

# Withdrawn

**This publication is withdrawn.**

This publication is no longer current.

Read guidance about [Income Support](#).

# A guide to Income Support

A guide for professional and voluntary advisers and others who want to know more about Income Support

IS20

# IS20 – A guide to Income Support

This guide is for professional and voluntary advisers and members of the public who want to know more about Income Support.

It does not cover every situation that may arise and it is not a complete and authoritative statement of the law.

---

## List of sections

The main rules.....	5
People who qualify for Income Support.....	7
Who you can claim for.....	11
Making a claim.....	18
Your Income Support payment.....	21
Deductions from benefit paid direct to a third party.....	51
Making payments to you.....	59
What to do if you think our decision is wrong.....	61
Changes in circumstances.....	62
Special Rules.....	66
Other help you may get.....	80
Further information.....	82

---

## Contents

The main rules.....	5
Introduction.....	5
Residence in the United Kingdom.....	5
Remunerative work rules.....	5
People who qualify for Income Support.....	7
People who are looking after somebody.....	7
People who are incapable of work.....	8
People on parental leave.....	9
People on paternity leave.....	9
People who are pregnant.....	9
People in relevant education.....	9
For more information, see 'Special rules' for people in education.....	10
Other people in certain circumstances who qualify.....	10
Who you can claim for.....	11
Claiming for your family.....	11

---

Claiming as a couple .....	11
Temporary separation of a couple .....	12
Living together as a married couple .....	12
Claiming for children and young people .....	14
Non-dependants .....	16
Making a claim.....	17
How to claim / how to contact us .....	17
The date of the claim .....	17
Backdating a claim.....	17
How claims are worked out.....	18
Decisions on a claim .....	18
Notification of the payment .....	19
Making a rapid reclaim.....	19
Your Income Support payment.....	20
Personal allowances .....	20
Premiums.....	21
Housing costs .....	25
Rates of benefit.....	34
Treatment of income and capital.....	34
Deductions from benefit paid direct to a third party (Third Party Deductions Scheme).....	50
What the Decision Maker takes into account.....	50
Limits to the amount to be deducted.....	50
Priority order .....	50
Mortgage interest.....	51
Care homes .....	51
Hostel charges.....	52
Rent arrears and service charges .....	52
Gas and electricity .....	52
Water and sewerage charges in England and Wales .....	53
Council Tax arrears .....	53
Fines or compensation orders .....	54
Contribution to child maintenance.....	54
If you change your address.....	54
If you change your supplier.....	54
Recovery of social security benefits.....	54
Making payments to you.....	58
Method of payment .....	58
Paydays .....	58
Help with cashing your benefit.....	59

What to do if you think our decision is wrong.....	60
Explanations and looking at the decision again .....	60
Appealing.....	60
Changes in circumstances.....	62
How to tell Jobcentre Plus about changes.....	62
The changes Jobcentre Plus need to know about .....	62
Special Rules.....	66
People in education .....	66
If you are under 20 and at school or college .....	66
School leavers .....	67
People from abroad (including returning UK nationals).....	67
People without accommodation .....	68
Hospital in-patients .....	69
Hospital in patients and couples .....	69
Help if you live in a care home.....	71
Young people being looked after by a local authority .....	74
Members of religious orders .....	74
Prisoners and their families.....	74
People who are going abroad temporarily .....	75
Trade disputes .....	77
Other help you may get .....	80
National Health treatment abroad .....	80
National Health Service charges.....	80
Assisted prison visits scheme .....	80
Help from the Social Fund .....	80
Help from the Local Authority.....	81
Other help .....	81
Further information .....	82
The Decision Makers' Guide.....	82
The Social Security Commissioners .....	82
Terminology.....	82

## The main rules

### Introduction

Income Support is for people who:

- are between age 16 and the age they can get Pension Credit and
- have a low income and
- work less than 16 hours a week (or a partner working less than 24 hours a week) and
- are not in full-time study (but there are some exceptions) and
- do not get Jobseeker's Allowance or Employment and Support Allowance and
- do not have savings above £16,000 and
- live in Great Britain.

### Residence in the United Kingdom

Income Support is intended to provide financial help for people who:

- have a right to reside and are habitually resident in the United Kingdom (UK), the Channel Islands, the Isle of Man or the Republic of Ireland or
- have a right to reside and are treated as habitually resident in the UK

The section on [People from abroad](#) gives an explanation of the habitual residence rules.

However, in some cases, you may be able to get some help during a temporary absence from this country.

If you have come to the UK from abroad you may be able to get some help from Income Support, but this depends on your residence or immigration status and on your circumstances.

### Remunerative work rules

You and your partner can work and claim Income Support, only if the work you do is classed as non remunerative for Income Support purposes.

For Income Support purposes, remunerative work is work done for payment or expectation of payment, when:

You are engaged for:

- 16 hours or more per week, or
  - 16 hours or more per week on average, when the hours of work fluctuate
- your partner is engaged for:
- 24 hours or more per week, or
  - 24 hours or more per week on average, when the hours fluctuate.

For information on earnings and how they affect benefit, see the section on [capital and income](#).

## Exceptions to the remunerative work rule

### **Claimants exempt from the remunerative work rule**

- certain people involved in trade disputes
- people getting Mortgage Interest Run on (MIRO).
- carers (where the claimant meets the normal Income Support conditions of entitlement as a carer)

### **Occupations exempt from the remunerative work rule**

The remunerative work rule does not apply to certain sorts of occupation:

- childminding in the childminder's own home
- charitable or voluntary work if the only payment is for expenses incurred
- training schemes for which a training allowance is being paid
- test traders: people receiving assistance to become self-employed
- councillors
- foster parents
- people providing respite care
- activities which attract a Sports Council award
- part-time fire-fighters
- members of Territorial Army or reserved Forces
- lifeboat crew, manning or launching a lifeboat
- auxiliary coast guards involved in coast rescue duties.

Contact Jobcentre Plus for further details about these exempt occupations.

## People who qualify for Income Support

### People who are looking after somebody

- you are a lone parent or a single claimant and are responsible for a child under 5 living with you.
- you are a lone parent or a single claimant who is looking after a foster child aged under 16 for a local authority or a voluntary organisation
- you are a lone parent or a single claimant with whom a child has been placed prior to adoption
- you are looking after a child because the parent or the person who normally looks after them is temporarily away or ill
- you regularly and substantially care for a severely disabled person. The person must be getting Attendance Allowance, Constant Attendance Allowance, the Daily Living component of Personal Independence Payment or the middle or highest rate care component of Disability Living Allowance, or have recently applied for it or have been notified that they will receive it from a future date. Alternatively, you must be in receipt of Carer's Allowance. You will still be able to claim Income Support for eight weeks after your role as a carer ceases.
- you are looking after a member of your family who is temporarily ill
- you are a member of a couple and are looking after a child or children while your partner is temporarily absent from the UK

### Changes to the lone parent rules

On 24 November 2008, changes were introduced to Income Support for some lone parents. The changes mean that your entitlement to Income Support may stop if your youngest child is above a certain age, if you are only claiming it because you are a lone parent.

Instead, you will have to make a claim for another benefit and if you are able, you will be encouraged to look for paid work. Jobcentre Plus will support you with this.

These changes do not apply to you if you receive Income Support for additional reasons. For example, if you:

- have children who are entitled to the middle-rate or highest-rate care component of Disability Living Allowance
- get Carer's Allowance
- are fostering and have a foster child living with you



- are claiming Income Support because of health condition or disability.

There may be other reasons why these changes do not apply to you. If you are not sure, ask your Jobcentre Plus adviser.

Since May 21st 2012, you can no longer make a new or repeat claim to Income Support solely on the grounds of being a lone parent, if your youngest child is aged 5 or over.

From May until November 2012, these changes affected existing Income Support claimants whose youngest child was aged 5 and 6.

Jobcentre Plus will contact you eight weeks before your Income Support is due to stop to tell you when your last payment is due. Jobcentre Plus will also invite you to an interview with an adviser, who will explain what you need to do to make a claim for another benefit if you have not found paid work.

It is very important that you attend this interview so that you continue to receive the right benefits and financial support if you need it.

If you have not found work when your Income Support ends, or if you need to make a new claim as a lone parent, you will be able to apply for either Jobseeker's Allowance or Employment and Support Allowance.

Jobseeker's Allowance is the main benefit for people who are out of work. To receive it, you must be available for and actively looking for work. As a parent, you may be able to arrange the hours you are available for work to fit in with your childcare responsibilities. Your adviser will be able to provide you with more information.

Employment and Support Allowance is the main benefit for people who are not able to work due to a health condition or disability.

## **People who are incapable of work**

Since 27 October 2008, most new claims to Income Support on grounds of incapacity will be treated as claims to Employment and Support Allowance. However Income Support on the grounds of incapacity is still available to

- certain sick or disabled people who claim Income Support after 27.10.08 but have a linking claim to Income Support on the grounds of Incapacity prior to their current claim
- existing claimants who are sick or disabled and in receipt of Income Support prior to 27.10.08 and who continue to receive Income Support after that date
- people who are receiving Statutory Sick Pay (SSP)

If you are incapable of work because of illness or disability you will usually need medical evidence of this

## People on parental leave

You may be able to get Income Support when on unpaid statutory parental leave if, when you were working, you were getting any of the following:

- Working Tax Credit
- Child Tax Credit at a rate higher than the family element
- Housing Benefit

## People on paternity leave

You may be able to get Income Support when on statutory paternity leave if you do not get any paternity pay.

If you do get paternity pay, you may still be able to get Income Support if, when you were working, you were getting any of the following:

- Working Tax Credit
- Child Tax Credit at a rate higher than the family element
- Housing Benefit

## People who are pregnant

A woman can get Income Support if:

- she is, or has been, pregnant but only for the period beginning 11 weeks before the expected week of confinement and ending 15 weeks after the date pregnancy ended
- she is incapable of work by reason of pregnancy.

## People in relevant education

People aged 16 or over but under age 20 in full-time, non-advanced education are normally treated as dependent on parents. However, they may qualify for Income Support if they are:

- parents
- orphans
- estranged from their parents

Estranged or orphaned young people who begin a course of full time, non advanced education before the age of 21 may be able to get Income Support to

the day before their 22<sup>nd</sup> birthday or the end of the course year whichever is the earlier.

For more information, see [‘Special rules’](#) for people in education

## **Other people in certain circumstances who qualify**

Other categories of people who qualify for Income Support are:

- people temporarily looking after a child because the parent or normal carer is ill or temporarily absent
- people looking after a member of their family who is temporarily ill.
- certain students – see [Special rules](#) for more information
- refugees learning English for more than 15 hours a week who arrived in Great Britain not more than 12 months before the course started
- people with limited leave to enter or remain in the UK subject to the condition that they should not have recourse to public funds
- asylum Seekers who applied for asylum on arrival in the UK before 3rd April 2000
- people required to attend court as a justice of the peace, party to the proceedings, witness, or juror
- people affected by a trade dispute or returning to work for the first 15 days following a dispute – see [Trade disputes](#) for more information
- people in custody pending trial or sentencing but only to help with housing costs
- people attending youth training courses
- people entitled to MIRO – see [Housing costs](#) for more information.

## Who you can claim for

### Claiming for your family

For Income Support purposes your family means you and (if appropriate) your partner and any children or young people living in your household that you (or your partner) are responsible for.

Since 8 September 2005, new claimants to Income Support have not been able to claim for dependent children or young people. If there are children or young people in your family for whom you are responsible, you must make a claim for Child Tax Credit.

Claimants who were getting Income Support for their dependent children before 8 September 2005 can continue to do so until the children are no longer dependent or the Income Support claim stops.

You must include dependent children on the claim form but you won't be paid any allowances or premiums for them.

### Claiming as a couple

You will be treated as a *couple* by the Department for Work and Pensions if you are married or in a civil partnership or if you live with someone as a married couple. The other person is termed your *partner*.

The guidelines for deciding whether two people are treated as a couple are explained in the sub section on [Living together as a married couple](#).

If you are treated as a couple, the income and capital of both of you will be added together. This means that your eligibility for Income Support will depend on the resources held by both of you.

If you are a member of couple with children in your household for whom you are responsible, you are eligible for Income Support at the couple rate. You must, of course, satisfy the normal conditions for claiming. If one or both partners of a couple are under 18, special rules apply.

### Unmarried couples or couples who have not formed a civil partnership

In the case of an unmarried couple or couple who have not formed a civil partnership, an ex-partner is not liable for the support of the other partner. If either ex-partner is getting or wishes to claim Income Support, they can do so and will be assessed only on their own needs.

## **Temporary separation of a couple**

You and your partner will still be treated as a couple if either of you is temporarily living away from home – for example, if one of you is caring for a sick relative, or has gone on holiday, or is studying away from home. If the separation becomes permanent, both of you can claim Income Support separately. You are also more likely to be treated separately in the following situations:

- if the absence is likely to last longer than 52 weeks or has already lasted longer than that time or
- if one or both of you go into prison or secure hospital or
- if one of you goes permanently into a care home or
- the claimant goes abroad and certain conditions are not satisfied.

## **Living together as a married couple**

What we mean by 'living together as a married couple'

If two people share their lives in the same way as a married couple, we consider that they are living together as if they are a married couple even though they are not married. We need to know if you are living together as if you are married so that any benefits you may be able to get are worked out correctly. If you are living together as if you are married, we call the person you are living with your partner.

What we mean by 'partner'

We use partner to mean

- a person you are married to or a person you live with as if you are married to them, or
- a civil partner.

What difference does living together as a married couple make to Income Support?

When we work out entitlement to Income Support, we treat all claimants with partners the same way. There is no difference between couples who are married, or have formed civil partnerships, or live together as a married couple.

This is to make sure that couples who choose to marry or form civil partnerships are not treated any more or less favourably than those who do not.

Why we need more information

You may already have been asked some questions about your living arrangements. If your situation is still not clear, someone will interview you about

your circumstances to see if you share your life together in the same way as a married couple. It would be helpful if the person you share your accommodation with is also present at the interview, but if this is not possible do not worry.

The person who interviews you will ask you about:

- how you came to share accommodation
- how you share your home and your lives, **and**
- what plans you have for the future, if any.

You will not be asked if you have a sexual relationship, but you may want to tell the person who interviews you whether you have a sexual relationship or not, because this will help them get a clearer picture of your life.

The person who interviews you will note down what you say, using your own words. At the end of the interview you will be able to read your statement yourself or have it read back to you. You will then be asked if you want to add or change anything before you sign your statement.

We do not have a checklist of questions to ask you. There is no single factor that will show that you are living together as a married couple. For example, just because you share financial responsibilities we will not necessarily consider that you are living together as a married couple.

