>.

*1 Marr (SSC) Act 13, s 9; Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014; 2 Marr (SSC) Act 13, s 9(6); 3 Marr & CP (Scot) Act 14; 4 Marr & CP (Scot) Act 14 (Commencement No. 3 Saving, Transitional Provisions and Revocation) Order 2014, art 3 para from e4 about civil partner convert to marriage*

### Household

E2004 Household is not defined in legislation. It should be given its normal everyday meaning, that is a domestic establishment containing the essentials of home life<sup>1</sup>. Household may refer to people held together by a particular kind of tie, even if temporarily separated<sup>2</sup>. People living in one dwelling (for example a house, flat or caravan) do not necessarily live together in the same household.

*1 R(SB)4/83; 2 Santos v Santos [1972] All ER 246*

E2005 To be members of the same household means that they

1. live in the same house, flat, apartment, caravan or other dwelling place and neither normally lives in another household **and**

2. both live there regularly, apart from absences necessary for employment, to visit relatives, etc.

E2006 People living in one dwelling are not necessarily living together in the same household. Examples are

1. lodgers or students who necessarily share a single gas/electricity supply etc. and may have an arrangement to share costs for items such as food and cleaning materials **or**
2. two people who are married to each other or who are a civil partner of each other who separate and refuse to leave the home. They should claim as single claimants.

### **Example**

Andy and Aniza are estranged and continue to live in the same house. They do not financially support each other or share domestic and social activities. One partner is reluctant to leave, until a satisfactory financial agreement has been reached with the other partner. They each have separate households and as such each claim UC as a single person.

E2007 Two people who are neither married to each other nor a civil partner of each other may be members of the same household. See ADM Chapter E4 for the considerations of whether they share a household. .

E2008 – E2009

## **Benefit unit**

### **Introduction**

E2010 In most cases the UC benefit unit will comprise of all the people in a household (see chapter E4 for meaning of membership of household). A UC benefit unit can consist of

1. a single claimant (see E2012) **or**
2. members of a couple (see E2013)

that meet all the basic conditions for UC and any child or qualifying young person for whom either or both are responsible (see ADM Chapter F1).

This applies even if any of these people are temporarily living away from the other members of the benefit unit, for example to work or visit relatives.

### **What are the basic conditions for UC**

E2011 A person meets the basic conditions<sup>1</sup> who

1. is at least 18 years old **and**

2. has not reached the qualifying age for SPC **and**
3. is in GB **and**
4. is not receiving education **and**
5. has accepted a claimant commitment.

*1 WR Act 12, s 4(1)*

## **Single claimant**

E2012 A benefit unit can consist of a single claimant where that person

1. meets all the basic conditions for UC **and**
2. they are
  - 2.1 not a member of a couple **or**
  - 2.2 in some circumstances, a member of a couple but the other partner does not meet all the UC basic conditions (see E2017 & E2021).

This benefit unit may also include any child or qualifying young person, for whom the claimant is responsible (see ADM Chapter F1).

### **Example 1**

Karen lives in her parent's household having just returned from university. She is now looking for work and claims UC. Karen is a single claimant and forms her own benefit unit.

### **Example 2**

Jane and Tom are married and living together in a rented flat, Jane is aged 17 and Tom aged 19. They claim UC but Tom is required to claim for himself as a single person because Jane is under 18 years old and as such does not satisfy the basic conditions.

### **Example 3**

Leonard and Howard are brothers, aged 20 and 21, who are in the process of buying flat that they will share. Leonard claims UC. Leonard and Howard are not a couple and as such Leonard forms his own benefit unit and claims as a single person.

### **Example 4**

Married couple Andy and Aniza are estranged and continue to live in the same house. They do not financially support each other or share domestic and social activities. One partner is reluctant to leave, until a satisfactory financial agreement has been reached with the other partner. They each have separate households and as such each claim UC as a single person

## Couples - joint claimants

### Both meet all the basic conditions

E2013 A benefit unit consists of joint claimants where the two people are members of a couple and both meet all the basic conditions<sup>1</sup> for UC. This benefit unit also includes any child or qualifying young person, for whom they are responsible (see ADM Chapter F1).

*1 WR Act 12, s 4(1)*

**Note:** this includes where one or both members are 16 or 17 and fall within the circumstances where the minimum age of 16 applies<sup>1</sup>.

*1 UC Regs, reg 8*

### Example

Kevin and Tanya claim UC. They are married and have four children and they all live together in a local authority property. The UC benefit unit comprises of Kevin, Tanya and all four children.

E2014 The requirement for both members of the couple to meet all the basic conditions of UC is modified in the circumstances described in E2015 – E2021.

### One member of the couple does not meet all the basic conditions

E2015 The modified circumstances where one member of the joint claim couple does not meet all of the basic UC conditions arises where they are

1. over pension age<sup>1</sup> (see E2016) **or**
2. in education<sup>2</sup> (see E2016) **or**
3. under 18<sup>3</sup> (see E2017) **or**
4. not in GB<sup>4</sup> (see E2017) **or**
5. a person who has not accepted a claimant commitment<sup>5</sup> (see E2018).

*1 UC Regs, reg 3(2)(a); 2 reg 3(2)(b); 3 reg 3(3)(a); 4 reg 3(3)(b); 5 WR Act 12, s 4(1)(e).*

### One member is over pension age or in education

E2016 Where one member of a couple meets all the basic UC conditions but the other member of the couple does not meet the basic UC condition because

1. they have reached the qualifying age for SPC<sup>1</sup> (see ADM Chapter E1) **or**
2. they are receiving education<sup>2</sup> (see ADM Chapter E1)

then that ineligible person is treated in the same way as if they had met the UC basic conditions and will remain part of the benefit unit<sup>3</sup>. The UC standard allowance for a couple is awarded (and, if appropriate, any elements).

*1 WR Act 12, s 4(1)(b); 2 s 4(1)(d); 3 UC Regs, reg 3(2)(a) & (b)*

### **Example 1**

Bernie and Fabiana are married and living together in a rented flat. Bernie is aged 72 and Fabiana is aged 54. They claim UC. Bernie does not meet all the basic conditions for UC because he is over pension age however he is treated as if he had met all the conditions and the UC standard allowance for a couple is awarded.

### **Example 2**

Jane and Tom are married and living together in a rented flat, Jane is aged 19 and unemployed whilst Tom, aged 20, is studying for a degree. They claim UC. Tom does not meet all the basic conditions for UC because he is receiving education however he is treated as if he had met all the conditions and claim as a joint claim couple can progress.

