

## Housing Benefit and Council Tax Benefit Circular

Department for Work and Pensions

1<sup>st</sup> Floor, Caxton House, Tothill Street, London SW1H 9NA

# HB/CTB A11/2011

### ADJUDICATION AND OPERATIONS CIRCULAR

<b>WHO SHOULD READ</b>	All Housing Benefit (HB) and Council Tax Benefit (CTB) staff
<b>ACTION</b>	For information
<b>SUBJECT</b>	The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (SI 2011 No 2425)

### Guidance Manual

The information in this circular does affect the content of the HB/CTB Guidance Manual. Please annotate this circular number against *BP1 paragraph P1.181; BP2 paragraph P2.71; BP3 paragraph P3.180; BW1 paragraph W1.180; BW2 paragraph W2.590 and Annex B, paragraphs 9, 51 and 58; BW3 paragraph W3.180; C2 paragraph C2.200.*

### Queries

If you

- want **extra copies of this circular/copies of previous circulars**, they can be found on the website at <http://www.dwp.gov.uk/local-authority-staff/housing-benefit/user-communications/hbctb-circulars/>
- have any queries about the
  - **technical content of this circular**, in the first instance contact:  
Richard Grennan  
Tel: 020 7449 5328  
Email: [richard.grennan@dwp.gsi.gov.uk](mailto:richard.grennan@dwp.gsi.gov.uk)
  - **distribution of this circular**, contact  
[housing.correspondenceandpgs@dwp.gsi.gov.uk](mailto:housing.correspondenceandpgs@dwp.gsi.gov.uk)
  -

### Crown Copyright 2011

Recipients may freely reproduce this circular.

Contents

para

**The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011  
(SI 2011 No 2425)**

Introduction .....	1
Coming into force .....	3
The Enhanced Disability Premium run-on .....	4
The Caxton Foundation .....	6
Education payments .....	8
Removal of references to Family Premium Baby Element ....	10
Disregard of payments of New Enterprise Allowance .....	12
Direct payments for healthcare .....	14
Payments to service users .....	17

## The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (SI 2011 No 2425)

### Introduction

- 1 This circular provides information on the main provisions in the [Housing Benefit and Council Tax Benefit \(Miscellaneous Amendments\) Regulations 2011 \(SI 2011/2425\)](#) that were laid before Parliament on 10 October 2011. The regulations also include some routine updates and corrections of errors or omissions, and these minor changes are not described in this circular.
- 2 The regulations can be viewed free of charge, either on [DWP's website](#), or via the website of the [Office of Public Information](#). The explanatory memorandum that is published with the regulations can also be viewed on the Office of Public Information website.

### Coming into force

- 3 Subject to parliamentary approval, the majority of the provisions, including all minor technical amendments, will come into force on **31 October 2011**. The main provisions that will come into force on this date are:
  - to clarify that the existing provision around the 8 week run-on period of the Enhanced Disability Premium following the death of a child applies whether it is the claimant **or** the partner who is entitled to Child Benefit
  - to ensure that increased financial support to beneficiaries of the Caxton Foundation is fully disregarded in line with treatment of payments by Skipton Fund Limited
  - to include a disregard for '16 -19 Bursary Fund' payments
  - to remove all obsolete references to the Family Premium Baby Element in line with the abolition of the corresponding Family Element Baby Element in Child Tax Credit
  - to put beyond doubt that the weekly allowance element of the New Enterprise Allowance is not included as earnings from self-employment
  - to provide for a disregard in the working age regulations of certain payments for community care made by local authorities direct to customers in line with that in the pension age regulations, as originally intended
  - to provide for a disregard in the pension age regulations for expenses in respect of attendance as a member of a service users group which are paid to a third party on their behalf in the same way as working age claimants, as originally intended

## **The Enhanced Disability Premium run-on**

- 4 There is provision in regulations for an Enhanced Disability Premium (EDP) to be awarded for a period of 8 weeks following the death of a child or young person in respect of whom the premium was awarded. Relevant regulations have been amended to make explicit that this EDP run-on applies whether it is the claimant or the partner who was receiving Child Benefit.
- 5 This is achieved by inserting “or partner” after “claimant” into
  - HB regulations, Schedule 3, paragraph 15(1A)
  - CTB regulations, Schedule 1, paragraph 15(1A)
  - HB(SPC) regulations, Schedule 3, paragraph 7(2)
  - CTB(SPC) regulations, Schedule 1, paragraph 7(2)

