

Freedom of Information request 1265/2013

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Information request

I would like to know what plans are in place with regards to the following scenario. A family are exempt from the cap because a family member is in receipt of ESA (Support group) or PIP. The family member is re-assessed and is refused PIP or ESA. The person appeals and does not receive payment during the mandatory reconsideration. Will they still be considered above the cap or will their Housing benefit payments go up during this period?

DWP response

The legislation prescribes that a claimant will be exempt from the cap if he, his partner if applicable, or a child or young person for whom he or his partner is responsible, **is receiving** Personal Independence Payment (PIP) or Employment and Support Allowance (ESA) which includes a support component, unless the only reason for non-receipt of these benefits is because of hospitalisation or residence in a care home.

If receipt of either benefit ceases following a re-assessment then the household will no longer meet the above criteria for an exemption and so, unless any other exemption criteria is met, the benefit cap will apply. This will be the case even if the claimant is appealing. Should the appeal be allowed then the exemption will apply from the date PIP or the support component of ESA is re-instated and any benefit that had been capped during the appeal will be paid.