## **One member is under 18 or not in GB**

E2017 Where one member of a couple meets all the basic UC conditions but the other member of the couple does not meet the basic UC condition because

1. they are under 18 years old<sup>1</sup> and do not fall within any of the circumstances<sup>2</sup> where a person may be entitled from the age of 16 (see ADM Chapter E1) **or**
2. they are not in GB<sup>3</sup> (see ADM Chapter E1)

then the claim is treated as that of a single person and the benefit unit<sup>4</sup> will be comprised of the claimant that does meet all the UC conditions (and any child or QYP for whom the claimant is responsible). The UC standard allowance for a single person is awarded (and, if appropriate, any elements).

*1 WR Act 12, s 4(1)(a); 2 s 4(3); 3 s 4 (1)(c); 4 UC Regs, reg 3(3)(a) & (b)*

### **Example**

Jane and Tom are married and living together in a rented flat, Jane is aged 17 and Tom aged 19. They claim UC; however, Tom is required to claim for himself as a single person because Jane is under 18 years old and as such does not satisfy the basic conditions.

**Note:** If Jane fell into one of the prescribed circumstances<sup>1</sup>, for example if she was pregnant and within 11 weeks of her expected date of confinement or perhaps if she had regular and substantial caring responsibilities for a severely disabled person then Jane and Tom could make a joint claim as a couple because Jane would now fall into one of the prescribed circumstances where the minimum age of 16 applies.

*1 UC Regs, reg 8*



## **One member does not accept their claimant commitment**

E2018 Where

1. a claim is made by members of a couple jointly **and**
2. one member of the couple does not meet the basic UC condition because they have not accepted, or are not exempt from providing a claimant commitment<sup>1</sup> (see ADM Chapter E1)

then the whole claim fails and there is no benefit unit<sup>1</sup> (see ADM Chapter E1).

*1 WR Act 12, s 3(2)(a)*

### **Example**

Kevin and Tanya claim UC. They are married and have four children and they all live together in a local authority property. Tanya has accepted her commitment. On the day that he is due to accept his claimant commitment, Kevin phones the Jobcentre to say that he cannot attend because his washing machine has broken and an engineer is due to fix it that day. The DM does not treat Kevin as having accepted his claimant commitment because it is not unreasonable to expect Kevin to arrange with Tanya to deal with the engineer. As one of the couple does not meet the basic condition of having a claimant commitment the UC couple claim fails.

E2019

## **One member of the couple is not entitled to UC**

E2020 Where one member of the joint claim couple is not entitled to UC<sup>1</sup> because they are

1. a prisoner<sup>2</sup> **or**
2. a member of a religious order<sup>3</sup>

then there are other rules which have a bearing on the claim or structure of the benefit unit (see E2021).

*1 WR Act 12, s 6; 2 UC Regs, reg 3(3)(c); 3 reg 3(3)(d)*

## **One member is a prisoner or member of a religious order**

E2021 Where one member of a couple meets all the basic UC conditions but the other member of the couple does not meet the UC entitlement conditions because they are

1. a prisoner (see E3030) **or**
2. a member of a religious order<sup>1</sup> (see E3010)

then the claim is treated as that of a single person and the benefit unit<sup>2</sup> is comprised of the claimant that does meet the UC conditions and any child or qualifying young

person. The UC standard allowance for a single person is awarded (and, if appropriate, any elements).

*1 UC Regs, reg 19(1); 2 reg 3(3)(c) & (d)*

### **Example**

Rosie and Jim submit a claim for UC. Rosie advises that Jim will be absent from the household for a short period as he has been sentenced to 3 months in prison. Rosie is required to claim UC for herself as a single person because Jim is a prisoner and as such he does not satisfy the entitlement conditions.

### **One member is a psic**

E2022 Where one member of a couple meets all the basic UC conditions but the other member is a person subject to immigration control (psic) the member who meets the conditions can make a claim as a single person<sup>1</sup>

**Note:** Although the standard allowance is that of a single person the amount of UC awarded to this type of claimant will still have regard to any appropriate income and capital received and possessed by the disregarded member of the couple<sup>2</sup>.

*1 UC Regs, reg 3(3)(e); 2 UC Regs, reg 18(2) & 22(3)*

E2023 – E2029

## **Temporary absence**

E2030 A person who is living away from their partner ceases to be treated as a member of a couple and part of the same benefit unit where they are

1. absent from the household **or**
2. expected to be absent from the household

for 6 months<sup>1</sup> or more.

**Note:** Different rules apply where that temporary absence is from GB (see ADM Chapter E1)

*1 UC Regs, reg 3(6)*

### **Example 1**

Huw is claiming UC. He and his wife Isobel and their three children are all part of the same household/benefit unit. Isobel is involved in a road accident and is admitted to hospital. She needs prolonged treatment and rehabilitation and is expected to be in hospital about 4 months. Because Isobel's absence is not expected to last for more than 6 months the DM treats Isobel as part of Huw's household during her absence.

### **Example 2**

Huw is claiming UC. He and his wife Isobel and their three children are all part of the same household/benefit unit. Isobel is involved in a road accident and is admitted to hospital. She needs prolonged treatment and rehabilitation and is expected to be in hospital about 6 months. The DM continues to treat Isobel as part of Huw's household during her absence. After 4 months Huw reports that Isobel's treatment is progressing slower than expected and she will be in hospital for at least another 4 months. The DM decides Isobel is no longer a member of Huw's benefit unit because it is now known that her total absence is expected to be in excess of 6 months, as they are no longer a joint claim couple the award is terminated. The termination is effective from the first day of the assessment period in which Huw reported Isobel's slower progression. To continue receiving benefit Huw will have to make a new claim. Isobel will be entitled to UC as a single person without the need to submit a claim.

### Example 3

Huw is claiming UC. He and his wife Isobel and their three children are all part of the same household/benefit unit. Isobel is involved in a road accident and is admitted to hospital. She needs prolonged treatment and rehabilitation and is expected to be in hospital about 10 months. The DM decides Isobel is not a member of Huw's benefit unit from the outset of Isobel's admission to hospital, this also means that their joint claim is terminated and Huw will have to re-claim UC to continue receiving benefit for himself and his children. Isobel is entitled to UC as a single person without the need to make a claim from the first day of the assessment period in which she was admitted to hospital.