### What happens after the interview?

Your claim form and statement will be sent to a Decision Maker who will look at your answers and decide if your life together is like a marriage. When making this decision they will consider all the information you provide. They will then write and tell you of their decision.

If they think that your life together is like a marriage, they will decide that you are living together as a married couple.

If they think that your life together is not like a marriage, they will decide that you are not living together a married couple.

If you have only recently started to live in the same accommodation, they may decide that your life together is not at present like a marriage and will look at your case again at a later date. They will write to you again about this.

### If you are unhappy with our decision on living together

See our section on [What to do if you think our decision is wrong](#) for more information.

## Polygamous marriages

A polygamous marriage is where a person is married to more than one partner. People in certain polygamous marriages may be able to get Income Support, for example, if the marriage ceremony took place in a country where it is legal. If you have entered into a polygamous marriage and are living with one or more of your partners, your Income Support personal allowances are calculated in the following way. Your payment will be made up of:

- the personal allowance for couples, for you and your eldest partner and
- the difference between the highest personal allowance for couples and the highest personal allowance for single claimants, for each of your other partners and
- any premium payments in respect of you or any of your partners and
- any Income Support housing costs that you are responsible for paying

If you made a claim before September 2005, the usual personal allowance for a child or young person, and family premium payment will apply.

If you made a claim after September 2005, you must claim Child Tax Credit to receive a payment for your children.

If members of the polygamous marriage are treated as residents in a care home, the rules are different.

For more information, contact Jobcentre Plus or see [Help if you live in a care home](#).

## Claiming for children and young people

Since 8 September 2005, any new award of Income Support does not include child-related elements because support for children is provided by Child Tax Credit. If you want to have it paid to the main carer, you must contact HM Revenue & Customs to get it changed.

If you were getting Income Support for dependent children before 8 September 2005, you can continue to do so until the children are no longer dependent on you or the Income Support claim stops. The following guidance applies if you are still entitled to Income Support for your dependent child / children and have not claimed Child Tax Credits.

### Children under 16

Children under the age of 16 who are living with you are included in your family if you or your partner, are receiving Child Benefit for them. This means that the needs of the child or children will normally be taken into account (see the

exceptions) in the calculation of your Income Support payment. You or your partner do not have to be the parents of the children, as long as the children live with you as members of your household.

### Young people 16 to 19

The same rules apply to young people aged 16 or over but under 20, who are living with you and who are on a full time non-advanced course of education or approved training, which began before the young person's 19th birthday. You cannot get Income Support for them if they are in one of the groups who can claim Income Support in their own right. If the young person's course of education or approved training ceases or they reach age 20, whichever comes first, any personal allowance for them payable with your benefit will stop.

### Income and capital of dependants

Earnings from a dependent child or young person under the age of 19 will not normally affect your benefit unless he or she has left school. If they have been awarded an education maintenance allowance, this will be ignored. If they are getting income in the form of maintenance, see the section on [maintenance payments](#). Any other income they get will be treated as belonging to you and will count against their personal allowance. Income in excess of the young person's allowance is ignored. If they have more than £3,000 capital, you will not get any personal allowance for them, but you will still get the family premium. For detailed information on this, see 'Income and Capital'.

Where Child Tax Credit has been awarded, any income or earnings, paid to, or in respect of, a child or young person, will not be taken into account, and any capital belonging to dependant children will be ignored.

### Who will get the personal allowance for a child?

Only one person can get an Income Support personal allowance for a child or young person in each benefit week. This is usually the person who has claimed Child Benefit. If more than one person has claimed Child Benefit, only the person who actually gets the Child Benefit will be able to get an Income Support personal allowance for the child.

### When you are not responsible for the child or young person

If the child or young person is not living with you, you can only get benefit for him or her in certain situations. You will not be treated as responsible for the child or young person, and therefore cannot get Income Support for them, if:

- they are being fostered by you on behalf of a local authority or
- they are being fostered by you while you wait to adopt or



- they are staying with you to attend school or college and they are not dependent on you.

If the child or young person is temporarily absent from your family, they will not be treated as your dependant if:

- they have been in hospital or certain types of residential accommodation for at least 12 weeks and your family has not been in regular contact or
- they have left your household for at least 52 weeks, unless they have been in hospital for that time and you have been in regular contact or
- they are likely to be absent for at least 52 weeks or
- they are being looked after by the local authority or
- they are in legal custody or
- they are being looked after on a permanent basis by another person, for example, a parent or
- they are boarded out before adoption or while awaiting a decision on adoption or
- they are abroad for more than 4 weeks, or 8 weeks if going abroad for medical treatment.

If the child or young person who is being looked after by a local authority or is in custody, returns home to live with you temporarily, for example, during a holiday or over a weekend, you can only get Income Support for them if:

- your claim was made prior to 8 September 2005, and
- there are other children living with you that are still included in your assessment

Except for the situations above, if they are living away from you and your claim included them and was made prior to 8 September 2005, then you should be able to get Income Support for them if you get Child Benefit for them. Where Child Tax Credits have been awarded we will stop paying the child related elements of your Income Support.

## **Non-dependants**

People who normally share your accommodation but are not dependent on you for financial support are known as non-dependants. Any non-dependants who normally share your accommodation could affect the amount we allow you in Income Support towards your mortgage interest.

If there is a non-dependant living with you, he or she will not affect your personal allowances. But it may affect your entitlement to a severe disability premium.

## Making a claim

### How to claim / how to contact us

If you need to make a claim for Income Support, call us on:

**0800 055 6688**

If you find it hard to speak or hear clearly, a textphone is available on:

**0800 023 4888**

Lines are open from 8.00 am to 6.00 pm, Monday to Friday.

### The date of the claim

All benefits have a time limit within which a claim must be made. Therefore it is essential that your claim is made without delay. There are circumstances when the time limits can be extended, but you should not assume that these will apply to you.

If you are unsure about your entitlement to benefit and your right to claim, you should seek advice from your Jobcentre or a welfare rights group. Remember, any delay in claiming could result in you losing benefit.

If you make your claim by telephone, the date you first contact Jobcentre Plus will normally be taken as the date of your claim.

If we issue you with a claim form, as long as you complete and return it within a month of the date on which it is issued to you, that date will be taken as the date of the claim.

If we receive a completed claim form without you contacting Jobcentre Plus, we will normally take the start date of your claim from the day we receive it.

### Backdating a claim

The period covered by your claim for Income Support will normally begin on the date of claim, but in some cases you may be able to get benefit from an earlier date. This can happen if the time limit for claiming is extended or if the Decision Maker decides you can get benefit from an earlier date because there was good cause for a delay in your claim.

## How claims are worked out

### Interviews and visits

You will be asked to provide information that is needed to assess the claim, including proof of earnings, savings, and expenses. If you have a mortgage or home loan we will give you a special form to take to your lender to obtain information about your loan. You may be given an appointment for an interview at a Jobcentre Plus office or exceptionally, arrangements will be made for a home visit.

Interviews at Jobcentre Plus offices can be conducted in private. If you make your claim by telephoning Jobcentre Plus on a 0800 number, we will make arrangements with you to visit one of our offices for an interview to help you with your claim and search for work where appropriate.

If you contacted a Jobcentre and were given claim forms to complete, you can ask for an interview, or one will be arranged if:

- the postal claim form has not been fully completed and an interview seems the best way to obtain the extra information or
- there are complications in the claim or doubts about the claim that need to be resolved at an interview or
- you are unable to complete a postal form, for example, because English is not your first language.

Home visits can be requested or will be arranged if:

- you ask for one after completing a postal claim form or
- you are unable to complete a claim form and cannot attend an interview at the Jobcentre or
- there are difficulties that can only be resolved by a home visit or
- it is the only way of verifying your identity or address

## Decisions on a claim

Decisions on claims are made by Decision Makers on behalf of the Secretary of State. These officers decide whether a claimant is entitled to benefit in accordance with the rules laid down by Acts and Regulations and in accordance with the decisions of the Social Security Commissioners and higher courts. For details on the Decision Makers guide and Social Security Commissioners publications, see [Further information](#).

Once Jobcentre Plus has all the information it needs on your claim, it is passed to a Decision Maker who should make a decision. You will be told of the decision in writing. If you want us to look at our decision again you should contact us straight away.

## **Notification of the payment**

You will receive a summary of how your benefit has been worked out. The notification also invites you to get a more detailed explanation of your benefit assessment. You can do this by contacting Jobcentre Plus.

## **Making a rapid reclaim**

Rapid Reclaim is beneficial to people returning to benefit within 26 weeks of their last period on benefit. This will help those taking up short-term, temporary or casual work and people who have had a break in their claim of up to 26 weeks for other reasons.

The claim process for Rapid Reclaim is much shorter. People returning within 26 weeks of their last period on benefit will, where possible, be interviewed either on the day they first contact Jobcentre Plus, or on the following day.

## Your Income Support payment

### Personal allowances

#### What is a personal allowance?

Your personal allowance is an amount of money towards all your normal day-to-day living needs including household costs such as water or fuel charges. There are several different rates for personal allowances. The amount you get depends on the following factors:

- your age
- and whether you are single or have a partner
- and whether you are a qualifying lone parent.

If you made a claim before September 2005, you may get a personal allowance for a child or young person if you are responsible for the needs of a child or young person under the age of 20.

How much allowance for dependants you get will depend on:

- how many dependent children you have
- and how old they are

If you made a claim on or after September 2005 you must claim Child Tax Credit to receive a payment for your children.

#### What personal allowances are there?

##### **If you are single**

If you are single, the rate of personal allowance you will get depends on whether you are:

- up to and including 24 years old
- 25 years or older.

##### **If you are a lone parent**

If you are a lone parent who is responsible for bringing up a child on your own, the rate of personal allowance you will get depends on whether you are:

- under 18 years old and
- aged 18 or older

### **If you are claiming as a couple**

If you are married / have formed a civil partnership or living with someone as a married couple, the rate of personal allowance you will get depends on whether:

- both of you are under 18 years old
- one or both of you are aged 18 or older.

## **Premiums**

### **What is a premium?**

Premiums are special additions to Income Support payments which recognise that special groups of claimants have extra needs.

### **How many premiums can I get?**

In most situations each family will only be able to get one premium at a time, even if it qualifies for several. The one that you will get will be the one that gives you the most money. However, in the following cases you may get more than one:

- if you can get a severe disability premium, this will be paid in addition to any other premium
- if you get an enhanced disability premium, this will be added to any other premium with the exception of the pensioner premium or the higher pensioner premium
- if you can get a disabled child premium or the enhanced disabled child premium, this will be paid in addition to any other premium you can get
- if you qualify for the carer premium it will be in addition to any other premium you can get.

### **Premiums for people who are, or whose partner is, long-term sick or disabled**

**Note:** Since 27 October 2008, new claims to Income Support on grounds of incapacity are treated as claims to Employment and Support Allowance.

#### **The disability premium**

You may be able to get this premium if you or your partner (who is under the qualifying age for state pension credit) is:

- getting Disability Living Allowance or
- Personal Independence Payment or

- getting Working Tax Credit where a disability or severe disability element is included in the award or
- getting Attendance Allowance or
- getting Incapacity Benefit – long-term rate or
- getting Severe Disablement Allowance or
- provided with an invalid carriage or
- getting higher-rate mobility component of Disability Living Allowance that is being paid direct to Motability or
- getting enhanced rate Mobility component of Personal Independence Payment that is paid directly to Motability or
- registered blind or severely sight impaired.

You will still get the premium for up to 28 weeks after blindness or severe sight impairment ceases to be registered.

You may also get the disability premium if you are accepted as being incapable of employment (or receiving Statutory Sick Pay) for at least 364 days (196 days in the case of terminal illness), including periods of incapacity separated by 8 weeks or less. A new 52 week linking rule was introduced from October 1998 for those who leave benefit to move into work but who subsequently return to benefit as incapacitated within 52 weeks. Periods during which you have been receiving Statutory Sick Pay (SSP) from your employer may count towards the 364 days.

### **The severe disability premium**

If you are single you may get the lower rate premium if:

- no one else lives with you and you get the middle or highest rate of the care component of Disability Living Allowance and no one gets Carer's Allowance for looking after you.
- no one else lives with you and you get the standard or enhanced rate of the daily living component of the Personal Independence Payment and no one gets Carer's Allowance for looking after you.

If you have a partner you may get the higher rate premium if:

- you and your partner both get the middle or highest rate of the care component of Disability Living Allowance, no one else lives with you and no one gets Carer's Allowance for looking after either of you
- you and your partner both get the standard or enhanced rate of the daily living component of Personal Independence Payment, no one else lives with you and no one gets Carer's Allowance for looking after either of you

- you get the middle or highest rate of the care component of Disability Living Allowance and your partner gets Attendance Allowance, no one else lives with you and no one gets Carer's Allowance for looking after either of you
- you get the standard or enhanced rate of the daily living component of Personal Independence Payment and your partner gets Attendance Allowance, no one else lives with you and no one gets Carer's Allowance for looking after either of you

If you have a partner you may get the lower rate premium if no one else lives with you and

- the middle or highest rate of the care component of Disability Living Allowance is paid to both of you, and Carer's Allowance is in payment for only one of you
- the standard or enhanced rate of the daily living component of Personal Independence Payment is paid to both of you, and Carer's Allowance is in payment for only one of you
- the middle or highest rate of the care component of Disability Living Allowance is paid to you, your partner gets Attendance Allowance, and Carer's Allowance is in payment for only one of you
- the standard or enhanced rate of the daily living component of Personal Independence Payment is paid to you, your partner gets Attendance Allowance, and Carer's Allowance is in payment for only one of you
- the middle or highest rate of the care component of Disability Living Allowance is paid to you, your partner is blind or severely sight impaired and Carer's Allowance is not in payment. In this situation the person with the Disability Living Allowance must be the claimant.
- the standard or enhanced rate of the daily living component of Personal Independence Payment is paid to you, your partner is blind or severely sight impaired and Carer's Allowance is not in payment. In this situation the person with the Personal Independence Payment must be the claimant.
- The enhanced disability premium

You may be able to get this premium, if you or your partner gets the highest rate of the care component of Disability Living Allowance or the enhanced rate of the Daily Living component of Personal Independence Payment..

### The carer premium

You may be able to get this premium if you or your partner are getting Carer's Allowance or have claimed Carer's Allowance or its predecessor Invalid Care Allowance, but could not be paid it because the person who claimed already had



another higher benefit. Couples can get a double premium if each partner satisfies one of these conditions.

The carer premium is payable for eight weeks from either the death of the person in respect of whose care Carer's Allowance has been claimed or, in any other case, until eight weeks after entitlement to Carer's Allowance ceases.