## **The Caxton Foundation**

- 6 The Caxton Foundation is a charitable trust established on 28 March 2011 for the benefit of people who have been infected with the Hepatitis C virus as a consequence of receiving NHS treatment using contaminated blood, blood products or tissues. Amendments have been made to permit payments from the Foundation to be disregarded for HB/CTB purposes in line with payments from the existing Skipton Fund Limited.
- 7 This is achieved by:
  - Inserting an explanation of “the Caxton Foundation” after the definition of “care home” in HB, CTB, HB(SPC) and CTB(SPC) Regulation 2(1)
  - Inserting “the Caxton Foundation” after “the Skipton Fund” in the definition of “qualifying person” in HB, CTB, HB(SPC) and CTB(SPC) Regulation 2(1)
  - Inserting “the Skipton Fund, the Caxton Foundation” after “MFET Limited” in HB regulations, Regulations 42(7)(a), 46(6), 74(9)(b), Schedule 5, paragraph 35(1), Schedule 6, paragraph 34; CTB regulations, Regulation 32(7)(a), 36(6), 58(9)(b), Schedule 2, paragraph 2(b), Schedule 4, paragraph 36(1) and Schedule 5, paragraph 34; HB(SPC) regulations, Regulation 55(10)(b); and CTB(SPC) regulations, Regulation 42(9)(b) and Schedule 6, paragraph 2(b).

## **Education payments**

- 8 The “16 -19 Bursary Fund” replaced the Education Maintenance Allowance (EMA) in England from September and is designed to enable schools, colleges and training providers to target support to young people who most need help to enable them to continue their education or training post 16. Regulations have been updated to apply a disregard to the bursary in the same way as has been

applied to EMA.

9 This is achieved by, in HB regulations, Schedule 5, paragraph 11 and CTB regulations, Schedule 4, paragraph 12:

- In sub-paragraph (1), after paragraph (a)(iii) omitting “or”
- In sub-paragraph (1), after paragraph (b) adding “or (c) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002”
- In sub-paragraph (2), after “education maintenance allowance” inserting “or other payment”.

### **Removal of references to the Family Premium Baby Element**

10 In line with the abolition of the Family Element Baby Element (FEBE) in Child Tax Credit, since 6 April 2011 the Family Premium Baby Element has been removed in HB/CTB where the FEBE is no longer in payment in individual Child Tax Credit cases. The amendment regulations remove all obsolete references to the FPBE from the HB/CTB regulations.

11 This is achieved by, in HB(SPC) Schedule 3 and CTB(SPC) Schedule 1, omitting sub-paragraph (2) and by, in HB Schedule 3 and CTB Schedule 1, both omitting sub-paragraph (2) and omitting “Subject to sub-paragraph (2)” in sub-paragraph (1).

### **Disregard of payments of New Enterprise Allowance**

12 Amendment has been made so that weekly payments of the New Enterprise Allowance are disregarded and not included as earnings from self-employment under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990 in the same way as the self-employment support previously provided by the Return to Work Credit and the Self-Employment Credit.

13 This is achieved by omitting the words from “and shall include “ to the end of the paragraph in:

- HB regulations, Regulation 37(1)
- CTB regulations, Regulation 27(1)
- HB(SPC) regulations, Regulation 38(1)
- CTB(SPC) regulations, Regulation 28(1)

### **Direct payments for healthcare**

14 There is provision for working age income-related benefits, including HB/CTB, to disregard as capital “Any payment made under regulations made under section

57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968 or under section 12A to 12D of the National Health Services Act 2006 (direct payments for health care).”

- 15 This capital disregard was introduced in 2003 and subsequently amended in the April 2010 package, but was included neither in the State Pension Credit regulations nor the HB/CTB pensioner regulations. Amendment has been made to apply the disregard to pension age income-related benefits in the same way as it applies to working age claims.
- 16 This is achieved by inserting a new paragraph 26D in reference to any payments made by virtue of the above regulations following HB(SPC) regulations, Schedule 6, paragraph 26C and CTB(SPC) regulations, Schedule 4, paragraph 26C.

### **Payments to service users**

- 17 Service users are those citizens who are consulted by public authorities in designing, reviewing and monitoring policies and services. Current regulations allow for certain expenses incurred by volunteers to be disregarded as long as they receive no other payment for their involvement.
- 18 These regulations allow service users in receipt of pension age HB/CTB who receive expenses in respect of their attendance which are paid to a third party on their behalf to have those expenses disregarded in the same way as working age claimants, as originally intended.
- 19 This is achieved by, in HB(SPC) regulations, Regulation 42(1) and CTB(SPC) regulations, Regulation 32(1) for “paragraph (2)” substituting “paragraphs (2) or (3)”; following sub-paragraph (2) a new sub-paragraph (3) relating to the above payments is inserted.