## Income and Capital

E2031 Where the benefit units described above at E2017 and E2021 consist of

1. a single person **and**
2. if appropriate, any child or qualifying young person for whom they are responsible

the amount of UC awarded to that benefit unit claimant will still have regard to any earned income, unearned income and capital of the disregarded member of the couple<sup>1</sup>. See E2205 for the work allowance and 63% calculation appropriate to earned income.

*1 UC Regs, reg 3(3) & 18(2) & 22(3)*

### Example

Jill arrives in the UK from South Africa and moves in with her boyfriend Pete. She does not have an offer of a job but helps out in the shop for an hour or two when she can, for which she is paid £20 per week. The couple claims UC immediately on her arrival. Jill is a PSIC and treated as not in GB, the joint claim is treated as that of

a single person and the benefit unit comprises of Pete. The UC maximum amount is made up of the standard allowance for a single person less a proportion of Jill's earnings.

**Note:** see E2190 for how to calculate the proportion of earnings to be deducted.

E2032 – E2039

## Polygamous marriage

E2040 Polygamous marriage means<sup>1</sup> any marriage in which

1. one of the parties to it is married to more than one person **and**
2. the ceremony took place in a country which allows polygamy.

*1 UC Regs, reg 3(5)*

E2041 Where there are more than two people that are party to a polygamous marriage living in the same household then the two people that will form the benefit unit shall be the two that were first married to each other<sup>1</sup> (if they meet the entitlement conditions). Any other subsequent party to the polygamous marriage will have to claim UC as a single person and form their own benefit unit, subject to meeting the basic conditions described at E2011.

*1 UC Regs, reg 3(4)*

### Example

Abdul, Alkha and Fatima are parties to a polygamous marriage and make a claim to UC. Fatima is Abdul's second wife. The claim to UC is treated as a claim to UC by Fatima and she will form a benefit unit. Abdul and Alkha (his wife he married first) will have to make a fresh claim to UC to form their own benefit unit.

**Note:** The amount of UC awarded to the couple in this situation will not have regard to any income and capital received and possessed by the disregarded members of the polygamous marriage.

## Members of a polygamous relationship

E2042 When a claimant has a relationship similar to marriage with two or more people, none of them can form an unmarried couple. The DM should treat each member of the relationship as a single claimant or, if appropriate, lone parent.

### Example 1

Alan, Bronwyn and Carol live in the same home but are not married to each other. Alan who is aged 31, claims UC and states that he is in a multiple relationship with both Bronwyn and Carol. He is treated as a single claimant and is awarded the standard allowance for a person aged 25 or over. Bronwyn and Carol will also have

to each make a separate claim as a single adult and form their own benefit units, subject to meeting the basic conditions described at E2011.

**Note:** If Alan was married to Bronwyn but states that he is also in a relationship with Carol then Alan would be treated as a member of a couple with his wife Bronwyn and awarded the standard allowance for a couple. Carol would be treated as single and would have to make a claim for herself.

E2043 – E2049

## Unconnected adults

E2050 Any person who is

1. living in the same dwelling **and**
2. not part of the claimant's benefit claim (and not a person mentioned in E2015)

will be unconnected and will be able to make a benefit claim in their own right if they meet the entitlement conditions.

### Example 1

Bill and Ben are brothers, aged 20 and 21, living together in a house. They are unconnected adults and will form benefit units in their own right.

### Example 2

Abdul, Alkha and Fatima are living in the same household, they are parties to a polygamous marriage and make a claim to UC. Fatima is Abdul's second wife. The claim to UC is treated as a claim to UC by Fatima, she is an unconnected adult and will form a benefit unit on her own. Abdul and Alkha (his wife he married first) have to submit a further claim and they will form a separate benefit unit, subject to meeting the basic conditions described at E2011.

E2051 - E2069

## Care home, Abbeyfield Home, independent hospital or other similar accommodation

E2070 Where both members of a couple are permanently in

1. a care home **or**
2. an Abbeyfield Home **or**
3. an independent hospital **or**
4. sheltered accommodation

the normal rules as to whether they are members of the same household and therefore the same benefit unit apply. Each case should be decided on its facts.

For people to be members of the same household they have to share a domestic establishment. A domestic establishment requires a reasonable level of independence and responsibility for the occupants.

E2071 Whether members of a couple who are permanently in a care home, Abbeyfield Home, independent hospital or other similar accommodation are members of the same household is a question of fact and degree. DMs should establish all the facts of the particular case. DMs may find it useful to consider whether the couple<sup>1</sup>

1. decide how their days will be structured. For example, do they decide (even by default) at what time to get up, have meals, go to bed etc.
2. decide how the accommodation they live in is to be arranged. For example, do they decide which room is to be the dining room, the living room etc.
3. can decide who can come and stay with them, and for how long?
4. can insist that other people do not enter their accommodation without permission?
5. can decide the decor and furnishing of their accommodation?
6. have some facilities for preparing food and making tea, coffee and other hot drinks?
7. have responsibility for running the household? For example, are they responsible for getting repairs done, replacing domestic appliances or buying food?

**Note:** The list of questions above is not definitive or exhaustive. None of these questions on its own is decisive.

*1 R(IS) 1/99*

### **Example 1**

Robin and Marion are husband and wife. Robin has had a severe stroke, and Marion has heart problems and arthritis so they both go into a care home. Robin needs more skilled care than could be provided in the care home so he goes into an independent hospital. Two years later Marion goes into the same independent hospital because her health has deteriorated. She and Robin have separate rooms and are billed separately. Robin and Marion are not members of the same household and would claim UC as single claimants.

### **Example 2**

Paul and Annette are husband and wife. Both suffer from senile dementia and go into a care home to be cared for. Although they share a room, they do not understand that they are husband and wife. They are each billed separately by the care home. Paul and Annette are not members of the same household and would have to claim UC as single claimants.

## Sheltered accommodation

E2073 Where both members of a couple are permanently in sheltered accommodation (that is a separate, self-contained unit but with a warden to keep an eye on the occupants) they are members of the same household.

E2074 – E2089

## Definitions

### Child

E2090 Child means<sup>1</sup> a person under the age of 16.