### **Pensioner premium**

If your partner has reached the age where they can get Pension Credit, you will get a pensioner premium. For the current rates see leaflet Social Security benefit rates.

### **Premiums for people with children**

Premiums for people with children are only payable to people who have been getting Income Support for children since 2005 and have not been awarded Child Tax Credit.

### **The family premium**

You will get this premium if you or, if you are a member of a couple, your partner are responsible for and in the same household as a child under 19, or in certain circumstances under 20. [Who you can claim for](#) gives details of when you are considered responsible for a child.

### **The disabled child premium**

If you are responsible for a child under 19, or in certain circumstances under 20, you will get this premium if:

- the dependant is getting Disability Living Allowance or Personal Independence Payment
- or the dependant is registered blind or severely sight impaired
- or no longer receiving Disability Living Allowance or Personal Independence Payment because they are in hospital.

You will not get this premium if the child has capital of more than £3,000.

### **The enhanced disabled child premium**

If you are responsible for a child under 19, or in certain circumstances under 20, you may get this premium if:

- the dependant gets the highest-rate care component of Disability Living Allowance or the enhanced rate of the Daily Living component of Personal Independence Payment

You will not get this premium if the child has capital of more than £3,000.

## Housing costs

If you're getting Income Support, you may get help in the Income Support payment to pay some housing costs, for example mortgage interest. If you pay rent, you may get help from your local authority through Housing Benefit.

For more information on Housing Benefit use the link at the end of this document in the section called [Help from the local authority](#).

### Eligibility for help with housing costs

You will be able to get help with these housing costs on your home from Income Support if you, your partner or a dependant are treated as responsible for these costs. You will be treated as responsible for them if:

- you are liable to pay these costs to occupy the home or
- someone else is normally liable for these costs (usually a partner) but because they are no longer paying them, you now have to pay them.

If you are temporarily absent from your usual home you may be able to get Income Support housing costs paid.

The outstanding capital on a home improvement loan that was taken out and used, in full or part, to adapt your home for the special needs of a disabled person will not count towards this limit. For the purposes of this rule, a disabled person is a person living with you who:

- qualifies for:
  - a disability premium
  - a disabled child premium
  - a pensioner premium for people 75 or over
  - a higher pensioner premium, or
- would qualify for one of these premiums if they were receiving Income Support, or
- is disabled or severely disabled for purposes of tax credits, or
- is receiving the main phase Employment and Support Allowance.

### Limits to the help we can give you

For most new claims from 5 January 2009, there is a limit of £200,000 on the amount of capital that Income Support can help with the interest on. This means that if the outstanding capital on your loan, or loans that qualify for help, is more than £200,000 then only the interest on £200,000 can be met through Income Support to help with the mortgage interest payments.

For claimants already in receipt of housing costs before 4 January 2009 the limit remains at £100,000.

If a claim is made after 5 January 2009 that links to a previous claim made under the old rules, the limit remains at £100,000.

## Different housing costs

### **Mortgage interest**

If you have a mortgage or loan taken out to buy your home, Income Support may help you with the interest payments. Support for Mortgage Interest paid as part of Income Support will not help with repayments of capital, arrears or with the premiums or any endowment or pension policy that is associated with the loan.

The Government introduced a number of reforms to Support for Mortgage Interest from 5 January 2009. These changes are a temporary, short term measure intended to help people over the potentially difficult labour market problems they face and help limit repossessions, and will be reviewed once housing market conditions are more favourable.

From 5 January 2009, the waiting period for new claims for Income Support, was reduced from 26 or 39 weeks to 13 weeks.

If your partner has reached the qualifying age for Pension Credit, you will receive help from the first day you are entitled to Income Support

Income Support can only help with the interest on:

- loans for 'acquiring an interest in a home' or
- loans for financing repairs or improvements that are necessary to maintain the fitness of your home for human habitation or
- loans taken out to repay loans that were used for either of the above

Where a mortgage is taken out partly for another purpose such as buying a car or providing a business loan, Income Support will only pay interest on the part of the loan associated with the house purchase or repairs.

A replacement mortgage would only be met to the same level as the original mortgage. For example, if the new mortgage or loan is used partly to clear debts or to replace a loan not previously met, this would not be allowed in the cost of the second mortgage. See leaflet IS8 'Help with housing costs' for more information.

### **Interest on loans for essential repairs and improvements**

Income Support can help with the interest on loans that were taken out and used for the following repairs and improvements, when the work was necessary to maintain the fitness of your home for human habitation:

- provision of a fixed bath, shower, wash basin, sink or lavatory and necessary associated plumbing, including the provision of hot water not connected to a central heating system
- repairs to existing heating system
- damp proof measures
- provision of ventilation and natural lighting
- provision of drainage facilities
- provision of facilities for preparing and cooking food
- provision of insulation of the dwelling occupied as the home
- provision of electric lighting and sockets
- provision of storage facilities for fuel or refuse
- repairs to unsafe structural defects
- adapting a dwelling for the special needs of a disabled person
- provision of sufficient sleeping accommodation for persons of different sexes aged 10 or over but under the age of 20 who live with the claimant and for whom the claimant or partner is responsible

Income Support cannot help with any other home loans that are not covered by this list.

### How much help will you get?

The current rate at which housing costs are worked out is explained at [www.gov.uk](http://www.gov.uk).

>> [Getting help to make your mortgage interest payments](#)

### When can you get help towards housing costs?

You can be treated as being in receipt of Income Support for any period when you have been entitled to contribution-based Jobseeker's Allowance, Statutory Sick Pay, Incapacity Benefit or contributory Employment and Support Allowance because you are unemployed or incapable of work. This will count towards your waiting period when you claim Income Support if, during that period, you were not entitled to Income Support solely because you had capital over £16,000 or because of the money you had coming in.

If you are a lone parent or carer who has had a claim for Income Support refused solely because you had capital over £16,000 or because of the money you had coming in, the following rule applies to your waiting period. If you make another

claim within 39 weeks, the intervening period will count towards your waiting period as long as you, or your partner if you are a carer, have not been:

- engaged in remunerative work
- excluded from Income Support because you are a student or because you are temporarily absent from Great Britain.

### Linking periods between Income Support claims

If you stop getting Income Support for a period of 12 weeks or less and have already served your waiting period, you will not have to serve another waiting period at the start of your second claim. If you were only part way through a waiting period when your first claim ended, the period when you are not receiving benefit will count towards your waiting period when you make a second claim.

Any part of the waiting period you have served on your previous claim will count towards the waiting period on your new claim if:

- you make a claim for Income Support no more than 26 weeks or 13 weeks (from 5 January 2009) after the end of a previous claim, and
- the claim included help with your housing costs, and
- you cannot get payments from your insurance policy for your mortgage because it has already paid out for the full period for which you are insured.

### 52 week linking

In some cases you can have breaks in claim of longer than 12 weeks without having to serve another qualifying period on your new claim. If you need to reclaim within 52 weeks of starting new work or training, you will not need to re-qualify for benefit help towards your mortgage interest.

To benefit from 52 week linking, you or your partner must:

- have been getting help with your mortgage or home loan interest at the time you or your partner left benefit to start full time work, approved training, or New Deal, or Employment Zone paid work options, self-employment, and
- claim within 52 weeks of starting paid work, approved training, or New Deal, or Employment Zone paid work options.

### 104 week linking

The break in your claim can be up to 104 weeks if:

- you were incapable of work for more than 196 days before taking up full-time work, and
- you re-claim benefit because you are again incapable of work.

For 104 week linking, you don't need to have had housing costs on your earlier claim.

### **Mortgage interest run-on**

If you or your partner stop getting Income Support because you are starting full-time work, self-employment, increasing your hours or getting more money from your work, you might be able to carry on getting help with your mortgage interest and/or housing costs for the first 4 weeks you are in work (see about mortgage interest). This is known as mortgage interest run-on

You may be able to get mortgage interest run-on if:

- you or your partner have been getting Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance for at least 26 weeks immediately before starting full-time work.
- is the employment increased earnings or hours of employment are expected to last at least 5 weeks
- you or your partner have been entitled to help with your mortgage and/or other housing costs while you were on Income Support and you still have to make these payments when you start work.

### **How to get mortgage interest run-on**

There is no need to claim. If you satisfy the qualifying conditions, you will get it automatically.

### **Amount of mortgage interest run-on**

Provided that your circumstances do not change, you will get the same amount of help with your housing costs as you were getting just before you started work. This will be paid to you rather than direct to your lender.

### **How to claim help with your housing costs**

When you first make an application to Income Support, we will take your claim over the telephone and ask you to check and sign the resulting statement. You will need to return the statement to Jobcentre Plus.

Six weeks after your claim date, you will be contacted by telephone and asked about your housing costs. If you have a mortgage or loan, we will ask for details on form MI12 shortly before your housing costs become payable. If you don't have a telephone, we will send out a letter and form for you to complete.

When you receive form MI12 you should complete those parts at the front of the form only and then send it to the bank, building society or other lender that gave you your mortgage or loan. The lender will complete the rest of the form and return

it to Jobcentre Plus which will use the information to work out your Income Support housing costs.

### Further restrictions

You may also find that the help that you can get with interest payments will be restricted if you take out a new loan while you are receiving Income Support. Help will generally be restricted to the amount of help that you were getting with your housing costs before you took out the new loan.

If you take out a new loan because you buy the home you were formerly renting or because you move from renting to becoming a home owner, the amount of help that you can get with your new housing costs will be restricted to the amount of Housing Benefit that you were receiving when you were renting.

The £200,000 limit (or £100,000 before 5 January 2009) still applies if you take out a loan to purchase a new property that is more suited to meet the special needs of a disabled person than your previous home while you were claiming benefit (see the definition of a disabled person). The £200,000 limit (or £100,000 before 5 January 2009) on loans will apply to all of the additional restrictions listed here.

### Insurance policies

If you receive money from an insurance policy to help you with your mortgage payments while you are unemployed or sick this may affect how much money you get. If you are getting all your interest payments paid by Income Support any income from an insurance policy that is intended to help with your interest payments will be taken fully into account. However, income from an insurance policy that is intended and used to meet the following will be ignored if the loan is one with which Income Support can help, or if not it is secured on your home:

- if, for any reason, you are not receiving help with the full interest on your mortgage, the interest that cannot be met or
- the amount for the repayment of capital, for the payment of the premiums on a mortgage endowment policy or Personal Equity Plan payment or
- any premium due on the mortgage insurance policy itself or
- any premium on buildings insurance.

The rules are different if you have income from an insurance policy that is paid direct to the lender under the rules of the policy. In such cases any part of that income that covers mortgage interest that is met by Income Support is taken into account when calculating the amount of Income Support that is payable. Any other income over and above that amount is ignored completely in the benefit calculation.

## Ground rent

Help may be given with ground rent or other rent where the payment relates to a long tenancy. Deductions are made for fuel and any other ineligible costs included in the payment.

## Rent charge

Rent charges are payments that are paid by some freeholders under the conditions of which they own their own freehold. Income Support can help with these if they fall within the meaning of Section 1 of the Rent Charges Act 1977.

## Service charges

Income Support may help with service charges that must be paid under the terms of the lease and which relate to the provision of adequate accommodation. Accordingly, help may be given with charges for such items as management fees, insurance, minor repairs, and the cleaning of communal areas. However, there are some types of charge which social security cannot normally help with, such as charges for major repairs and improvements, or for day-to-day living expenses such as meals and laundry. Deductions are made from the help available if any fuel charges are included in the main charge. Income Support can also help with the interest on loans that are taken out to pay service charges for essential major repairs and improvements.

## Co-ownership charges and Crown tenancy charges

If you are a co-owner and pay a charge to cover rent, mortgage, repairs and other costs to your Co-ownership Housing Society, or if you are a Crown tenant who cannot get Housing Benefit to help with your rent payments, Income Support will pay these charges. Deductions will be taken for any fuel or other ineligible charges included in the main charge.

## Charges for tents

If you live in a tent, Income Support will pay you an amount to cover the charges on the tent and the site on which it stands. Deductions will be made for ineligible costs, as above.

Help with the housing costs of co-owners, Crown tenants and people who live in tents will be given from the start of your Income Support claim.

## High housing costs

Your housing costs may be regarded as excessive if the Decision Maker considers that:

- your home is unnecessarily large for your, your family's (including foster children) and any non-dependants' needs or



- your home is located in an unnecessarily expensive neighbourhood or
- your housing costs such as mortgage interest are higher than the cost of other suitable accommodation in the neighbourhood.

When assessing excessive housing costs, the Decision Maker must take into account the following factors:

- the availability of suitable accommodation and the level of housing costs in the area and
- the age, health, employment prospects, educational situation, and other factors concerning you, your family and any foster children and
- whether you made every effort to find cheaper accommodation.

If having taken these factors into account, the decision maker considers that it is not reasonable for you to seek cheaper accommodation; you will not be affected by these rules. If your housing costs are considered excessive, the amount of money you receive could be reduced. You can, of course, dispute or appeal that decision.

## Special housing situations

### **Absence from your home**

Jobcentre Plus will continue to pay your housing costs if you are temporarily away from your home and are still responsible for these costs for a maximum of 13 weeks. The costs will continue to be paid if you intend to return to the home and have not let it. If it is known from the outset that your absence will be for longer than 13 weeks, then your housing costs payment will be stopped immediately.

Special rules allowing payment for up to 52 weeks apply to people in hospital, people receiving care in a home, people on remand, carers, students and people on training courses.

### **Rent in advance**

The Income Support scheme cannot help if you have to pay rent in advance to obtain a tenancy, but you may be able to get some help from the Social Fund. Ask Jobcentre Plus.

### **Non-dependant deductions from Housing Costs**

People who normally share your accommodation but are not dependent on you for financial support are known as non-dependants. Non-dependants are people like grown-up sons or daughters and elderly relatives. Others who live with you as part of your family and any children you have fostered do not count as non-dependants.

Shared accommodation does not include:

- a shared bathroom or lavatory; or
- communal areas in sheltered accommodation.

Deductions are made from your housing costs for non-dependants aged over 18 who normally live with you. There are six levels of deduction. If the non-dependant is working less than 16 hours a week, the lowest deduction will apply. If the non-dependant is doing paid work for 16 hours or more a week, the level of deduction will depend on the non-dependant's gross weekly income. A deduction will not be made from your Housing costs if:

- you, or your partner, are registered blind or severely sight impaired
- you, or your partner, are receiving the care component of Disability Living Allowance, the Daily Living component of Personal Independence Payment or Attendance Allowance or
- the non-dependant's normal home is somewhere else or
- the non-dependant is in receipt of Pension Credit or
- the non-dependant is in receipt of a training allowance in connection with a youth training scheme or
- the non-dependant is a full-time student (but deductions may be made during the summer vacation if the student does any paid work in this period) or
- the non-dependant jointly occupies your home and is either a co-owner with you or your partner, or is jointly liable with you or your partner to make payments to a landlord or
- the non-dependant is a prisoner or
- the non-dependant has been a patient in hospital for 52 weeks or more. If the non-dependant leaves hospital but is readmitted to hospital within 28 days, their total number of days in hospital are added together or
- the non-dependant is under 25 and on Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance at the assessment phase rate or.
- a non-dependant deduction is already being made in housing benefit.

