

Department for Work and Pensions

DECISION MAKING AND APPEALS

Decision Makers Guide

Volume 3

Amendment 56 – October 2018

1. This letter provides details on Amendment 56; the changes have already been incorporated in to the Intranet and Internet versions of the DMG.
2. PDF amendment packages are also available. These can be printed with the amended pages being reproduced in full. Each page will contain the amendment number in the footer.

PDF amendment packages can be found on the **Intranet** at:

<http://intranet/1/lg/acileeds/guidance/decision%20makers%20guide/index.asp>

or on the **Internet** at the 'Amdt Packages' tab on the following link:

<http://www.dwp.gov.uk/publications/specialist-guides/decision-makers-guide/>

Note: When printing PDF packages set the print properties to Duplex/Long Edge in order to produce double sided prints.

3. Amendment 56 affects chapters 16. The changes:
 - Updates child dependents amounts to chapter 16
4. If using a PDF amendment package remove the sheets as stated in the left hand column of the Remove and Insert table below and insert the new sheets as stated in the right hand column (note the record of amendments at the back of the Volume).

Remove

Chapter 16

16220 – 16249 (1 page)

Insert

Chapter 16

16220 – 16249 (1 page)

Earnings

Earnings - child dependants

16220 Where the claimant is one of two persons who are

1. spouses living together **or**
2. an unmarried couple who are LTAMC

and the other person had earnings in the benefit week before that in which the increase is to be paid, the amount of the increase may be reduced by those earnings¹.

Note: For IIDB purposes, this also applies to civil partners living together or a same-sex couple who are LTAMC².

*1 SS CB Act 92, s 80(3)-(7) & 90(b); SS Ben (Dep) Regs, Sch 2, para 2A - 2C;
2 SS CB Act 92, Sch 7, para 4(3)(a)(ii)*

16221 The benefits affected¹ are

1. IBST(H)
2. RP
3. IBLT
4. SDA
5. IIDB (with US)
6. CA.

1 SS CB Act 92, s 80(2) & 90(b) & Sch 7, para 4

16222 Where the claimant's partner had earnings of £235 or more in the benefit week before that in which the increase is to be paid, no increase will be paid for the first child or qualifying young person¹. After this, the rule operates in steps of £31. For each multiple of £31 by which the earnings exceed £235, the increase for a further child or qualifying young person will not be payable².

*1 SS CB Act 92, s 80(4)(a) & Sch 7, para 4(4)(a); WR Act 09, s 37(1); SS Ben (Dep) Regs, Sch 2, para 2B(a);
2 SS CB Act 92, s 80(4)(b) & Sch 7, para 4(4)(b); WR Act 09, s 37(1); SS Ben (Dep) Regs, Sch 2, para 2B(b)*

Example

A claimant is living with his wife and they have three children.

Earnings in previous week	Increase payable for
Nil to £234	three children
£235 to £265	two children
£266 to £296	one child
£297 or more	no children.

The DM's decision does not remove entitlement but only affects the payment of CDIs.

16223 Earnings affect payment of the increase from

1. the pay-day (for IIDB (with US), RP and CA) **and**
2. the period of seven days ending on the day benefit is due to be paid (for IB and SDA)

following the week in which the earnings are calculated.

Earnings for less than a week

16224 When considering the earnings rule the DM should consider the **total** earnings in the previous week. Where the claimants partner does not work for a full week, the earnings from the days worked may still affect the whole benefit to be paid in the next week. If that person works only one day but on that day earns more than the prescribed weekly amount, no increase is paid in the next week.

Occupational and personal pensions

16225 Payments of occupational and personal pension are taken into account when calculating earnings unless savings provisions apply (see DMG Chapter 15).

16226 - 16249