**Note:** There is no need for the child to be receiving education for this definition to apply.

*1 WR Act 12, s 40*

E2091

### Qualifying young person

E2092 A qualifying young person is a person who has reached the age of 16 but not the age of 20 and who is

1. aged 16 years, but only for the period up to, but not including, the 1st September that next follows their 16th birthday
2. aged up to 19 years, but only for the period up to, but not including, the 1st September that next follows their 19th birthday where they are enrolled on, or accepted for

**2.1** approved training<sup>1</sup> or

**2.2** a course of education

**2.2.a** which is not advanced education

**2.2.b** at a school, college or other establishment that is approved by the Secretary of State

**2.2.c** where they spend on average more than twelve hours a week during term time in receiving tuition doing examinations or practical work or supervised study

this must not include meal breaks or unsupervised study, including homework, whether done on or off the premises of the educational establishment<sup>2</sup>.

3. aged 19 and has been
  - 3.1 undertaking a course of education or training **or**
  - 3.2 accepted or enrolled for a course of education or trainingbefore reaching that age<sup>3</sup>

**Note 1:** The education or training described in **3.1** and **3.2** does not include education or training that is provided through a contract of employment<sup>4</sup>.

**Note 2:** A person shall be treated as undertaking a course of FTE during the period between the end of one course and the start of another where the person is accepted for or enrolled on the latter course.

**Note 3:** Where a child or qualifying young person turns 16 or 19 on the 31st August the period described at **1.** and **2.** will end on that same day.

*1 UC Regs, reg 5(4); 2 reg 5(1); 3 reg 5(2); 4 reg 5(3)*

E2093 Any person who falls within E2092 is not a qualifying young person if they are receiving UC, JSA or ESA<sup>1</sup>. For example, twins both 18 and in education, one has a child and gets UC under 8(1)(d) and is therefore not a qualifying young person, the other twin is a qualifying young person.

*1 UC Regs, reg 5(5)*

### **Approved training**

E2094 Approved training means training arranged under prescribed legislation<sup>1</sup> and approved by the Secretary of State, and includes

1. Entry to Employment or Programme-Led Pathways
2. In Wales, Skillbuild, Skillbuild + or Foundation Modern Apprenticeships
3. In Scotland, Skillseekers, Get ready for work or Modern Apprenticeships.

*1 Employment and Training Act 1973, s 2(1); Enterprise and New Towns (Scotland) Act 1990, s 2(3)*

### **Non-advanced education**

E2095 Non-advanced education means any course of study which is of a standard up to, and including

1. advanced GNVQ (or equivalent)
2. A – levels (or equivalent)
3. Scottish national qualification (higher or advanced higher)

**Note:** These include, for example, the International Baccalaureate, National Diploma and Study Programme in England

E2096 - E2099



# Awards and Maximum amount of UC

## Introduction

- E2100 This chapter gives guidance on the calculation of the UC maximum amount, including the assessment period of the award and the deductions and disregards to be made for earned and unearned income.
- E2101 The maximum amount is made up of a standard allowance and a number of elements depending on the circumstances of the adults and children within the benefit unit and is awarded for an assessment period.

E2102 – E2109

## Assessment period

### General

- E2110 UC is payable in respect of each complete assessment period within a period of entitlement<sup>1</sup>. When a claimant makes a claim for UC, their assessment period cycle is set from their first date of entitlement, and runs for a period of one month. Each subsequent assessment period of one month will start on the equivalent day of that first date of entitlement that falls in the following months<sup>2</sup>.

*1 WR Act 12, s 7; 2 UC Regs, reg 21*

### Example 1

Bill claims and is entitled to UC from the 4th September, his assessment period is a month. The start of Bill's next assessment period begins on the 4th October and the assessment period after that begins on the 4th November.

### Example 2

Bill claims and is entitled to UC from the 4th September, his assessment period is a month. The start of Bill's next assessment period begins on the 4th October however on 2nd November Bill's circumstances change that ends his entitlement. Bill receives UC for the assessment period from 4th September to 3rd October but nothing for the period 4th October to 2nd November because it is not a complete assessment period.

- E2111 There are other rules for establishing an assessment period where
1. UC entitlement is established on or near the end of a month (see E2112 and E2113).

2. the first date of entitlement falls before the date on which the claim is made (see E2114).

## **New award entitlement from 31st of a month**

- E2112 Where the first date of entitlement to UC falls on the 31st day of a month, each subsequent assessment period will begin on the last day of the month<sup>1</sup>.

*1 UC Regs, reg 21(2)(a)*

### **Example 1**

Jack claims and is entitled to UC from the 31st August, his assessment period is a month. The start of Bill's next assessment period begins on the 30th September and the assessment period after that begins on the 31st October.

### **Example 2**

Bill claims and is entitled to UC from the 31st January, his assessment period is a month. The start of Bill's next assessment period begins on the 28th February (29th in a leap year) and the assessment period after that begins on the 31st March.

## **New award entitlement from 29th or 30th of a month**

- E2113 Where the first date of entitlement falls on either the 29th or 30th day of a month, each subsequent assessment period will also fall on the 29th or 30th of the month except in February when it will fall on the 27th<sup>1</sup> (28th in a leap year).

*1 UC Regs, reg 21(2)(b)*

### **Example 1**

Bill claims and is entitled to UC from the 30th September, his assessment period is a month. The start of Bill's next assessment period begins on the 30th October and the assessment period after that begins on the 30th November.

### **Example 2**

Bill claims and is entitled to UC from the 30th January, his assessment period is a month. The start of Bill's next assessment period begins on the 27th February (28th in a leap year) and the assessment period after that begins on the 30th March.

### **Example 3**

Bill claims and is entitled to UC from the 29th January, his assessment period is a month. The start of Bill's next assessment period begins on the 27th February (28th in a leap year) and the assessment period after that begins on the 29th March.

## Entitlement before the date of claim (backdating)

### Initial assessment period

- E2114 A person can have an assessment period of less than a month where the first date of entitlement subsequently changes and it would, in the opinion of the Secretary of State, cause unnecessary disruption to the administration of the case not to change the assessment period<sup>1</sup>, for a period before the date of claim.

*1 UC Regs, reg 21A);*

- E2115 This initial assessment period will cover the period from the first date of entitlement to the day before the date on which the actual claim is made.

**Note:** This period will not set the assessment period date as that will be established under the process described at E2110.

### Amount of award for initial assessment period

- E2116 The amount payable for this initial assessment period will be for the number of days from the first date of entitlement to the day before the date on which the claim is made. This amount is determined using the calculation

$$N \times \left[ \frac{(A \times 12)}{(365)} \right]$$

where N is the number of days in the period and A is the amount calculated in relation to that period as if it were an assessment period of one month.

