

Freedom of Information request 4095/2014

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Information request

S7 of the Welfare Reform Act 2012 says... "Universal credit is payable in respect of each complete assessment period within a period of entitlement." Then Reg 21 UC Regs defines what the Assessment Period is etc.

Have a look at the DWP example at Para E2110 of Chapter E2 of the UC Guidance... "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."

In the explanatory notes of the act it states at Para 47 the following

Basis of awards

47. Section 7 provides that an award of universal credit is to be payable in respect of an assessment period. This period will be prescribed in regulations. Under subsection (3) regulations will also allow for universal credit to be payable in respect of part of an assessment period, for example to deal with a part-period at the beginning or end of an award.

<http://www.legislation.gov.uk/ukpga/2012/5/notes/division/5/1/7>

so part of an AP is payable, however s7(3) only allows regs to permit AP fragments ('may'). For example, reg 21(5) of the UC regs appears to positively allow a fragment of an AP to be paid if backdating cannot go back a full month.

Will part payments be possible under UC with regards to assessment periods ending early as I have set out above? If so, where in the Regs or the Act does it make it possible?"

DWP response

Whilst your request does not fall within the scope of a FOI because it is not asking us to provide information, we can tell you that the answer to your question is no.

This is because Universal Credit is assessed and paid in arrears, on a monthly basis in a single payment. The first payment will be paid no longer than seven days after the end of the claimant's first assessment period. Subsequent pay days will be on the same date each month thereafter and the amount will not be varied to reflect the number of days in the month. If a claimant's pay day falls on weekends or bank holidays, the pay day will be advanced to the nearest working day. This ensures that at the end of each assessment period, the claimant is paid an amount that reflects their circumstances for the forthcoming month. This "whole month" approach means that UC payments reflect the claimant's circumstances at the point of payment

Claimants are required to submit information about changes of circumstance which may affect their entitlement or award as soon as possible after the change occurs and before the end of the assessment period in which the change occurs. This means that changes of circumstance which affect the award calculation will be treated for the purpose of the award calculation as if they occurred at the start of the assessment period in which they took place – rather than attempting to calculate pro rata. We will only allow for a shorter assessment period where a claimant is eligible for period preceding the date of the claim (known as a backdated claim). In these cases a claimant will receive a separate payment for the backdated period

This also applies at the end of an award – a claimant will receive no further payments of UC after they have undergone a change of circumstance which ends their entitlement. Nothing would be paid for the assessment period in which entitlement ended. The only exception to this is where a claimant reaches the qualifying age for state pension credit, where we will pay Universal Credit up to the day before. This provision is contained in paragraph 26 of Schedule 1 of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment Allowance (Decisions and Appeals) Regulations 2013 (SI 2013/381). This allows a part month payment for people reaching pension credit entitlement age who have made an advance claim to pension credit and facilitates a smooth transition from working age to pension age.