### **More than one home**

Normally, Jobcentre Plus will only make Income Support housing costs payments on one home. The exceptions to this occur:

- if you have moved into a new home and are unavoidably responsible for housing costs on both your old and new home. You can only get money on both for up to 4 weeks or

- if you have had to leave your home because of domestic violence, and are now responsible for payments on 2 homes or
- if one partner of a couple has to live away from home to study or train and the costs of both houses have to be met.

### **Homes and businesses**

If your home includes premises rated as a business, help with housing costs will be limited to those which relate to the domestic part.

For example, shop premises with a flat above might be rated as a business, in which case you will only get help from Income Support for the flat.

### **Purchase of previously rented property**

If you are a tenant with security of tenure (including assured tenancies) and you buy the property while getting Income Support you will get no more than the amount of Housing Benefit you were getting before the purchase. The amount may change if your circumstances change. However, this does not happen automatically.

### **Students and housing costs**

For information on help with your Council Tax contact your local council.

## **Rates of benefit**

>> [Benefit and Pension Rates leaflet](#) (165KB)

## **Treatment of income and capital**

### **How we treat income**

If you, or your partner, have any income, it will normally be taken into account when your Income Support is worked out. Some types of income can be ignored, either in full or up to a certain amount. The Income and capital section explains these rules and how different types of income are treated.

### **The period your income covers**

Income is taken into account on a weekly basis. Where the payment of income clearly covers a set period of time, the payment is broken down into equal weekly amounts. That weekly amount (less any amount that can be ignored) will be taken into account when calculating your Income Support for that week. If the income is for an unspecified period, the payment (less any that can be ignored) will be expected to last the same period of time as if you were spending the money at the same rate as your usual Income Support payment.

## Your family's income

Your income and your partner's income are normally added together for social security purposes. See [temporary separation of a couple](#) for situations where partners can be treated separately.

If you have a dependent child under 19, or in certain circumstances under 20 and they have income, the following may apply if you receive child personal allowance rather than child tax credits:

- If they have been awarded an education maintenance allowance this will be ignored.
- Any other income they get will be treated as belonging to you and will count against their personal allowance and any disabled child premium.
- Income in excess of the personal allowance and any disabled child premium can be ignored.

If the child or young person is at boarding school and their maintenance – see maintenance payments, is provided by someone else, then an amount equal to their personal allowance and any disabled child premium will be considered as income for the days they are away from home.

Where Child Tax Credit has been awarded, any income or earnings paid to, or in respect of, a child or young person, will not be taken into account, and any capital belonging to dependent children, will be ignored.

## If you are working for an employer

Earnings consist of all wages and profits from employment, including bonuses, commissions, fees, retainers, and attendance allowances.

Payments in kind like cigarettes and luncheon vouchers, for example, do not count as earnings, but non-cash vouchers, which are liable for Class 1 National Insurance contributions, do count.

National Insurance contributions and half of any contributions towards an occupational or personal pension scheme are deducted and what is left is treated as your net earnings.

## If you are self-employed

If you are self-employed, your earnings mean the gross receipts from your employment. These earnings are recalculated as average weekly earnings over one year (or over another period if this will be more accurate).

The following expenses are subtracted from your gross income to calculate your net earnings:

- necessary expenses for the business such as money spent on repairing equipment, interest on a business loan and excess VAT paid while claiming Income Support. This does not cover capital expenditure, depreciation, money for business expansion, and business entertainment
- repayment of capital on loans for replacement and repair of business equipment, but not on any other loans
- income tax and National Insurance (Class 2 and Class 4) contributions, but these are calculated on a notional basis
- 50% of premiums paid for a personal pension.

The Decision Maker has discretion in applying some of these rules if it will result in a more accurate assessment of your income.

### Earnings and amounts that can be ignored (disregards)

Disregards are counted on net earnings, that is, earnings after the payment of tax, National Insurance contributions and half of any contributions towards an occupational or personal pension scheme. Earnings consist of all wages and profits from employment, including bonuses, commissions, fees, retainers and attendance allowances. Payments in kind, like cigarettes and luncheon vouchers, for example, do not count as earnings, but non-cash vouchers which are liable for Class 1 National Insurance contributions, do count. The amount of your earnings that are not counted are in addition to any disregards on other types of income that you have.

If you are receiving Income Support all earnings of any amount and from whatever source must be reported to Jobcentre Plus.

### Normal disregards

In most cases the first **£5.00** of your earnings from part-time work is disregarded in the Income Support calculation. For couples, the first **£10.00** is disregarded.

### Higher disregards

For some people there is a higher earnings disregard. In the following cases the first £20.00 of your and your partner's joint earnings are ignored:

- if you are a lone parent
- if you get a disability premium (or you would get it if you were not an in-patient or living in a care home)

If you were getting the higher disregard because you had the disability premium, and started to get the Higher Pensioner Premium from the date your partner reached the qualifying age for Pension Credit, you will get the higher disregard if your employment and Income Support have continued since that date.

If you are a carer and either you or your partner, receive the carer premium because of this, you may also get the higher disregard of £20.00.

If you or your partner receives earnings because you are engaged in one of the following special occupations, you may also get the higher disregard of £20.00:

- a part-time fire-fighter
- a member of the Territorial Army or the reserve forces
- a member of the crew of a lifeboat, or someone manning or launching a lifeboat
- an auxiliary coastguard involved in coast rescue duties

The maximum amount of earnings that can be disregarded for a couple is £20.00.

### Earnings due to you from work abroad

If there are earnings due to you from your work in a foreign country, and if the money cannot be brought into the UK because of a prohibition on currency transfer, these earnings will be disregarded. This lasts for as long as there is a prohibition on bringing the money into the UK.

### Children's earnings

Where Child Tax Credit has been awarded the earnings of any child or young person are totally ignored

Where additional Income Support is being paid for children or young people, the earnings of children and young people are ignored, unless the young person has left school and is in paid work. In these cases the first £5.00 of any earnings (or £20.00 if a disabled child premium is in payment for them) is ignored and the remainder counts against the personal allowance included in the Income Support calculation for the child. Any earnings that exceed the child's personal allowance and any disabled child premium are disregarded.

### Income other than earnings

The following types of income are ignored completely:

- payments in kind, for example, food, meals, luncheon vouchers or cigarettes
- expenses paid to employed people for expenses that they incur as part of that job. For example, travel expenses during work are not counted, but travelling expenses to work are. Payments on top of expenses will be treated as earnings
- any payments to holders of the Victoria and George Cross and analogous payments.

The following types of income have special rules attached to them:

## Childminders

If you are working as a childminder in your own home, two-thirds of your gross income is treated as expenses and is ignored completely. The other third is treated as self-employed earnings.

## Students

### **Educational grants and covenants**

If you are a student and entitled to Income Support, your grant income is fully taken into account except for the following elements within your grant which are ignored:

- payments for tuition and examination fees
- specific grants for books, equipment and travel
- payments for certain special equipment
- payments for additional expenditure because of any disability you have
- payments for additional expenditure in respect of term-time residential study away from a college
- payment to help you to maintain a home if you have to live away for your course
- payment for a dependant living outside the UK.

And if you are not eligible for a student loan, we can ignore:

- an amount towards the costs for books and equipment
- an amount towards the costs of travel.

Grant income covers any kind of education grant or award including scholarships, exhibitions, allowances and bursaries. It also includes any assessed contribution, whether it has been paid or not.

### **Student Loans**

If you are entitled to a student loan, it will be divided over the weeks it is intended to cover (for most students this will be 1 September to 30 June), and will be taken into account as income, after deducting certain disregards. You are treated as having the maximum amount of loan that you could get, even if you do not apply for the maximum amount.

If you are getting an Access Fund payment it will be treated in the same way as a voluntary payment and may affect your entitlement to benefit. However an Access Fund payment intended to tide you over the period between 1st September and the payment of your loan instalment will be disregarded.

Your weekly grant income will be calculated by dividing your grant income by the period for which it is payable. If you are on a sandwich course, periods of work experience are subtracted from your total study period, and your weekly income is calculated on the result.

Any allowance payable for children or an adult dependant will be taken into account over the same period as the loan unless you started your course before 1 September 1998 or you are a NHS student. In these cases your grant is divided by 52 or 53 weeks and treated as a weekly income if you are claiming Income Support. But please check with your local office for more information. Where Child Tax Credit has been awarded any allowances payable for children are not taken into account. Any payment you receive for being a mature student is treated in the same way.

If you are getting income from a grant with an assessed contribution paid by deed of covenant, any amount of covenant income in excess of the assessed contribution is divided by 52 or 53 weeks. The first £5.00 of this weekly income is ignored if you are claiming Income Support.

If you are getting income from a covenant but are not getting a grant, or if no contribution has been assessed, the amount of covenant income has the standard rate of grant subtracted. If there is any excess, this is divided over 52 or 53 weeks. The first £5.00 of this weekly income is ignored if you are claiming Income Support.

Certain amounts are disregarded from your student loan income; that is an amount for travel and for books and equipment. (Note that if you get a personal maintenance grant as well as a loan, these amounts will only be disregarded once.) Also, the first £10.00 of your weekly student loan income will be disregarded if you are claiming Income Support.

The total income disregard for a student loan, covenanted income, and charitable or voluntary payments cannot be more than £20.00.

If you are a partner paying contributions to your student partner, the amount of the contribution is ignored when calculating your Income Support payment according to your resources.

Education maintenance allowances paid by a local authority in respect of your children for study in non-advanced education are ignored in full.

### **Lone parents and the 'Work Programme'**

If you are taking part in the Work Programme, some types of income are ignored completely when working out your Income Support.

Your Work Programme provider will be responsible for payment of travel and child care costs.



If you start approved and agreed part-time work of less than 16 hours a week that is expected to last for at least 5 weeks, you can claim the actual cost of registered childcare (subject to limits) from the Work Programme provider. The subsidy can only be paid for one period of up to 52 weeks for essential childcare expenses while you are working part-time.

Payments are made directly to the registered childcare provider.

### **Partners and the 'Work Programme'.**

If your partner is taking part in the Work Programme, some types of income are ignored when calculating your Income Support. This includes help from the Work Programme provider to pay for your partner to undertake agreed and approved training or education to help them into work, and help with their travel and childcare costs to attend training or meetings with their Work Programme provider

### **Grants and allowances for people on training schemes**

Grants and allowances paid to trainees on a scheme provided through the Learning and Skills Councils for England, the National Council for Education and Training for Wales, or any of the training schemes operating in Scotland; or when starting a business, are counted in full. The training premium paid on top of the training allowance to participants on adult programmes, for example, is disregarded. Payments toward the cost of travel or the costs of participating in a programme away from home may also be disregarded.

### **Career Development Loans**

These loans are for people undertaking some types of vocational training. The loan is disregarded when the period of education and training supported by that loan has been completed.

### **Income from subletting and taking in lodgers**

If you sublet part of your home to a tenant, the first £20 of income from the tenant is disregarded. If you have more than one tenant, £20 is disregarded from each payment.

If you receive money from lodgers or boarders, the first £20.00 a week income plus 50% of the balance from each lodger is ignored in full. A lodger is someone who pays you a charge for their accommodation and at least some cooked or prepared meals.

If you receive payments from other people living in your home for their living and accommodation costs, for example, from an elderly relative, these payments will be disregarded. However, there may be a non-dependant deduction from any payment of housing costs that you get with your Income Support.

### Income from insurance policies to cover credit agreements

Payments from insurance policies which are intended and used to make payments on credit agreements, such as credit card balances and bank loans are fully disregarded. Other income from insurance policies is usually taken into account. For information on insurance policies that cover mortgages, see our section on [Housing costs](#).

### Charitable and voluntary payments

Regular charitable payments and voluntary payments are disregarded. Irregular payments from charitable or voluntary bodies are treated as capital.

Regular gifts in kind, for example, Christmas hampers are ignored. Irregular gifts in kind from a charity are also ignored but from any other source they are treated as capital.

### Payments to third parties

If someone pays a third party (such as a shop or supplier) for certain items for you, these payments are disregarded as long as they are not for food, ordinary clothing or footwear, household fuel, accommodation costs or anything else already covered by benefit.

### Occupational and personal pensions

Any money you get from an occupational, personal pension or a compensation payment from the Pension Protection Fund will be taken into account in full. Special rules apply for certain people living in a care home. See the section entitled [Help if you live in a care home](#) for further details.

### Far Eastern Prisoners of War – ex gratia payment

Payments made to former prisoners of war and internees of the Japanese, or their surviving partner, are disregarded.

### Payments by employers while sick or on leave

If you are getting payments from, or on behalf of, your employer while absent from work due to maternity, paternity or adoption leave, they are taken fully into account after deductions for National Insurance contributions and half of any contribution towards an occupational pension or personal pension.

### Income from adoption or custodianship

Money from adoption allowances or custodian payments from a local authority or a private agency will be taken into account if it is for a child or young person who is treated as a member of your family. It will be taken into account up to the level of the personal allowance for the child and any disabled child premium the child may

be entitled to. Payments above that amount are ignored. Where Child Tax Credit has been awarded, any adoption allowances paid for or child or young person, who is a member of the family are not taken into account.

In Scotland or Wales an adoption allowance can be paid for a child or young person who is not treated as a member of the family, i.e. for a child in youth custody. If you receive this money and it is spent on the child or young person it is not taken into account, however, any amount used by yourself or your partner is fully taken into account.

If you get money from a local authority for fostering children these payments are usually ignored completely.

If you receive fostering allowances for weeks when you do not have a foster child living with you, this will be taken fully into account.

## Payments for children

### Foster children

Certain payments are disregarded when made by or on behalf of a local authority or by a voluntary organisation for children who are living with claimants under fostering arrangements.

### Payments for the welfare of children

Payments are disregarded when made by local authorities (under child-care law) to promote the welfare of children and prevent people being taken into care. (This rule does not apply if the claimant is involved in a trade dispute).

## Income tax refunds

The following income tax refunds are treated as capital:

- PAYE refunds
- refunds of tax on business profits
- refunds of tax deducted from a student's income
- refunds of tax on interest on capital or an annuity.