**Note:** calculate the amount for the initial assessment period by applying the standard monthly amounts of any elements (including, if appropriate, the housing cost element) and unearned income as though calculating a full month. But for earned income and child care costs, because these are based on what is actually received or paid, only count what is actually received (or paid) in the initial assessment period.

#### Example 1

Jason makes a claim to UC on 2nd May. He indicates that he wishes to claim from 6th April. He says that he delayed claiming UC as he was in receipt of ESA until 5th April but was not informed that this was stopping until the 28th April. The DM decides that the time limit for claiming UC can be extended. The initial assessment period for this backdated portion will be from 6th April to 1st May (26 days). Jason's UC entitlement of £317.82 is adjusted to £271.67 which represents the payment for the 26 days within this initial assessment period [26 x (£317.82 x 12 / 365)]. Each subsequent assessment period of one full month will run from the 2nd of each month.

## Example 2

Richard works for an insurance company and his normal monthly earnings, payable on the last day of the month, are £490. He also has rental housing costs of £100 per month payable on the first day of every month. Richard makes a claim to UC on 30th April. He indicates that he wishes to claim from 13th April. He explains the reason that he delayed claiming UC and the DM decides that the time limit for claiming UC can be extended. The initial assessment period for this backdated portion will be from 13th April to 29th April (17 days). Richard's UC entitlement for this assessment period is calculated by first establishing what his entitlement would be for a full month and then converting that monthly amount to represent the number of days in the backdated period. In this case that would be £317.82 standard allowance + £100 housing costs = £417.82 less £00 (because he didn't actually receive any earned income in the period 13<sup>th</sup> to 29<sup>th</sup>) which gives an amount of £417.82 for a full assessment period. This amount is then adjusted to £233.52 which represents the payment for the 17 days within this initial assessment period [ $17 \times (\pounds417.82 \times 12 / 365)$ ].

- E2117 Where this initial assessment period is one month (maximum backdated period allowed) the amount that the claimant is awarded for this period may be an amount greater than that for a normal assessment period month.

## Example

Kevin makes a claim electronically to UC on 22nd Aug. He indicates that he wishes to claim from 22nd July. He explains the reason that he delayed claiming UC and the DM decides that the time limit for claiming UC can be extended. The initial assessment period for the backdated portion will be from 22nd July to 21st August (31 days). Kevin's UC entitlement for this assessment period is calculated by first establishing what his entitlement would be for a normal assessment period (full month) and then converting that monthly amount to represent the number of days in this initial assessment period. In this case £317.82 is the standard allowance for a normal assessment period. This amount is then adjusted to £323.92 which represents the payment for the 31 days within this initial assessment period [ $31 \times (\pounds317.82 \times 12 / 365)$ ].

E2118 – E2123

## Re-claims, previous award

- E2124 Where a claim is made by a single person or members of a couple jointly and
1. the last day of a previous entitlement of the claimant or either joint claimant fell within the 6 months preceding the claim **and**
  2. during the 6 months preceding the claim they continued to meet the basic conditions for UC (other than accepting a claimant commitment or temporary absence from GB that would be disregarded) **and**

they were not excluded as a person who is

3. a member of a religious order
4. a prisoner (other than those described at [ADM E3040](#))
5. serving a sentence of imprisonment in hospital

then the assessment period for the claimant or members of a joint couple will begin on the same date of each month as the assessment period in the old award or, if there was an old award in respect of each joint claimant, the assessment period that ends earlier in relation to the date of claim<sup>1</sup>.

*1 UC Regs, reg 21(3C)*

**Note:** For 2. the DM should consider the whole of the 6 month period preceding the claim irrespective of whether the period since the last day of the previous entitlement (under 1.) is less than 6 months.

### **Example**

David's award of UC runs from 3<sup>rd</sup> of each month to 2<sup>nd</sup> of the following month. His current award is reduced because of earnings. On 30<sup>th</sup> October his earnings increase sufficiently to terminate his UC award from the first day of the assessment period in which he received the earnings i.e 3<sup>rd</sup> October. David's earnings reduced on 28<sup>th</sup> February. David makes a claim to UC on 15<sup>th</sup> March. The action of making a claim should set his assessment period as 15<sup>th</sup> March to 14<sup>th</sup> April; however, the assessment period for his old award (3<sup>rd</sup> of one month to the 2<sup>nd</sup> of the following month) can be re-instated. David's UC is reinstated from 3<sup>rd</sup> March.

## **Ceased employment**

- E2125 Where a claimant meets the criteria described in E2124 and claims UC within 7 days of ceasing work (or longer where the Secretary of State considers there is good reason for the delay in making the claim) then the UC award will be made in respect of the full assessment period in which the date of the new claim falls.

**Note:** See ADM Chapter K2 for what constitutes good reason

### **Late claim**

- E2126 Where a claimant meets the criteria described in E2124 and claims UC other than within 7 days of ceasing work (or longer where the Secretary of State considers there is good reason for the delay in making the claim) then the award for the first assessment period is apportioned to cover the period from the date of the new claim to the last day of the re-instated assessment period.

E2127 The apportioned award is determined<sup>1</sup> by deducting the apportioned amount of earned/unearned income from the apportioned maximum amount (being the sum in the award). The component parts of this calculation are each apportioned using

$$N \times \left[ \frac{(A \times 12)}{(365)} \right]$$

Where

N is the number of days in the period beginning with the date on which the claim is made and ending with the last day of the assessment period

A is the amount of each element that would otherwise be payable for that assessment period or, for the other aspect of the calculation, A is the total amount of earned and unearned income that would otherwise be deducted for that assessment period.

*1 UC Regs, reg 22A(2)*

### **Example**

Elise is 26, single, has no children and lives at home with her parents as a result she receives £317.82 a month UC for each assessment period (which runs from 10th to the 9th of each month). After five months receiving UC payments Elise finds a job working at a local supermarket; however, 6 weeks later, the supermarket tells her that her contract will end on 6th October. Although Elise is entitled to make a claim for UC she does not do so immediately but searches for another job for a couple of weeks whilst living off her savings. She makes a claim for UC on 20th October. When Elise makes a claim for UC, she automatically resumes her original assessment period which starts on the 10th of each month and because she made the new UC claim on the 20th October, her first new assessment period would be from the 10th October to 9th November. However, before she is paid for this assessment period the DM considers whether she had good reason for not making her new UC claim within 7 days of her job ending i.e. between 6th October and 13th October. If Elise is considered to have good reason, she will be paid for the entire assessment period i.e. from 10th October to 9th November. If she is not considered to have good reason she will receive a partial payment of UC in respect of the period from the date she made the UC claim i.e. 20th October to the end of her assessment period i.e. 9th November (calculated by applying regulation 22A). After consideration Elise is found not to have good reason for not making her UC claim within 7 days of leaving her job and is therefore paid UC for 21 days i.e. £317.82 x 12 (£3813.84) / 365 (£10.4488761) x 21 = £219.4263981.

