

## Section 3: Backdating

### Backdated claims

- 300 From 1 April 2016, subject to 'continuous good cause' having been demonstrated, a claim from a person of working age may be backdated for up to 1 month.
- 301 For claims from
- persons of Pension Credit age, *see paragraph 330*
  - working age men aged 61 – 64, *see paragraph 340*
- 302 The backdating rules for the period ending on 31 March 2016 are unchanged.
- 303 Subject to any particular conditions which might apply, e.g. thresholds and caps, the rate of subsidy for correctly paid backdated benefit is 100%.
- 304 The relevant regulations are the
- Housing Benefit Regulations 2006; regulation 83(12)
  - Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006; regulation 64(1)
  - Housing Benefit (Abolition of the Family Premium and Date of Claim)(Amendment) Regulations 2015
- 305 Subsidy is calculated on the total benefit backdated in the financial year. It is payable for the year in which backdated payments are made, even if the period for which benefit is backdated falls wholly or partially in the previous financial year.
- 306 Local authorities should be rigorous in establishing whether the criteria of 'continuous good cause' in the backdating rules have been met. If these criteria have not been met, backdated benefit should not be paid. It is down to the individual authority's discretion to establish whether 'continuous good cause' has been proven.
- 307 Subsidy in backdated claims is subject to the external auditor's certification as per the relevant auditor certification instructions.
- 308 Local authorities must be able to demonstrate continuous good cause whenever backdated benefit is paid and must retain supporting evidence for audit purposes. If local authorities are unable to demonstrate continuous good cause, the DWP will deem the associated subsidy to have been overpaid.
- 309 Backdated amounts are those in respect of a period prior to the effective date of the claim. Late-assessments of claims or late-payments in themselves do not constitute backdated awards.

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309-339

## Completion of the subsidy claim form

- 320 Backdated benefit should be treated in the same way as non-backdated expenditure, ie
- included in the total expenditure cells of the form, ie cells 011, 055 (English/Welsh authorities only), and 094
  - included in the relevant cell(s) in each section of the form according to the type of payment made, and
  - if subsequently found to be overpaid, must be treated as an overpayment rather than a backdated payment
- 321 Backdated benefit (excluding overpayments) must also be separately identified in cells 038, 078 (English/Welsh authorities only), and 131. The purpose of these cells is to identify backdated expenditure so that relevant audit trails and assurance can be provided that expenditure has been properly incurred.
- 322 Local authorities should not consider backdating on a claim for benefit where a previous claim has already been received that still needs to be fully considered. Entitlement to benefit or a review of benefit should be made on the previous claim first, rather than backdating being considered on the new claim.

323-329

## Claims from persons of Pension Credit age

- 330 There is no change to the time limit for persons of Pension Credit age which continues to be three months.
- 331 A local authority may consider the start date of the claim from a person of Pension Credit age up to three months before the date on which the person actually makes the claim. However, the benefit paid should be treated as normal Housing Benefit and **not** backdated expenditure.
- 332 Local authorities should refer to the advice in [Circular A16/2008](#).

333-339

## **Working age men aged 61 – 64**

340 Men aged 61-64 are working age customers, but are also entitled to claim Pension Credit. The following rules will apply to this group if

- the customer, or partner, is in receipt of Income Support (IS), income-based Jobseeker's Allowance (JSA(IB)) or income-related Employment Support Allowance (ESA(IR)), the one month time limit for backdating HB/CTB applies. However the customer will need to show good cause for not claiming before
- neither the customer nor their partner receives any of these benefits, the three month time limit for making a claim for HB/CTB applies – ie effectively a three month limit on backdating applies

341-349

### ***Queries***

350 If you have any queries concerning the content of this section, please contact [housing.benefitenquiries@dwp.gsi.gov.uk](mailto:housing.benefitenquiries@dwp.gsi.gov.uk)

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