## Service users

The Government's approach to public sector reform is for public bodies to involve citizens in designing, reviewing and monitoring their policies and services. There is a statutory requirement for the public bodies concerned to involve people in this way.

A service user is someone who is consulted by a public body or an organisation acting on their behalf, about their experience of using the services they provide.

The public body may be, for example, an NHS Trust, Primary Care Trust, Social Services Department, Local Authority, patient forum or Education Trusts. Organisations that are similar to public sector bodies in terms of the services they provide may be included if they have a statutory requirement to consult with their customers over the way that their services are provided.

Participation takes various forms for example involvement in focus groups, conferences and inspections and can involve potential as well as actual users of the services in question. Service users will mostly be people with recent personal experience of requiring and using a service related to, for example, their health or social care needs. Patterns can vary and participation can be a one off, intermittent or regular event.

People who participate as service users:

- may take part on a voluntary basis
- may be paid expenses only – which effectively means they are taking part on a voluntary basis
- may be offered payments for their attendance and in recognition of their participation
- may be offered both payment and expenses in return for their participation
- may be given cash or form of voucher in recognition of their participation.

Unlike expenses associated with normal earnings, where we only disregard expenses if they are necessarily incurred in the performance of the job involved, all expenses paid to a service user for their participation are disregarded, regardless of whether they receive payment for their attendance or not.

The expenses may be, for example:

- incurred in, or for the performance of their service user participation, or
- for personal incidental expenses incurred by the person attending, for example, travelling expenses, child care costs, or a replacement carer, or
- to pay for a personal assistant or support worker's services, if the service user is disabled and needs support to travel to or participate in the activity.

Any payment other than expenses is treated as earnings and is subject to the normal disregards.

## Pensions benefits and income

If you get Child Tax Credit, this together with any Child Benefit and any other benefit paid in respect of a child is disregarded.

Most pensions, benefits and income are taken fully into account in assessing your entitlement to Income Support. However, the following are disregarded:

- Housing Benefit
- Disability Living Allowance
- Personal Independence Payment,
- Attendance Allowance
- Constant Attendance Allowance
- Christmas Bonus
- Bereavement Payment
- War Pensioners' Mobility Supplement
- exceptionally severe disablement allowance
- War Widows or War Widowers Supplementary Pension
- severe disablement occupational allowance
- any Social Fund payment
- Winter Fuel Payments
- War Pension Constant Attendance Allowance.

Each week the first £10 of your total income from any of the following benefits is not counted:

- War Widow's or Widower's Pension
- War Disablement Pension
- foreign social security payments equivalent to the 2 types of war pension listed above
- pensions paid by the German or Austrian government to victims of Nazi persecution
- Widowed Parent's Allowance.
- Guaranteed Income Payments from the Armed Forces and Reserve Forces Compensation Scheme

This disregard is subject to a £20 maximum disregard on certain income other than earnings.

### Maintenance payments

From 12th April 2010, child maintenance income has been fully disregarded. The full disregard applies to child maintenance income, but not to maintenance that

may be paid to support an adult (e.g. spousal maintenance) or to a sponsored immigrant. If the maintenance is in respect of a child who is also a sponsored immigrant it is taken fully into account.

### Notional income

In certain cases the Decision Maker will take into account income which you do not have as notional income. This may be done when the Decision Maker considers that you have:

- deliberately deprived yourself of income to get Income Support or to get more Income Support
- failed to acquire income that is available to you.

You may be treated as having notional income in any of the following situations:

- if your earnings cannot be established at the time of your claim. In this case the Decision Maker will assess a reasonable (notional) income for you
- or if you are working for someone and are paid less than the usual rate. In this case you may be treated as having the earnings reasonable for that work. You may have to provide evidence that your employer cannot pay more
- or if you have not taken income that would be paid to you were you to apply for it, for example, where sick pay from an employer's scheme is available in addition to Statutory Maternity Pay or Statutory Sick Pay, but you have not taken it
- or if you have income which is normally paid to you but it has not been paid

In all these cases, the notional income will be taken into account in the same way as actual income or earnings.

The notional income rule will not apply in certain circumstances, For example, if you have not taken income available under a personal pension plan or a retirement annuity contract. In addition if you are a lone parent on the New Deal employment programme and undertake certain work experience, the notional income rule will not apply. Service users are also exempt.

### How we treat capital

If you and your partner have capital which, in total, comes to over £16,000, you will not be able to get Income Support. If the total is over £6,000 up to £16,000, this will affect how much Income Support you can get. The first £6,000 (£10,000 for people living in a care home) of capital is ignored.

Certain types of capital, such as your home and your personal possessions, are usually ignored.

Your capital includes money held by yourself in whatever form e.g. cash, bank and building society accounts, investment trusts, shares, etc. and from whatever source e.g. savings, inheritance, redundancy payments, lump-sum grants. It also includes the net market value of land and property (see 'Houses and land'). Income generated from capital, such as interest, is with some exceptions, ignored, but interest that is saved will be added to your capital.

### Normal rules

If you have a partner, the capital held by both of you will be added together and treated in the same way as the capital held by a single person. See [Temporary separation of a couple](#) for situations where partners can be treated separately. The first £6,000 of capital is ignored. If capital is over £6,000 and up to £16,000, Income Support will be reduced by £1 for each £250 or part of £250, over £6,000. If you have capital of £16,000 or more you can not get Income Support.

For example; If you or your partner have capital of over £6,000 but no more than £6,250, a deduction of £1 a week would be made from your Income Support entitlement. If you have capital of over £6,250 but no more than £6,500, the deduction would be £2, and so on.

### People who live in care homes

If you are permanently resident in a care home your Income Support will be affected by savings over £10,000. There will be a weekly deduction of one pound for every £250 (or part of £250) above £10,000 of savings. The upper capital limit of £16,000 still applies.

### People ending work

Generally, you will be able to get Income Support paid from the time you claim it, if you satisfy the other Income Support rules.

Final earnings and most types of termination payments are disregarded as income in Income Support. The disregard does not apply to final earnings and termination payments from part-time work which ends on or after the date of claim to Income Support.

Termination payments are however treated as capital. You should be aware of the deprivation of resources rules. If you are planning to spend any of your redundancy payment, check capital and notional capital rules.

Periodic redundancy payments will generally count as income.

## Redundancy payments

Some redundancy payments are treated as capital. You should be aware of the deprivation of resources rules. If you are planning to spend any of your redundancy payment, check capital and notional capital rules.

Periodic redundancy payments will generally count as income.

## Capital held by a dependant

If Child Tax Credit has been awarded, any capital belonging to a dependent child or young person will be disregarded when working out your Income Support payment.

If you are getting additional Income Support for a child or young person, capital held by a dependent child or young person is disregarded unless they own more than £3,000. In that case no personal allowance or premium is payable for that child or young person. However, any family premium will still be paid.

## Personal possessions

Personal possessions, for example, a car, furniture and fittings in your house, and family belongings, are generally ignored in the calculation of capital. This will not always be the case. For example, if you have capital of more than £6,000 and you buy something specifically to reduce that amount – see ‘Notional capital’ .

## If you own the home you live in

The value of your property (that is your house, garage and outbuildings) is ignored unless any part of the property could be reasonably sold off separately. If you normally live in two properties, in some limited circumstances, the value of each is ignored. Most loans raised on the property will be counted as capital unless they are to be used to make essential repairs or improvements.

## If property is owned but not occupied by you

The value of the property is counted as capital unless it is occupied by a person who is your partner or by a relative, such as your mother, or by a relative of a member of your family, and that person has reached at least the qualifying age for Pension Credit or is sick or disabled. The value of any property recently acquired and which you intend to occupy within 26 weeks of its purchase is disregarded. The property may be disregarded for longer if, for example, more time is needed to complete the purchase and move into the property.

## If you are trying to sell the property

The value of the property will be ignored for 26 weeks after you start trying to sell it. This disregard may be extended if there are difficulties in selling the property



### If you are carrying out essential repairs or alterations so that you can live in the property

The value of the property is disregarded for 26 weeks after you take steps to carry out this work. The disregard can last longer if more time is needed to make the property fit to live in.

### If you are taking legal action so that you can live in the property

The value of the property is disregarded for 26 weeks after you start taking legal action. The disregard can last longer if the legal action is continuing and you cannot live in the property.

### If you have left home after the breakdown of a relationship

If the home remains occupied by a former partner who is a lone parent, the value of the property will be ignored until your former partner ceases:

- to be a lone parent: or
- to occupy the premises as a home

In all other situations the value of the property will be ignored as part of your capital for the first 26 weeks after you have left. After 26 weeks notional capital will be considered.

### Sums deposited with Housing Associations

Sums that have to be deposited with your Housing Association as a condition of your tenancy are ignored.

### Earmarked capital

If capital from the sale of a house is earmarked for home purchase, it is ignored for up to 26 weeks or longer in certain circumstances. Compensation received for damage to or loss of a house is also ignored for 26 weeks where capital is to be used for repair or replacement, and it may be ignored for longer than this if there is some problem why the property cannot be repaired or replaced in the time intended. Capital such as a loan which has been obtained specifically to pay for certain essential repairs or improvements to the property and which must be used for that purpose can also be ignored for 26 weeks. And it may be ignored for longer than this if there is some problem why the repairs and improvements cannot be completed in the time intended.

### Valuation of property

Property will be valued at its current market value, less any outstanding mortgage or debts secured on the property. 10 per cent of the current market value will also be deducted to take into account the cost of the sale.

If you hold property outside the UK and there is no prohibition on transferring the money to this country, the asset will be valued at its sale value in the country of origin. If there is a prohibition, its value will be the price a willing buyer in the UK would pay. In both cases, any outstanding debts or mortgages secured on the property will be deducted, together with 10% of the market value to cover the cost of the sale.

### Notional capital

In certain cases the Decision Maker will take into account capital which you do not have as notional capital. This may be done when the Decision Maker considers that you have:

- deliberately deprived yourself of capital to get Income Support or to get more Income Support
- failed to acquire capital that is available to you.

### Capital you have disposed of

If you deprive yourself of your capital for the purpose of getting Income Support or getting more Income Support, you may still be treated as having that capital. This is called notional capital. For example, if you have bought a car, paid off debts or given money to your family so that you can get Income Support or more Income Support, you may be treated as still having that money.

### Capital you could have got

If you could have obtained capital from any source, such as from a friend who owes you money, but have not done so, you will be treated as having notional capital equal to the amount of the money owed to you by your friend. You will not be treated as having notional capital if you have used money from a payment for personal injury to set up a trust.

### Owners of shares in a company

Normally if you own shares in a company the value of those shares will be taken into account when working out the amount of your capital.

If only a small number of people own shares in a company the value of those shares may be ignored. Instead you may be treated as having notional capital equal to your share of the value of the company. You will not be treated as having notional capital if you are actively involved in the business of the company.

## Deductions from benefit paid direct to a third party (Third Party Deductions Scheme)

### **What the Decision Maker takes into account**

When deciding if it is right to make third party deductions, the Decision Maker looks at several things including:

- the amount of benefit you are getting
- the number of other deductions being made from your benefit
- in most cases, whether it would be in the interest of you or your family for third party deductions to be made.

### **Limits to the amount to be deducted**

There is a limit to the amount that we can deduct from your benefit to pay off debts for housing, fuel, water, fines, Council Tax or for contribution to maintenance. If this limit has been reached, or you are not getting enough benefit to cover all the third party deductions you need, you will have to arrange with the people you owe to pay off one or more of your debts in a different way.

There is also a limit to the amount we can deduct from your benefit without your consent. Your consent is required when the total amount being deducted for debts and current charges of housing, fuel, water and service charges (but not current charges of mortgage interest or flat rate maintenance) exceeds 25% of your entitlement including any Child Benefit and Tax Credits in payment (less any extra amounts included in your benefit for housing costs).

### **Priority order**

If you have more than 3 debts which you are unable to pay, or if you do not get enough benefit to cover all the deductions needed, each debt will be considered in order of priority. A maximum of 3 deductions to pay off arrears can be made and these are chosen in the following order of priority:

- mortgage interest
- care homes
- hostel charges
- rent arrears and service charges
- gas and electricity

- water and sewerage charges in England and Wales
- Council Tax arrears
- Fines or compensation orders
- Contribution to child maintenance
- Integration loans
- Eligible loans

A child support deduction, under the new scheme (flat rate maintenance), is outside the priority order.

## **Mortgage interest**

After the appropriate qualifying period has been completed, your Income Support may include an amount for mortgage interest. This will be paid direct to your lender if they are part of the arrangement for 'Managed payments to mortgage lenders'. Most lenders, including banks and building societies, have joined the scheme.

We know who they are and you do not have to tell us if your lender is a member. Third party deduction arrangements cannot apply if your lender has chosen to opt out of the arrangement for 'Managed payments to mortgage lenders'.

If you have more than one mortgage which qualifies for help, payments will be made in respect of each loan to the appropriate lender.

If your mortgage is in arrears you will need to make your own arrangement with the lender to clear these arrears.

We may still pay any Income Support due to you for the mortgage interest to your lender if your mortgage repayments are in arrears. A standard sum can be deducted from your benefit towards any arrears. This is in addition to any current housing costs we can pay.

For further information get information sheet IS8 'Help with housing costs' at your Jobcentre Plus office.

## **Care homes**

If you live in a care home, you may be getting Income Support. If you have failed to budget for the home charges, an amount of your benefit may be paid direct to the care home. You will be left with an amount for your personal expenses.

For more information see the section on [Help if you live in a care home](#).

## **Hostel charges**

If you live in a hostel, your Housing Benefit may, if you wish, be paid direct to the hostel from the start of your claim. Charges for meals, fuel and laundry, that may be included in the hostel fee, but not in your housing benefit, may also be paid direct from your Income Support from the outset of your claim. You will be left with an amount for your personal expenses.

## **Rent arrears and service charges**

Most people receiving Income Support normally get their rent paid by Housing Benefit. If you receive Housing Benefit and are in arrears with your rent for an amount equal to 8 weeks rent or more your local authority will decide whether your benefit should be paid directly to your landlord, unless it is based on the Local Housing Allowance when the rent will be paid to you.

If you owe arrears of rent we may be able to pay off the arrears by deducting an amount from your Income Support and paying it direct to your landlord. If you owe money for fuel or water charges payable with your rent, for which Housing Benefit is not paid, payments may also be made to your landlord to pay off the arrears and to cover current charges.

Payment for rent arrears and fuel and water charges can be considered when:

- either you or your partner are in receipt of Housing Benefit for the accommodation on which you owe rent
- the amount of arrears you owe is not less than the equivalent of 4 weeks' full rent
- and your arrears have accumulated over at least 8 weeks, and either you, or your landlord, have requested third party deductions or
- your arrears have accumulated in less than 8 weeks but the Decision Maker considers it in the overriding interest of you or your family that third party deductions be made.