However, in her previous job Elise was paid at the end of each month and she receives £225 (for the 1st October to 6th October) on 31st October. As a result of these earnings being received within her assessment period i.e. between 10th October and 9th November they are apportioned so they can be applied to her

apportioned UC award between 20th October and 9th November. This is done by applying the work allowance, if any, and taper to the whole of her assessment period i.e. £225 – £0 work allowance x 65% giving an earnings deduction of £146.25. This is then apportioned for the period 20th to 9th i.e. £146.25 x 12 (£1755) / 365 (£4.808219178) x 21 = £100.972602738 and deducted from her total apportioned UC award i.e. £219.4263981 - £100.972602738 giving £118.46 as her final UC award for this assessment period

E2128 – E2133

## Repeat award without a claim

### Two single UC claimants become a couple

E2134 Two single UC claimants who ceased to be entitled to UC when they became a couple will be entitled to a further award without making a claim<sup>1</sup>. Where that further award is made without a claim the new assessment period will begin on the same date of each month as the assessment period for whichever of the previous awards ended first<sup>2</sup>.

*1 UC, PIP, JSA & ESA (C&P) Regs, reg 9(6)(b)or(7); 2 UC Regs, reg 21(3A)*

#### Example

Bob claims and is entitled to UC from the 4th September, his assessment period is a month. The start of Bob's next assessment period begins on the 4th October. Alice is entitled to UC as a single person, her assessment periods run from the 22nd of the month. On the 10th December Bob and Alice move in together, their individual entitlements to UC are terminated. They are entitled to a further UC award as a joint claim couple without the need to make a claim. The first assessment period for the new couple claim runs from 22nd November to 21st December

E2135 – E2153

### A single UC claimant becomes a couple

E2154 A single UC claimant who ceased to be entitled to UC when they became a couple with a person who was not a UC recipient will be entitled to a further award without making a claim (because they will be treated as having made a joint claim).<sup>1</sup> Where that couple is treated as making a claim, the new assessment period will begin on the same date of each month as the assessment period for the old single person UC award<sup>2</sup>

*1 UC, PIP, JSA & ESA (C&P) Regs, reg 9(8); 2 UC Regs, reg 21(3B)*

### **Example**

Bertram is in receipt of UC. His assessment period runs from the 12th of each month. He moves in with Clarice on 27 June and contacts the Department to say that he is now part of a couple with Clarice. His award as a single claimant is terminated. Clarice was not previously in receipt of UC. The DM treats this contact as a claim for UC jointly between Bertram and Clarice. The date of the new joint claim is 12 June. The assessment period for this claim still runs from 12 June to 11 July<sup>1</sup>. The first payment of UC will be made at the end of this AP.

### **One member excluded**

E2155 Where a person has formed a new couple with someone not on UC, they will still be treated as making a joint claim or be entitled to a further award with the same assessment period as their old award if the new member of the couple does not meet the basic entitlement conditions of being

1. at least 18 years old **or**
2. in Great Britain<sup>1</sup> **or**
3. an excluded person<sup>2</sup>

at the start of the assessment period but does meet those conditions at the end of it<sup>3</sup>.

*1 WR Act s 4; 2 UC Regs, reg 19; 3 reg 21(3D)*

### **Example**

Sally is getting UC with an assessment period from the 3rd of each month to the 2nd

of the following month. Her partner Warren is released from prison on 20th August.

They are assessed a joint claim couple from 3rd August even though Warren does not satisfy the basic conditions (he was an excluded person) until 20th August.

### **Joint claimants – couple split up**

E2156 A joint claim couple will cease to be entitled to UC when they split up; however, each member of the couple will be entitled to a further award as a single claimant without the need to make a new claim. For each the new assessment period will begin on the same date of each month as the assessment period for the old joint award<sup>1</sup>.

*1 UC Regs, reg 21(3)*



## Example

Tom and Katie are entitled to UC as a couple. Their assessment period is the 3rd of the month to the 2nd of the following month. They cease to be a couple on 27th November when Katie moved out. Tom rings up to notify DWP of this on the 27th. The DM terminates the award of UC from the first day of the assessment period in which this change occurs – namely the 3rd of November, Neither Tom nor Katie have to make a new claim to UC and they are each awarded UC as single claimants from 3<sup>rd</sup> November.

E2157 – E2169

## Maximum amount

### General

E2170 UC is paid for a single claimant or joint claimants, and any child or young person for whom they are responsible. The maximum amount of an award of UC in relation to each assessment period includes

1. the claimant's standard allowance. This may include an amount for any partner **and**
2. if appropriate
  - 2.1 a child element for any dependants<sup>1</sup> (see ADM Chapter F1)
  - 2.2 a disabled child amount<sup>2</sup> (see ADM Chapter F1)
  - 2.3 capability for work elements<sup>3</sup> (see ADM Chapter F5)
  - 2.4 housing costs element<sup>4</sup> (see ADM Chapters F2 – F4)
  - 2.5 carer element<sup>5</sup> (see ADM Chapter F6)
  - 2.6 childcare costs element<sup>6</sup> (see ADM Chapter F7).

*1 WR Act 12, s 9 & 10; UC Regs, reg 24(1); 2 reg 24(2); 3 reg 27; 4 reg 25 & 26; 5 reg 29; 6 reg 31*

### Rates of allowance - adults

E2171 There will be separate rates of standard allowance<sup>1</sup> for a

1. single person aged under 25
2. single person aged 25 and over
3. couple where both are aged under 25
4. couple where one or both are aged 25 or over.

*1 UC Regs, reg 36(1)*

## Rates of allowance – child element

E2172 There will be a separate rate of child element<sup>1</sup> for the

1. first child or qualifying young person, born before 6.4.17<sup>2</sup>
2. first child or qualifying young person born on or after 6.4.17 and the second and each subsequent child or qualifying young person.

