

## Housing Benefit Circular

Department for Work and Pensions  
Caxton House, Tothill Street, London SW1H 9NA

# HB A9/2017

### ADJUDICATION AND OPERATIONS CIRCULAR

<b>WHO SHOULD READ</b>	All Housing Benefit staff
<b>ACTION</b>	For information
<b>SUBJECT</b>	The Social Security (Infected Blood and Thalidomide) Regulations 2017 The Social Services and Well-being (Wales) Act 2014 and the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendment) Order 2017 Additional earnings disregard amendment

### Guidance Manual

The information in this circular does affect the content of the HB Guidance Manual. Please annotate this circular number against *paragraphs BW2.620 and BP2.620*

### Queries

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# The Social Security (Infected Blood and Thalidomide) Regulations 2017

## Introduction

1. The Social Security (Infected Blood and Thalidomide) Regulations 2017 (SI 2017/870) which make amendments to the Housing Benefit Regulations 2006 and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 were laid on 5 September and come into force on 23 October 2017.
2. The following paragraphs detail the changes made by SI 2017/870.

## Infected Blood Schemes

3. In the UK five payment schemes currently provide financial support to people infected with HIV and/or Hepatitis C, following NHS treatment with contaminated blood products in the 1970s and 80s. These schemes are run by the following organisations:
  - The Eileen Trust
  - The Macfarlane Trust
  - MFET Ltd
  - The Skipton Fund
  - The Caxton Foundation
4. All payments made to individuals via the schemes mentioned in paragraph 3 are currently fully disregarded for the purposes of calculating eligibility for Housing Benefit (HB). This is because they are intended to compensate 'infected persons' and their relatives in recognition that the physical, mental and other health impacts for those infected can lead to additional costs which cannot be met through the benefits system.
5. The Scottish Infected Blood Support Scheme (SIBSS) replaced all of the schemes listed at paragraph 3 from 1 April 2017 ([HB G3/2017](#) refers). Equivalent Infected Blood Schemes (IBS) for England, Wales and Northern Ireland will replace the current schemes from 2 October 2017. No payments under IBS will be made until 23 October 2017.

## Changes to evidence requirements

6. SI 2017/870 also amends HB regulations so that claimants must provide evidence of their payments from the IBS and SIBSS. This requirement will apply to new claims for HB or where a payment from SIBSS or IBS is made to a relative of an infected person from 23 October 2017.

## Thalidomide Health Grant

7. The Thalidomide Health Grant (THG) is administered on behalf of the Department of Health by the Thalidomide Trust, for the purpose of giving relief and assistance to disabled people whose disabilities were caused by their mothers having taken the drug known as Thalidomide during pregnancy.
8. The grant can be used to meet the costs of:
  - Self-management of health problems including private health care (for example, physiotherapy/massage) and dental care not available on the NHS
  - home maintenance, adaptations and mobility aids (both transport and wheelchairs) to take account of reduced flexibility and mobility
  - domestic help and personal care: to fulfil tasks which people are unable to perform due to reduced flexibility, loss of grip and fatigue; or to replace unpaid support from family members
  - respite/holidays and social activities: to address isolation and improve mental and physical wellbeing
  - off-setting a loss of income combined with the higher costs of living with Thalidomide damage.
9. Payments of THG are to be fully disregarded for the purposes of calculating eligibility for HB.

## **The Social Services and Well-being (Wales) Act 2014 and the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendment) Order 2017 (SI 2017/901)**

10. The Social Services and Well-being (Wales) Act 2014 (“the SSWbWA 2014”) came into force on 6 April 2016. The Act makes provision in relation to the needs of people who need care and support, and carers who need support, in Wales. As a result, the provisions of the Children Act 1989 (which previously made provision for the care and support of children and their families in both England and Wales) no longer apply in relation to Wales.
11. SI 2017/901 was laid on 13 September 2017 and comes into force on 3 November 2017. This makes various amendments to the Housing Benefit Regulations 2006 (SI 2006/213) and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (SI 2006/214) to reflect the changes made by the SSWbWA 2014 and to update a reference to a section in the Children Act 1989. The final change is to SI 2006/213 only, it corrects a drafting error in paragraph 17(b) of Schedule 4.
12. The following paragraphs detail the changes made by SI 2017/901.

## **Amendments to Housing Benefit Regulations**

13. SI 2017/901 makes amendments to the Housing Benefit Regulations 2006 as a consequence of SSWbWA 2014 as follows:
- regulation 21 of the Housing Benefit Regulations 2006 so that a person not living with the claimant and living in accommodation provided under the SSWbWA 2014 is not treated as a member of the claimant's household
  - regulation 56 so that where a single student has a child placed with them under the SSWbWA 2014 they are accepted as being liable to make payments in respect of a dwelling and can claim HB
  - the provisions dealing with the calculation of income and capital so as to disregard certain payments made under the SSWbWA 2014.
14. References to section 23(2)(a) of the Children Act 1989 have also been amended so as to refer, instead, to section 22C(2) of that Act. Section 8(1) of the Children and Young Persons Act 2008 inserted Section 22C with effect from 6 April 2016.
15. Similar amendments have been made to the Housing Benefit (persons who have attained the qualifying age for state pension credit) Regulations 2006.

## **Additional earnings disregard amendment**

16. An error was contained in the Employment and Support Allowance (Miscellaneous Amendments and Transitional and Savings Provision) Regulations 2017 (S.I. 2017/581), which came into force on 23 June 2017. The amendment in SI 2017/581 omitted some words from paragraph 17(2)(b)(iv)(bb) (additional earnings disregard) in Schedule 4 to the Housing Benefit Regulations 2006 which inadvertently changed the policy effect of the provision.
17. SI 2017/901 re-inserts the words which had been taken out and at the same time re-drafts the provision to clarify the intent, which is that, where the claimant is a member of a couple and one of them is engaged in remunerative work for on average not less than 16 hours a week, it is the member of the couple that is working who must meet the other qualifying conditions for the disregard.
18. No amendment was needed to the Housing Benefit (persons who have attained the qualifying age for state pension credit) Regulations 2006.