## **Gas and electricity**

If you have a fuel bill you are unable to pay, and your gas or electricity company are unable to offer a suitable repayment arrangement of their own they, or you, may apply for third party deductions from Income Support to pay off what you owe. If we agree to third party deductions we will deduct an amount from your benefit each week until the debt is repaid. This should make sure that your fuel is not cut off.

We will also take an amount off your benefit to pay your regular bill. The estimate, calculated by your fuel supplier, is usually based on the amount of gas or electricity you have used in the last year, and is checked regularly. If you want to query the amount of the estimate, you should get in touch with your fuel supplier.

Third party deductions do not mean you get extra money to pay for your fuel.

## **Water and sewerage charges in England and Wales**

If you have a bill for water or sewerage charges which you are unable to pay and your water company is unable to offer suitable repayment arrangements of their own, they, or you, may apply for third party deductions from Income Support to pay off what you owe. If we agree, a standard weekly amount will be deducted from your benefit each week until the debt is repaid. This will prevent you from being taken to court for non-payment. An amount will also be deducted to cover your current charges, whether you have a water meter or pay a flat charge. Third party deductions are amounts taken from your Income Support to help you pay some types of arrears and ongoing bills. They do not mean you get extra money to pay these costs.

### **What happens while you have deductions for fuel or water**

You should continue to get statements from your fuel supplier showing how much fuel you use or are estimated to use and regular statements from your water company. But these will be for information only. They are not bills. They will also show how much we have paid the company on your behalf for your debt and for current charges. But because we send payments to your supplier at intervals, your statement may not show everything we have taken off your benefit.

## **Council Tax arrears**

People receiving Income Support may not have to pay anything towards their Council Tax. However, if you have arrears of Council Tax because:

- you did not pay it before you received Income Support
- you have a non-dependant in your household whose contribution has not been paid
- you have not paid the water charge supplement to the Council Tax (in Scotland).

your local authority may obtain a liability order (or, in Scotland, a summary warrant) and ask for third party deduction from your benefit to recover any arrears. We will make third party deductions for Council Tax arrears if there is enough benefit to allow the deduction.

## **Fines or compensation orders**

If a court has fined you, or made a 'compensation order', and you are in receipt of Income Support, a court may make an application for the outstanding amount to be recovered by third party deductions from your benefit. If third party deductions are possible to pay your fine or compensation order, we will advise you when deductions will commence.

## **Contribution to child maintenance**

People receiving Income Support who have children being cared for by someone else may have money deducted from their benefit towards the maintenance of their children.

### **Integration loans**

If you have a loan under the Integration Loans Scheme (ILS), payment of the loan and subsequent recovery action for both people who are in receipt of benefit and those who are not, will be undertaken by the Department (Debt Management).

### **Eligible loans**

A Memorandum of Understanding (MOU) will be signed by the Department (Debt Management) and approved lenders. Loans made by approved lenders after the MOU has been signed may be eligible for deductions. Only personal, unsecured loans will be eligible for deductions.

## **If you change your address**

If a move to a new address means that you have to pay rent, fuel or water charges to someone different, we will stop any deductions that were being made to your old landlord or supplier before your move.

## **If you change your supplier**

If you change your fuel supplier, you should tell us immediately, we will stop any deductions being made to your old supplier.

## **Recovery of social security benefits**

In certain circumstances, the Department for Work and Pensions may seek to recover money paid to you, for example:

- to recover overpayments or
- to prevent a duplication of payment or

- to recover payments made to you following your return to work after a strike or
- to recover an interim payment which was more than you are later found to have been entitled to.

### Recovery of overpayments

If you have been paid too much Income Support and if the Decision Maker decides that it is recoverable, you will have to repay it. You can do this by paying a lump sum or by weekly deductions from Income Support, or from most other benefits. The maximum rate of deduction for recovering overpayments in most cases should not exceed the limit mentioned in the previous section less any deductions you have for third party arrears. This amount may be increased in some circumstances, for example where the overpayment is as a result of fraudulent action or you have some additional income which is not taken fully into account against your Income Support. If you do not receive any benefits, and you cannot repay the overpayment in one lump sum, you will normally be asked to repay the overpayment by instalments.

Debt Management is the organisation responsible for recovery of overpayments and they may contact you to arrange repayment. If a repayment plan cannot be agreed, civil proceedings may be taken as a last resort.

If your partner later claims instead of you and benefit continues to be paid for both of you, he or she may have to carry on repaying the overpayment by deductions from their Income Support. Any benefit arrears due to you may be withheld to reduce the overpayment.

You can dispute or appeal against a Decision Maker's decision if you disagree with any of these:

- that there has been an overpayment
- the amount of the overpayment
- that the overpayment is recoverable from you.

If your circumstances change temporarily with the result that you get a payment of Income Support to which you are not fully entitled, you may have to pay back some of your Income Support. This might happen, for example, if your part-time job pays you more than the usual one week.

If you have been overpaid some other benefit and the Decision Maker decides that it is recoverable, it can be recovered from your Income Support payment by weekly deductions if recovery cannot be made from the other benefit because, for example, you no longer get it.



## Recovery of Housing Benefit

If you have been overpaid Housing Benefit your local council will normally deal with the recovery. However, in some Housing Benefit cases, the council can ask your Jobcentre to make the recovery by deductions from certain other social security benefits including Income Support. Where recovery is being made from your social security benefits, the Department for Work and Pensions will deal with all other queries relating to recovery. Local councils are responsible for dealing with queries about overpayments of Housing Benefit (HB regs 2006 regs 102).

## Prevention of duplicate payments

Income Support is sometimes paid when you are entitled to get another benefit, such as Incapacity Benefit, but that benefit has not yet been paid. The backdated payment will be adjusted to recover the Income Support already paid.

If it has not been possible to adjust the backdated benefit to recover the Income Support already paid, then the duplicate payment can be recovered under the overpayment recovery procedures.

Benefit can also be recovered when Income Support has been paid because other income that has to be taken into account under Part V of the Income Support (General) Regulations has not been paid on the due date.

## Recovery of payments following a strike

For the first 15 days after you have been on strike, you may be able to get Income Support if you do not receive sufficient wages or any advance of wages from your employer. Any Income Support that is paid to you for these days will be deducted from your wages by your employer and then returned to Jobcentre Plus.

## Recovery of interim payments

Go to interim payments for an explanation of when an interim payment can be made. When your actual Income Support entitlement is later worked out, any interim payment you have will be deducted from it. If it turns out that you were not entitled to any Income Support at all, or not as much Income Support as the interim payment, the Decision Maker will decide whether the difference can be recovered. If it can, you will have to repay it in the same way as the overpayments.

## Recovery of benefits from compensation awards

If your Income Support is paid as a result of an accident, injury or disease for which you are also claiming compensation, the benefit that you receive may affect your compensation award.

This is because the compensator (the person paying the compensation) has to pay back to the Department for Work and Pensions the amount of Income Support you have received as a result of your accident, injury or disease.

The amount the compensator has to pay equals the total benefit you are paid from the day following the accident or injury to the date of the final compensation payment or for up to 5 years – whichever is earlier.

If your Income Support is paid because of a disease, the amount the compensator has to pay is calculated from the day you first claimed a benefit because of the disease.

Compensation awarded for pain and suffering cannot be reduced in any circumstances.

Any Income Support you receive as a result of an accident, injury or disease can only be deducted from your compensation award if you are claiming compensation for "loss of past earnings". If there is no claim for "loss of past earnings", there cannot be any reduction. Any compensation you do receive may affect your entitlement to Income Support or Housing Benefit.

### Repayment of loans from the Social Fund

Full details of what is available from the Social Fund, how awards are made and how you repay a loan are contained on the gov.uk website. Use our link to the Social Fund for the different kinds of help you may get.

A Decision Maker in your Jobcentre will decide whether to pay you a Social Fund payment and whether this payment will be in the form of a grant or a loan that has to be paid back. If you are offered a Social Fund loan, you will also be told the terms of repayment.

If you are getting Income Support, loan repayments will be made by deductions from your or your partner's Income Support payments. If you are not getting enough Income Support to make the repayments or if you no longer get Income Support, repayments may be deducted from other benefits you get or can be made by postal order, cheque or in cash.

### The size of Social Fund repayments

When deciding how much your repayments will be, account will be taken of the amount of Income Support you get and any other expenses you have to meet over the period of repayment. In general, depending on your other commitments, you will normally be asked to pay back either 5%, 10% or 12% of your weekly Income Support applicable amount less housing costs – that is, the total of your personal allowance, any allowances for dependants and any premium payments. Normally you will be expected to pay back the loan within 104 weeks, though this period could be extended.

## Making payments to you

### Method of payment

We normally pay your money into an account. Many banks and building societies will let you collect your money at the post office. We will tell you when we will make the first payment and how much it will be for. We will tell you if the amount we pay into the account is going to change.

Finding out how much we have paid into the account.

You can check your payments on account statements. The statements may show your National Insurance (NI) number next to any payments we have made. If you think a payment is wrong, get in touch with the office that pays you straight away.

If we pay you too much money

We have the right to take back any money we pay that you are not entitled to. This may be because of the way the system works. For example, you may give us some information, which means you are entitled to less money. Sometimes we may not be able to change the amount we have already paid you. This means we will have paid you money that you are not entitled to.

We will contact you before we take back any money.

We normally pay your money direct into an account

You can use a bank, building society or other account provider. Many banks and building societies will let you collect cash at the Post Office®.

How we will pay you

We will tell you when the first payment will be made and how much it is for. Each payment, after the first one should be the same unless there is a change in your circumstances. We will tell you whenever there is going to be a change in the amount we pay into your account.

### Paydays

Every claimant is allocated a regular payday for their Income Support payment. Paydays are arranged throughout the week to spread the workload falling on Jobcentres and Post Office® branches. These paydays are determined by your National Insurance number.

Generally, if you are already getting another benefit such as Bereavement Benefit or Incapacity Benefit, your Income Support will be paid to you on the same day as that benefit.

Most people will be paid their Income Support fortnightly in arrears. Where you are to be paid in arrears, your entitlement will normally start from the date of your claim, and your Income Support will be paid to you from the first appropriate payday.

## **Help with cashing your benefit**

If you are getting Income Support and have it paid into an account but are unable to collect your payment, you can either:

- Ask your bank or building society if arrangements can be made for someone else to collect the money for you; or
- Arrange with Jobcentre Plus to have your money paid into someone else's account on your behalf – this should be a friend or relative who you trust.

If you have a Post Office® card account and you are unable to collect your payment, you can apply for someone you trust to have permanent access to your account and to collect the money for you. Ask at your Post Office® for an application form.

A person who cannot look after their own affairs due to mental illness or mental disability may need someone to act in their place. In England and Wales, if their affairs are already being handled by a receiver appointed by the Court of Protection or there is a Power of Attorney, this person will normally be able to handle benefit matters. In Scotland, if there is a Power of Attorney, the court has appointed a judicial factor or there is a guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000, this will normally count for benefit purpose.

If there is no one with the above authority, then a relative, friend or organisation e.g. a local authority, can apply to the Department to be appointed to act on behalf of the claimant – this person is known as an appointee.

## What to do if you think our decision is wrong

### **Explanations and looking at the decision again**

Although you have the right to appeal to an independent tribunal against a decision made by a Decision Maker, you can first ask for the decision to be looked at again. This is generally much quicker than an appeal as a means of getting a decision changed. If your original decision was made on or after 28<sup>th</sup> October 2013, you cannot appeal until we have looked at the decision again. This is called a Mandatory Reconsideration.

If you want more information about our decision, contact the office that sent the decision letter straight away. You can ask for an oral explanation of the reasons for the decision, a written statement of reasons for the decision or both to help you decide what to do. You must do this within one month of the date on the decision letter. We will send the statement of reasons within 14 days.

If you are still not satisfied with the decision you can ask us to look at the decision again. You can do this by phoning, writing to or visiting Jobcentre Plus within one month of the date on the decision letter. If you have already asked for an oral explanation of the decision, the one month is still counted from the date of the decision letter. If you have asked for a written statement of reasons, you will have the one month plus a further 14 days. If the written statement of reasons arrived after the one month, you will have a further 14 days from the date on the statement.

If the decision cannot be changed, we will send you a letter telling you that we cannot change it. The letter will confirm the original decision. You still have the right of appeal after we have looked at the decision again.

If your original decision was made on or after 28<sup>th</sup> October 2013, this letter is called a Mandatory Reconsideration Notice. If you decide to appeal you will need to enclose a copy of your Mandatory Reconsideration Notice with your appeal and send it to Her Majesty's Courts and Tribunals Service (HMCTS).

### **Appealing**

If you decide to appeal, you must do so in writing within one month of the date on your decision letter. If you have already asked us to look at the decision again, the one month time limit starts again from the date on the letter confirming the decision. If you write after one month the appeal may not be admitted and you may lose benefit.

Where to send your appeal depends on the date your original decision was made.

**If your decision was made before 28<sup>th</sup> October 2013**

If your decision was made before 28<sup>th</sup> October 2013, you must write to your Jobcentre indicating which decision is being appealed against and giving your reasons. It may help to use the appeal form 'if you think our decision is wrong', which you can get from Jobcentre Plus. For more information about disputes and appeals, contact Jobcentre Plus.

**If your decision was made on or after 28<sup>th</sup> October 2013**

If your decision was made on or after 28<sup>th</sup> October 2013, you must write to Her Majesty's Courts and Tribunals Service (HMCTS). You can use the Tribunal's Notice of Appeal form to make your appeal. Using this form will help you to make sure that all the information the tribunal needs is included.

To download a copy of an appeal pack, which includes a Notice of Appeal form, go to:

- HMCTS website [www.justice.gov.uk/tribunals](http://www.justice.gov.uk/tribunals), or
- [www.gov.uk](http://www.gov.uk)

The Appeal pack is also available from Local Advisory services such as the Citizens Advice Bureau. You can also find information on which outlets stock the Appeal form on the HMCTS website.

You can also appeal by letter giving all the reasons for your appeal. But if any information is missing it may take longer to register your appeal and the Tribunal may have to contact you for further information.

**Where to send your appeal**

If you live in **England or Wales**, send your appeal to HMCTS, SSCS Appeals Centre, PO Box 1203, Bradford BD1 9WP.

If you live in **Scotland** send your appeal to HMCTS SSCS Appeals Centre, PO Box 27080, Glasgow G2 9HQ.

You can get more information and advice on how to appeal from:

- HMCTS website [www.justice.gov.uk/tribunals](http://www.justice.gov.uk/tribunals), or
- [www.gov.uk](http://www.gov.uk), or

ask a local advisory service for independent support.