*1 UC Regs, reg 36(1); 2 UC (TP) Regs, reg 43*

## Amounts

E2173 [See ADM Memo 04/20] The amounts that make up the maximum amount for 2019 to 2020 are:

<b>Standard allowance</b>	<b>Amount</b>
Single claimant under 25	£251.77
Single claimant 25 or over	£317.82
Joint claimants both under 25	£395.20
Joint claimants where either is 25 or over	£498.89
<b>Child element</b>	
First child or qualifying young person born before 6.4.17	£277.08
First child or qualifying young person born on or after 06/04/17, second and each subsequent child or qualifying young person	£231.67
<b>Disabled child amounts</b>	
Lower level	£126.11
Higher level	£392.08
<b>LCW and LCWRA elements</b>	
Limited capability for work	£126.11
Limited capability for work and work related activity	£336.20
<b>Carer element</b>	£160.20
<b>Child care costs element</b>	
Maximum amount for one child	£646.35
Maximum amount two or more children	£1108.04
<b>Housing costs element</b>	Variable

E2174 – E2179

## Couple, but single person award appropriate

E2180 In the case of an award where the claimant is a member of a couple, but claims as a single person<sup>1</sup> (as described at E2017, E2021 and E2022) the standard allowance is that for a single claimant.

**Note:** Although the standard allowance is that of a single person the amount of UC awarded to this type of claimant will still have regard to any appropriate income and capital received and possessed by the disregarded member of the couple<sup>2</sup>.

*1 UC Regs, reg 36(3); 2 UC Regs, reg 18(2) & 22(3)*

## Polygamous marriage

E2181 In polygamous marriage cases the standard allowance will only include an amount in respect of a couple and that couple will comprise of the husband and the wife who were party to the earliest marriage<sup>1</sup>. Any wife who was party to a later marriage will claim UC as a single person and have their entitlement assessed on that basis with no regard to the circumstances of the polygamous couple.

*1 UC Regs, reg 3(4)*

## Run on after death

### Couples

E2182 Where, in the case of a joint claim, one member of the couple dies then the amount of UC standard allowance in relation to that joint claim couple will continue in payment until the end of the second assessment period following the assessment period in which the death occurred<sup>1</sup>. The surviving partner will be then entitled to UC as a single person without the need to make a claim<sup>2</sup>.

*1 UC Regs, reg 37(a); 2 UC, PIP, JSA & ESA (C&P) Regs, reg 9(10)*

### Example

Amy and Max are entitled to UC as joint claimants for an assessment period that runs from the 10th of each month. Max dies on 12.08.14. The standard allowance for a joint claim couple continues to be included in the UC award until 09.11.14 at which point the joint claim will terminate. Amy will not have to make a new claim and UC is awarded as a single person.

### Children

E2183 Where

1. a claimant's award of UC includes an amount for a child or qualifying young person for whom they are responsible **and**

2. that child or qualifying young person dies

the appropriate child element 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(b)*

### **Example**

Steve and Janet are entitled to UC for themselves including an allowance for their son Max, their assessment period runs from the 10th of each month. Max dies on 12.08.14. The Child element is included in the UC award until 09.11.14.

## **Disabled person**

E2184 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(c)*

### **Example**

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.

## **Non-dependant**

E2185 Where

1. a claimant's maximum amount of UC is calculated to include the effect of a non-dependant **and**
2. that non-dependant dies

the claimant's maximum amount will remain unchanged and continue to be calculated as if the non-dependant had not died 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(d)*

E2186 – E2189

# Adjustment of maximum amount

## General rule

- E2190 Certain deductions and allowances have to be applied to the maximum amount before the final amount of an award of UC is determined. The adjustments concern any earned or unearned income<sup>1</sup> and capital.

*1 WR Act 12, s 8; UC Regs, reg 22*

## Unearned income

- E2191 All of the claimant's unearned income, in relation to the assessment period<sup>1</sup>, should be deducted from their UC maximum amount. Where the claim is from joint claimants then the deduction is all of their combined unearned income.

*1 UC Regs, reg 22(1)(a)*

- E2192 Where the claimant is a member of a couple, but claims as a single person because the other member does not meet prescribed conditions, the amount of unearned income to be deducted is the unearned income of them both<sup>1</sup>.

*1 UC Regs, reg 22(3)*

- E2193 A person's unearned income means<sup>1</sup> any of their income consisting of (see ADM Chapter H4 and H5)

1. retirement pension income
2. benefit income, which includes
  - 2.1 JSA
  - 2.2 ESA
  - 2.3 CA
  - 2.4 BA
  - 2.6 WMA
  - 2.7 WPA
  - 2.8 WP
  - 2.9 MA
  - 2.10 IIB
3. foreign benefits
4. spousal maintenance
5. student income
6. employment and training payments paid as a substitute for UC or for a person's living expenses
7. sports awards

8. certain insurance payments
9. income from an annuity
10. income from a trust
11. income deemed to yield from capital (tariff income)
12. capital treated as income
13. any other income which is taxable.

*1 UC Regs, reg 66*

E2194 Unearned income also includes income which the person is treated as having<sup>1</sup>.

*1 UC Regs, reg 66*

E2195 Where an assessment period is of one month then any unearned income that is paid in periods other than a month will have to be converted to a monthly equivalent<sup>1</sup> before the deduction can be made. See ADM Chapter H5 for the methods of calculation.

*1 UC Regs, reg 73*

### **Example**

Emily is in receipt of CA when she claims UC. The payments of CA are unearned income and are taken fully into account when calculating Emily's maximum amount of UC. As CA is paid 4 weekly at £230 the DM converts this to an assessment period of a month by multiplying by 13 (£2990) and dividing by 12 (£249.17). This establishes the amount to be deducted.

**Note:** the rounding of fractions of a penny<sup>1</sup> is calculated to the nearest penny and not based on whatever is most advantageous to the claimant

*1 UC Regs, reg 6*

E2196 – E2199

### **Earned income**

E2200 A proportion of a claimant's earned income is also deducted from the UC maximum amount. For the purpose of this deduction earned income means<sup>1</sup>

1. the remuneration or profit derived from
  - 1.1 employment under a contract of service or in an office (including elective office) **or**
  - 1.2 a trade, profession or vocation **or**
  - 1.3 any other paid work **or**
2. any income treated as earned income (see ADM chapter H3 and H4).

*1 UC Regs, reg 52*

E2201 In any assessment period 63% of the earned income received that exceeds the prescribed amount<sup>1</sup> will be deducted from the UC maximum amount. (Prior to 10.4.17 the rate was 65%).

**Note:** for weekly paid earned income some assessment periods will contain 4 payments and others 5 payments. Similarly, if a person is paid earned income 4 weekly an assessment period may contain two 4 weekly payments.

*1 UC Regs, reg 22(1)(b)*

### Example

Bella is aged 26, single and lives with her parents, she works as a shop assistant for eight hours per week receiving earnings of £50 per week every Thursday. Bella has a UC award with an assessment period that runs from the 1st of each month. For the assessment period that covers 1st Oct 2014 to 31st Oct 2014 Bella will receive 5 weekly payments of earned income. For October Bella has a UC award of £221.20 calculated by deducting £90.35 earnings from her £311.55 maximum amount (full calculation is 311.55 standard allowance – 65% x (50 + 50 + 50 + 50 + 50 earned incomes – 111 higher work allowance)

**Note:** after the abolition of the work allowance for this particular claimant the calculation would be £317.82 (uprated standard allowance) – 65% x (50+50+50 +50+50) = £155.32. After the change to the earnings taper rate the calculation would be £317.82 – (63% x [50+50+50+50+50]) = £160.32.

E2202 The prescribed amount, known as the work allowance, falls into either a higher or a lower category.

### Higher work allowance

E2203 A higher work allowance is appropriate where the claimant's UC award contains no amount for the HCE<sup>1</sup>. The rates of allowance are in table E2205.1

*1 UC Regs, reg 22(2)(a)*

**Note:** Where HCE cannot be paid because the claimant has earned income (see F4020), the claimant will benefit from the higher work allowance.

### Lower work allowance

E2204 A lower work allowance is appropriate where the claimant's UC award contains an amount for the HCE<sup>1</sup>. The rates of allowance are in table E2205.2.

*1 UC Regs, reg 22(2)(b)*

E2205 For 2019 to 20120

1.	Higher work allowance	Amount
	Single claimant	

responsible for one or more children or qualifying young persons and/or has LCW (LCWRA)	£503
Joint claimants	
responsible for one or more children or qualifying young persons and/or one or both have LCW (LCWRA)	£503
<b>2. Lower work allowance</b>	
Single claimant	
responsible for one or more children or qualifying young persons and/or has LCW (LCWRA)	£287
Joint claimants	
responsible for one or more children or qualifying young persons and/or one or both have LCW (LCWRA)	£287

*1 UC Regs, reg 36*

### Example 1

Bella is aged 26, single and lives with her parents, and so has no housing costs. She works as a shop assistant for eight hours per week receiving earnings of £50 per week. Before the 2016 amendments Bella has a work allowance at the higher rate of £111. Her UC award is £259.97 (for an assessment period that contains 4 earnings payments) calculated by deducting £57.85 earnings from her £317.82 maximum amount. (full calculation is  $317.82 \text{ standard allowance} - 65\% \times (50 + 50 + 50 + 50 \text{ earned incomes} - 111 \text{ higher work allowance})$ ).

However, from 11.4.16, Bella will no longer be entitled to a work allowance and her UC award is reduced to £187.82. (full calculation is  $317.82 \text{ standard allowance} - 65\% \times (50 + 50 + 50 + 50 \text{ earned incomes})$ ). From 10.4.17 the amount is adjusted again when the earnings taper changes to 63%.

### Example 2

Roy lives with his partner and child in a local authority property. He claims UC whilst still working for a supermarket where he is paid £260 per month. Roy has a UC maximum amount of £855.97 made up £775.97 standard allowance and child element and £80 rent. The earned income to be deducted from the maximum amount is 65% of (£260 after the deduction of the £192 lower work allowance). That is 65% of £68 = £44.20. Roy has a UC award of £811.77 (£855.97 – £44.20). A calculation after 10.4.17 would use a taper rate of 63%.

### Example 3



Troy lives with his partner and child in his own property. He is claiming UC when he starts working for a supermarket where he is to be paid £260 per month. Troy has a UC maximum amount of £855.97 made up £775.97 standard allowance and child element and £80 HCE. The earned income to be deducted from the maximum amount is 65% of (£260 after the deduction of the £397 higher work allowance). That is 65% of £0 = £0. However, Troy has a UC award of £775.97 because he also loses his housing cost element (£855.97 – £80 HCE). A calculation after 10.4.17 would use a taper rate of 63%.

#### **Example 4**

Ben lives with his partner and child in a local authority property. He claims UC whilst still working for a supermarket where he is paid £100 per month. Ben has a UC maximum amount of £955.97 made up £775.97 standard allowance and child element and £180 rent. The earned income to be deducted from the maximum amount is 65% of (£100 after the deduction of the £192 lower work allowance). That is 65% of £0 = £0. Ben has a UC award of £955.97. A calculation after 10.4.17 would use a taper rate of 63%.

#### **Example 5**

Jerry lives with his partner and child in his own property. He is claiming UC when he starts working for a supermarket where he is to be paid £100 per month. Jerry has a UC maximum amount of £955.97 made up £775.97 standard allowance and child element and £180 HCE. The earned income to be deducted from the maximum amount is 65% of (£100 after the deduction of the £397 higher work allowance). That is 65% of £0 = £0. However, Jerry now has a UC award of £775.97 because he loses his housing cost allowance (£955.97 – £180 HCE). A calculation after 10.4.17 would use a taper rate of 63%.

E2206 – E2221

## **Effect of capital on UC maximum amount**

### **When capital does not affect the UC maximum amount**

E2222 Capital does not affect a claimant's maximum amount if their capital is £6,000 or less. (see also ADM Chapter H4 and H5).

### **When the claimant cannot get benefit**

E2223 Claimants cannot get benefit if the total amount of capital is more than £16,000<sup>1</sup>.

**Note:** In a case where the claimant is a member of a couple, but makes a claim as a single person, the claimant's capital is to be treated as including the capital of the other member of the couple. The capital limit in this case is still £16,000.

*1 WR Act 12, s 5; UC Regs, reg 18(1)(b)*

## **Assumed income from capital**

E2224 Claimants are treated as having tariff income of £4.35 a month for

1. each complete £250 of capital over £6,000 up to and including £16,000 **and**
2. any capital which is left and which is not a complete £250<sup>1</sup>.

See Appendix 1 to Chapter H1, for a table which shows how to work out tariff income.

*1 WR Act 12 s 5; UC Regs, reg 72(1)*

## **Who gets what and when**

E2225 Guidance on the interval and methods of payment can be found in ADM Chapter B1

E2226 – E2999

**The content of the examples in this document (including use of imagery) is for illustrative purposes only**