Like Decision Makers, a tribunal is bound by social security law. It can change the decision by increasing or decreasing the award or it can confirm that the decision is correct. It cannot, however, change the law or pay more than the law allows.

## Changes in circumstances

### **How to tell Jobcentre Plus about changes**

The phone number and address are at the top of any letters that you have been sent. You can phone or write in to explain what has changed. If you write to Jobcentre Plus, please tell us your National Insurance number, which will make it easier for us to find your details. You should be able to find your National Insurance number at the top of any letters that you have been sent about Income Support. Explain what has changed and the date of the change.

### **The changes Jobcentre Plus need to know about**

Tell Jobcentre Plus as soon as you can if any of the changes listed below apply to you or your partner (if you have one).

#### Earning money

Tell Jobcentre Plus if you, your partner, or children living with you who have left school, do any work at all (including work that is not paid), or earn more money or less money, or stop working. Count tips, fees, bonuses, commission, retainers and any other money from an employer as earnings.

If money is earned occasionally, you must tell Jobcentre Plus about these earnings. If money is earned regularly send a letter to tell your Jobcentre Plus office:

- how many hours a week are worked
- how much is earned before tax, National Insurance contributions or anything else has been taken off
- how much tax and National Insurance contributions are paid each week
- how much the contributions to a pension scheme are each week
- if a personal pension is paid and who gets it
- the name and address of your employer, in case we need to get in touch with them.

Also send in your wage slips if you have them.

#### Changes to do with other money coming in

Tell Jobcentre Plus if you or someone who you have claimed for:

- either claim or start to get any benefits, pensions or allowances or

- get any new cash or money or
- start to get a different amount of benefit (other than Income Support) or
- get more money or less money or
- stop getting a benefit or other money or
- get a different amount of maintenance.

### Savings

Tell Jobcentre Plus if your savings go over £6,000 (or £10,000 if you live in a care home). If you already have savings of more than these amounts, you should tell Jobcentre Plus if they go up or down at all. If your savings are above £6,000 (or £10,000 if you live in a care home) you will be given a letter which explains when you should notify changes in your savings.

### Changes to your account

You must tell Jobcentre Plus straight away if you want to change the account you are having your Income Support paid into.

### Changes to do with where you live

Tell Jobcentre Plus if you or someone who you have claimed for:

- move to a different address or
- decide to buy where you live or
- take out a mortgage or loan for repairs or improvements to your home or
- the capital balance on your mortgage increases.

Also tell Jobcentre Plus:

- if someone comes to stay in your home or
- if someone in your home starts getting Income Support or stops getting Income Support

Tell Jobcentre Plus if you or anyone you are claiming for goes abroad, for example, on holiday. Ireland (Eire), the Isle of Man and the Channel Islands are counted as abroad.

### Going into hospital

Tell Jobcentre Plus if you, or someone who you have claimed for, or someone you are caring for, go into hospital or come out of hospital. For more information on how going into hospital affects Income Support see the sub section on [Hospital in-patients](#).



## Changes to do with your family

Tell Jobcentre Plus:

- if you get married or form a civil partnership or
- if you start living with someone as if you are married to them
- if you and your former partner start living together again or
- if you get divorced or your civil partnership is dissolved or
- if you and your partner separate or
- if children who you have claimed for leave school or
- if children who you have claimed for start to be looked after by a local authority or leave home or
- if you or your partner start a course of study or
- if you or your partner go to prison or are held in custody

## If someone dies

Someone should tell Jobcentre Plus:

- if you die or
- if your partner dies or
- if a dependent child dies or
- if someone who was living with you dies or
- if someone you were caring for dies.

You may be able to get help from the Social Fund with funeral expenses.

## Widowed

If the person who has died is your spouse or civil partner, you may be able to claim Bereavement benefits. See leaflets 'What to do after a death in England or Wales' and 'Bereavement benefits'. You can get these by contacting Jobcentre Plus.

## If you fall sick

If you fall sick, tell:

- Jobcentre Plus if you are signing on
- the Incapacity Benefit section at Jobcentre Plus. You may get an extra benefit
- the Income Support section at Jobcentre Plus. You may get more money if you are sick for a long time.

You should send medical statements from your doctor to Jobcentre Plus.

Medical statements are also known as medical certificates, doctor's statements or sick notes.

## Special Rules

### People in education

You may be able to get Income Support if:

- you are aged at least 16 and under 20, are on a non-advanced course at school or college and meet certain other conditions
- you are a student in full-time education and are a lone parent or disabled or meet certain other conditions.

### If you are under 20 and at school or college

#### Non-advanced education

If you are under 16 you cannot get Income Support. If you are a young person aged at least 16 and under 20 in full-time non-advanced education you cannot normally get benefit. Non-advanced education means attendance at a school, college or similar establishment for education up to and including GCE A levels, Higher or Advanced Certificate issued by the Scottish Qualifications Authority or equivalent. You cannot usually claim Income Support yourself because you are treated as a dependant of your parents or whoever is acting as your parents until you reach age 20. They can continue to get benefits such as Child Benefit and Child Tax Credit on your behalf.

#### Some exceptions

If you are aged 16, but under 20, you may be able to get Income Support during full-time, non-advanced education if:

- you are the parent of a child who lives with you or
- you have just left care and have to live independently. Certain care leavers will not qualify for Income Support. For more information, please contact Jobcentre Plus.
- you are an orphan and are not being looked after by someone acting as your parent or
- you are of necessity living away from your parents or any person acting in place of a parent because you are estranged from them, or in physical or moral danger, or there are serious risks to your physical or mental health or

- you are living apart from your parents or from people acting as your parents and they are in prison, or chronically sick or mentally or physically disabled, or prohibited from entering or re-entering Great Britain.

In addition, people who are orphans, or estranged/living independently from parents may be able to get Income Support while in full time, non-advanced education until their 22<sup>nd</sup> birthday, providing they started the course before their 21<sup>st</sup> birthday.

### Advanced education

If you are over 18 and in full-time advanced education you will be treated as a student. Advanced education means a course of a standard above GCE A level, Higher or Advanced Certificate issued by the Scottish Qualifications Authority or equivalent.

## School leavers

Unless you are in one of the special groups listed previously, you cannot normally get Income Support immediately after you leave education. When your course of education or approved training ceases, Child Benefit will continue to be paid until the next terminal date after the end of your course (end of February, end of May, end of August or end of November) unless you attain age 20 beforehand. You may still not qualify after the terminal date if there is an extension to Child Benefit.

## People from abroad (including returning UK nationals)

### General rules

If you have come to live in the United Kingdom (UK) from a foreign country, you may be able to get Income Support. However, what you get will depend on your residence or immigration status or, if you are from certain European countries, your nationality.

### If you have come on a temporary basis

If you have come to live in the UK temporarily – as a visitor, as a student, or to work – you cannot normally get Income Support. This is because you are admitted to the UK on the understanding that you are self-supporting and ‘have no recourse to public funds’. Public funds include Income Support and Housing Benefit.

For information on Council Tax contact your local council.

If your immigration status (or, if you come from certain European countries, your nationality) allows you to claim Income Support, you still have to satisfy all the usual eligibility rules before you can get Income Support.

## Habitual residence

From 1 May 2004 changes have been made to the Habitual Residence Test so that people claiming Income Support or Housing Benefit will have to show that they have a right to reside as well as being habitually resident. From that date you must satisfy the decision-making authorities that you have a right to reside and are habitually resident in either:

- the UK or
- the Republic of Ireland or
- the Channel Islands or
- the Isle of Man or
- you have a right to reside and can be treated as habitually resident in the UK.

Certain individuals need to provide evidence of their right to reside but are treated as being habitually resident in the UK and will satisfy the habitual residence condition. This applies to someone who is:

- a worker for the purposes of EC law
- a refugee
- a person with humanitarian protection, discretionary leave to remain, exceptional leave to remain or indefinite leave to remain granted exceptionally outside the immigration rules.

If the test is not satisfied you will not be entitled to Income Support.

The test is not applied to partners or dependent children.

## Interviews

If you have come to live in the UK or have returned to live in the UK, you may be asked to go to an interview at your Jobcentre.

You will be asked to bring along your passport and the passports of any dependants as well as any letter or status documents sent to you by the Home Office. At the interview you will be asked about your immigration and residence status. From this information a Jobcentre Plus officer will decide on your entitlement to Income Support.

## People without accommodation

If you are sleeping rough and have not found anywhere to live or do not wish to find somewhere, you can claim Income Support but if you are eligible you will be paid only your personal allowance. You will not be entitled to any premiums. If you

are part of a couple, you will receive a couple's personal allowance. If you find accommodation you should tell the Jobcentre.

### People living in hostels

If you are a hostel resident eligible for Income Support, you may receive help with your accommodation charges through the Housing Benefit scheme (which is administered by local councils). Your personal needs and those of your partner (if you have one) are met from Income Support. This is made up from the same types of basic allowances and premiums that other Income Support claimants get.

## Hospital in-patients

Your Income Support payments may be affected if you, your partner or a dependent child go into hospital. The money you get will depend on whether you have a partner or dependants, which one of you is in hospital and the length of time the patient is in hospital.

### Single claimants in hospital

If you are a single claimant and you go into hospital, for the first 52 weeks there is normally no change in the benefit paid to you unless you are entitled to the severe disability premium which is withdrawn when your Attendance Allowance Disability Living Allowance or Personal Independence Payment is withdrawn (usually after four weeks). Carer premium may continue for eight weeks after Carer's Allowance has stopped. After 52 weeks, all other premiums end but you will receive your normal personal allowance.

### Lone parents in hospital

If you are a lone parent and you go into hospital there is normally no change to your benefit for the first 52 weeks. Severe disability premium may be stopped after four weeks when your Attendance Allowance, Disability Living Allowance or Personal Independence Payment is withdrawn. Carer premium may continue for eight weeks after Carer's Allowance has stopped. After 52 weeks, as long as you are still responsible for your children, you will continue to receive your normal personal allowance and any additional Income Support that is being paid for your dependants.

## Hospital in patients and couples

### One partner in hospital

If you are treated as a couple and one partner has gone into hospital, there is normally no change in your benefit for the first 52 weeks, although severe disability

premium may be reduced after four weeks when Attendance Allowance, Disability Living Allowance or Personal Independence Payment is withdrawn. Carer premium may continue for eight weeks after Carer's Allowance has stopped. After 52 weeks in hospital you will continue to receive your normal personal allowance and any additional allowances for dependants, unless you are separately assessed for Income Support. If you are separately assessed for Income Support, the partner in hospital will be treated as a single claimant.

### Both partners in hospital

If both partners are in hospital and you have no dependants, for the first 52 weeks in hospital there is normally no change to your benefit except that severe disability premium may be reduced after 4 weeks when Attendance Allowance, Disability Living Allowance or Personal Independence Payment is withdrawn. Carer premium may continue for eight weeks after Carer's Allowance has stopped. After you have both been in hospital for more than 52 weeks you will receive your normal personal allowance. After 52 weeks both partners may be treated as single claimants.

If both partners are in hospital and you have dependants, for the first 52 weeks there is no change in your benefit, except that severe disability premium will be reduced after four weeks when Attendance Allowance, Disability Living Allowance or Personal Independence Payment is withdrawn. Carer premium may continue for eight weeks after Carer's Allowance has stopped. After you have both been in hospital for more than 52 weeks you will receive your normal personal allowance unless you are separately assessed for Income Support. Any additional Income Support that you get for your dependants will continue for as long as you are responsible for them.

### Dependent child or young person in hospital

If a child or young person goes into hospital, there is normally no change in the benefit you get for them.

If you make a claim, you must claim Child Tax Credit to receive a payment for your children.

### Linked periods in hospital

If you are a non-dependant and are re-admitted to hospital within 28 days of discharge, the separate periods in hospital will be added together to work out the length of time you have spent in hospital, and the point at which you will no longer be required to make a contribution towards the costs of sharing the household.

## Housing costs during stays in hospital

You will continue to get any Income Support housing cost payments for as long as you are treated as responsible for the costs. This will normally be for up to a maximum of 52 weeks. If it is known at the outset or it becomes clear during your stay that your absence is going to be considerably longer than a year, then your housing costs payment will be stopped immediately.

For detailed information on what Housing Benefit you will get while in hospital, use the link [Help from the local authority](#).

## Help if you live in a care home

### Introduction

This section explains the rules about Income Support and other benefits for people who live in care homes.

The community care arrangements were introduced on 1 April 1993. Since then, people who need financial assistance to enter a care home must seek assistance from their local council's Social Services Department (Social Work Department in Scotland). The local council will assess your care needs and will find you a place in a home or help you choose one if you need this kind of care. They will pay for your care but will assess you if you can contribute to the cost.

This information on care homes refers to the local authority Social Services Department throughout. For people in Scotland this also means Social Work Department.

The 'Complete Care Home Guide' is available from the Counsel & Care Organisation (advice line 0845 300 7585). 'Age UK' can also advise. Contact their helpline on:

- England and Wales – **0800 169 65 65**
- Scotland – **0845 125 9732**

### What is meant by a care home?

A care home is any home (not a hospital or clinic) which provides accommodation, together with nursing or personal care, for any person who is or has been ill (including mental disorder), is disabled or infirm, or who has a past or present dependence on drugs or alcohol. Personal care includes assistance with bodily functions. This may include, for instance, assistance with bathing, dressing and eating for people who are unable to do these things without help.

A care home is registered with the Commission for Social Care Inspection.



## What is meant by a care home service in Scotland?

A care home service is a service which provides accommodation, together with nursing, personal care or personal support, for persons by reason of their vulnerability or need; but does not include hospitals or independent health care services.

'Vulnerability or need' means vulnerability or need arising by reason of that person being affected by infirmity or ageing; disability, illness or mental disorder; or being, or having been, dependent on alcohol or drugs.

'Personal care' means care which relates to day-to-day physical tasks and needs, for example eating and washing; and to mental processes related to those tasks and needs, such as remembering to eat or wash.

'Personal support' means counselling, or other help, provided as part of a planned programme of care.

A care home service is registered with the Scottish Commission for the Regulation of Care.

Independent sector care homes can be run privately or by voluntary organisations (often both are called independent homes). If you are not sure what type of service a particular home provides, ask the people that run it.

## Income Support and people in care homes

Income Support can be paid to people living in a care home, providing they meet normal conditions of entitlement. Most people who are sick or disabled and claiming benefit for the first time will now receive Employment and Support Allowance, rather than Income Support.

If you are entitled to Income Support, you will normally get the same allowances and premiums that you would get if you were living in your own home.

If you live permanently in a care home and your partner does not live there with you, your entitlement to Income Support will normally be looked at separately. Sometimes your partner may be expected to contribute to the cost of you living in the care home. This will depend on your partner's savings and income.

Other income that you receive, for example other benefits or a pension, will normally be taken into account. Any payment under the Community Care (Direct Payments) Act 1996 will also be disregarded. There are also special rules for money paid by relatives or charities.

People who are working and living in a care home because they need care may also get Income Support depending on the level of their earnings.

## Capital and people in care homes

There are special capital rules for people in care homes. If you are a permanent resident, you cannot normally get Income Support if you have capital worth more than £16,000. The first £10,000 of your capital is ignored. Capital between £10,000.01 and £16,000 is taken into account by making a deduction from weekly benefit of £1 for every £250, or part of £250, above £10,000.

For example, if you have capital over £10,000 but no more than £10,250, £1 a week would be deducted from your Income Support entitlement.

If you have capital of over £10,250 but no more than £10,500, £2 would be deducted weekly.

If you are a temporary resident, you cannot normally get Income Support, if you have capital worth more than £16,000. The first £6,000 of capital is ignored. Capital between £6,000.01 and £16,000 is taken into account by making a deduction from weekly benefit of £1 for every £250, or part of £250, above £6,000

You must advise Jobcentre Plus if the value of your capital increases or falls so you are paid the correct amount of benefit.

Your capital includes any money held by you in whatever form, for example, cash, bank and building society accounts, shares etc. It can also include the value of your former home. This can be ignored in some circumstances, for example, if your partner still lives there or a relative who has reached the qualifying age for Pension Credit who is incapacitated still lives there.

## Housing Benefit and people in care homes

If you live in a care home, you cannot normally get Housing Benefit.

## Community care rules

Under the rules, which were introduced on 1 April 1993, if you need financial help to enter a care home you should contact your local council's Social Services Department (Social Work Department in Scotland). You should also contact them if you need support to be able to continue to live at home.

The Social Services Department (Social Work Department in Scotland) will first look at the kind of help you need. They may advise that you should go into a care home. If they do, they will also help you choose a home that best suits your needs.

## Paying the fees in a care home

The Social Services Department (Social Work Department in Scotland) will normally arrange to pay the home's fees, but sometimes a different arrangement for paying the fees can be made if you, the home and the Social Services Department agree.

The Social Services Department (Social Work Department in Scotland) will look at how much money you have coming in, including social security benefits, and how much capital you have. The Social Services Department (Social Work Department in Scotland) will work out how much you can afford to contribute towards the cost. You will be left with a weekly personal expenses allowance.

>> [Benefit and Pension Rates leaflet](#) (165KB)

## **Young people being looked after by a local authority**

Income Support is not paid for young people while they are being maintained by the local authority. It may be paid for short visits during which the child or young person resumes their place in the household of the person treated as responsible for them.

If the short visit took place on or after 8 September 2005 and this is the only child in the family child personal allowances, child premiums or the family premium are not payable.

## **Members of religious orders**

Income Support is not paid to members of religious orders who are fully maintained by their order. In some situations benefit may be payable to a member (for example, one living outside the order's premises to nurse a sick relative, or an elderly or frail member no longer able to participate fully in the order's activities) whose needs are not fully met by the order.

## **Prisoners and their families**

For social security purposes, if you are detained in custody pending trial, or pending sentence upon conviction, or serving a sentence imposed by a court, you will be treated as a prisoner.

Normally you will not be able to get Income Support from the time you are taken into custody, awaiting trial or sentence and throughout your sentence. If you claim Income Support and want help with your mortgage interest while you are in custody on remand, you may have to wait for a fixed period before you can be paid. But, while you are on remand you will continue to get Income Support to cover your housing costs (such as mortgage interest) if there is no one else responsible for your home.

If you are in custody on remand and expect to be away from your normal home for less than 52 weeks, you may be able to get Housing Benefit for up to 52 weeks while you are away.

For information on Council Tax, contact your local authority.

If a prisoner is sentenced to be detained in custody for 13 weeks or less that person may be able to get Housing Benefit under the temporary absence rules. If the sentence is likely to last longer than 13 weeks, Housing Benefit will stop.

These payments will normally be made directly to the person or body you owe the money to. If your family live in your normal home while you are in custody on remand, they may be able to get Housing Benefit while you are away. They should claim straight away. If they delay they may lose benefit. If your family already get Housing Benefit, they should tell the local council as soon as you go into custody.

If the prisoner qualifies for the Home Detention Curfew scheme – electronic tagging and returns home within 13 weeks, their claim may be reviewed and benefit may be awarded under the standard (13 week) and temporary absence rule. Prisoners released under the scheme will be eligible for the same benefits as any released prisoner.

Prisoners released under Early Custody Licence are not eligible to claim benefits and are treated exactly the same way as other prisoners on temporary release.

### Prisoners on leave

If you go on a short period of release on temporary licence to help prepare for your discharge, you will not be entitled to Income Support.

### Payments on discharge from prison

The prison authorities may give you a discharge grant on your release. If you want to claim Income Support your discharge grant will be counted as capital. Claims will be backdated to the date of discharge providing that a claim is made within 7 days of release.

## People who are going abroad temporarily

The purpose of Income Support is to meet needs in Great Britain. However, some people who get Income Support can continue to get it:

- for the first 4 weeks of a temporary absence abroad or
- for 8 weeks if going abroad for a dependant's medical treatment or
- when undergoing National Health Service (NHS) funded medical treatment abroad for the duration of the treatment.

To qualify for Income Support during the first 4 weeks of absence you must continue to satisfy the usual conditions of entitlement and the absence must be unlikely to exceed 52 weeks. In addition you must:

- fall within one or more of the categories entitled to Income Support. People who are in education, or from abroad or affected by a trade dispute or are appealing

against a decision that they are capable of work or who are incapable of work other than in the circumstances described below, are excluded from this

- be incapable of work and the sole purpose of your absence is to receive medical treatment for that incapacity or
- have a partner who is going abroad with you and for whom you get any pensioner premium or disability premium or
- have been incapable of work for 365 days (or 196 days in case of a terminal illness), on the day the absence began.

If you get Income Support for the first four weeks of your absence but are away for longer, your partner, if you have one, may be able to claim, but will not be entitled if you are in remunerative work. Payment of any expenses you incur outside Great Britain will not be covered by Income Support.

To qualify for Income Support during the first eight weeks of absence, the absence should also be for less than 52 weeks and the normal conditions of entitlement must be satisfied. Also you, or you and a member of your family must be accompanying a dependant solely for that dependant's medical treatment abroad by an appropriately qualified person.

In certain circumstances you may qualify for Income Support when undergoing NHS funded medical treatment abroad. For more information contact Jobcentre Plus.

Any payment of Income Support will not be sent abroad. If your payments are made directly into an account they can continue to be paid as long as your entitlement continues whilst you are abroad.

### A temporary visit to Northern Ireland

If you are making a temporary visit to Northern Ireland, the rules are slightly different. You will get Income Support for the first 4 weeks of your absence if:

- you are getting Income Support before you go
- and you continue to satisfy the usual entitlement rules.

### If your partner stays in Great Britain

If you have a partner and they stay in Great Britain during your temporary absence abroad, they may be able to get benefit. If your partner is eligible for benefit, they can claim Income Support for you both. As long as you satisfy the rules, this will be at the rate for couples.

## Trade disputes

If you are involved in a trade dispute, you are not entitled to Jobseeker's Allowance. You may qualify for Income Support if you have a partner, but you will not be entitled to Income Support for the first 7 days after the stoppage began or after you withdrew your labour.

### Involvement in the dispute

To qualify for normal Jobseekers Allowance payments as an unemployed person you have to prove that you are not on strike yourself and you have not withdrawn your labour and your terms and conditions of employment will not be affected by the outcome of the dispute which caused the stoppage.

Whether you have withdrawn your labour or whether you are involved in the dispute may be considered by the Decision Maker at the Department for Work and Pensions. The Decision Maker will make the decision on your entitlement to Jobseekers Allowance.

If you are unable to work because of illness or mental or physical disability, or if you are a woman who is expecting a baby within six weeks or who had a baby within the last seven weeks, you will not be treated as involved in a dispute. You will be eligible to claim Income Support and will not suffer loss of any payment of Income Support due.

### If you are not involved in the dispute

If it is decided that you are not involved in the dispute you can claim Jobseekers Allowance under the normal rules.

### If you are involved in the dispute

If it is decided that you are involved in the dispute, you cannot get Jobseekers Allowance or Income Support for your own needs. But other members of your family may get Income Support to meet their needs if they are not involved in the dispute. If your partner claims for the family as unemployed, they may get Jobseekers Allowance. However, the assessment rules are different.

### If you have no partner

If you have no partner and you are involved in a trade dispute, you are not entitled to any Income Support.

### If you do have a partner

If you have a partner and you are involved in a trade dispute, you may be eligible for an Income Support payment to cover their needs. Your entitlement will be calculated using:

- an allowance for your partner at half the normal rate for a couple
- and any appropriate premium for your partner
- and housing costs if you are buying your house.

### If you have children

If you have any dependent children or young persons under 19 (and in certain circumstances up to the age of 20) who live with you, you may get Child Tax Credit.

### Income, capital and trade disputes

Generally, your income and capital will be taken into account in the normal way, but there will be some differences:

- any money received by you or your family because you or your partner are involved in a trade dispute will be taken fully into account except for strike pay
- part or all of your strike pay will be ignored. It will only be taken into account if it is more than the amount of the **relevant sum** (see below)
- any income tax refund will be taken into account in full
- any payment in kind will be given a monetary value and this will be taken into account.

### The relevant sum (assumed strike pay)

The relevant sum is assumed strike pay that is deducted from the full amount of Income Support you would otherwise get. We will assume your strike pay is a certain amount, set annually, and we will count as your strike pay this assumed amount or your actual strike pay, whichever is greater. The size of the relevant sum is changed annually and published in leaflet Benefit and Pension Rates.

>> [Benefit and Pension Rates leaflet](#) (165KB)

### If your partner is involved in the dispute

If you are not involved in the dispute, but your partner is, you may be able to get Jobseekers Allowance or Income Support if you satisfy the normal conditions for

those benefits. Your entitlement will still be assessed under the special rules described above.

### If both you and your partner are involved in the dispute

If both you and your partner are involved in the dispute, neither of you are entitled to Income Support for you or your partner's personal needs nor housing costs. But if you have any dependent children or young people, you may be entitled to some Income Support housing costs.

### When you return to work

You may be able to get Income Support for the first 15 days after you return to work. You will not receive a payment if your entitlement is less than £5. The needs of the person involved in the dispute will be included in the assessment of the Income Support payment. This payment will be deducted from your wages over the next 6 months by your employer and returned to Jobcentre Plus. There is a limit to the amount your employer can deduct from each pay cheque.

If you return to work for a different employer without going back to the job where you were in dispute, you will not have to pay back your Income Support payment.

If your employer pays you an advance on your wages or a loan, it will be taken fully into account. Any tax refund you receive in this period will be taken into account except for the first £5.



## Other help you may get

### **National Health treatment abroad**

Claimants who undergo NHS funded medical treatment abroad may be able to continue to receive their Income Support for the duration of their treatment abroad. Contact Jobcentre Plus for more information.

### **National Health Service charges**

If you get Income Support, you, your partner, and any children you are claiming for, will be entitled to:

- free NHS prescriptions
- free NHS dental treatment
- free NHS wigs and fabric supports
- vouchers toward the cost of glasses or contact lenses
- repayment of necessary travel costs to receive NHS treatment under the care of a consultant

You will also be entitled to free NHS sight tests. For the majority of people, this will be once every two years although in some circumstances, this could be more frequent. You do not have to be in receipt of benefits in Scotland to get a free NHS sight test. For more information, please refer to NHS leaflet HC11, HCS1 for Scotland or HC11W for Wales.

### **Assisted prison visits scheme**

Getting Income Support means that you normally can get help with the cost of travel to visit a close relative or partner in prison. Get a form from Jobcentre Plus or the prison you are visiting. You can also get a copy by contacting the Assisted Prison Visits Unit, telephone **0845 300 1423**, ask for the 'Prison Visits Unit'. (10.15–11.45 and 14.15–15.45 Monday to Friday). If you have speech or hearing difficulties, a textphone service is available on 0845 304 0800 (times as above).

### **Help from the Social Fund**

Follow the links below for extra help that may be available to you.

- [Funeral Payments](#)
- [Budgeting Loans](#)

## Help from the Local Authority

- [Housing Benefit](#)
- Council Tax reduction Schemes

## Other help

- [Winter Fuel Payments](#)
- [Working Tax and Child Tax Credits](#)
- [Healthy Start](#)
- [Child Maintenance Options](#)

## Further information

### **The Decision Makers' Guide**

The Decision Makers' Guide gives guidance to Decision Makers on the interpretation of the law for all benefits. The guide aims to ensure consistency in decision-making throughout the country. You can consult a copy of the guide at Jobcentre Plus or on the DWP website.

>> [Decision Makers' Guide](#) (DWP)

### **The Social Security Commissioners**

The role of the Social Security Commissioners is to decide appeals on a point of law from decisions of Appeals Tribunals. Reported decisions of the Commissioners deal with matters of important legal principles and must be followed by Decision Makers and Appeals Tribunals. They are published individually by The Stationery Office and are periodically gathered together and published as Reported Decisions of the Social Security Commissioner, also by The Stationery Office. You can consult a copy of these decisions by accessing on the DWP website.

>> [Decisions of the commissioners](#) (DWP)

## **Terminology**

### **Accession 2 countries**

The term Accession 2 countries (A2), refers to Bulgaria and Romania.

### **Care home**

In England and Wales, care home means a care home registered with the National Care Standards Commission. In Scotland, it means a 'care home service' registered with the Scottish Commission for the Regulation of Care.

### **Common Travel Area**

The term Common Travel Area (CTA) covers United Kingdom, Republic of Ireland, Isle of Man and the Channel Islands.

### **Couple**

We will treat you as a couple if you live with your husband, wife or civil partner or if you live with someone as if you were husband, wife or civil partner. The other person is called your partner.

## Family

For Income Support purposes a family means you and your partner (if you have one) and any dependent child/children who is/are a member of your household,

## Repeat Claim

A claim to a benefit, which has been claimed in the past.

## Remunerative work

For most people remunerative work means paid work of 16 hours or more a week (24 hours or more for a partner).

## United Kingdom

The term United Kingdom (UK) covers England, Wales, Scotland and Northern Ireland. The Channel Islands and the Isle of Man are not part of the UK.

**How accessible is this PDF?**

Please let us know at [www.dwp.gov.uk/pdf-accessibility](http://www.dwp.gov.uk/pdf-accessibility)