

Winter Fuel Payments pre-winter 2024 40000 - 49999

Important Note: This guidance no longer applies and should only be referred to if considering any WFP claims/ appeals prior to 16.9.24.

[Entitlement](#) 40004 - 40006

[Alternative payee](#) 40007

[Defective claims](#) 40008

[Persons not entitled to a winter fuel payment](#) 40009 - 40016

[Amount payable](#) 40017

[Additional amounts for people aged 80 or over](#) 40018 - 40020

[Temporary increases for specific winters](#) 40023 - 40025

[Revision or supersession](#) 40026

40000 This Chapter only applies to WFP claims prior to 16.9.24

40001 A WFP is a one-off annual payment based on an individual's circumstances during a specified QW. It is payable to those who in or before the QW have reached the qualifying age for SPC. The majority of payments can be made automatically based on information held on Departmental records¹. However some people will need to claim it if they have not had it before and any of the following apply:

- they do not get benefits or a SP
- they only get UC, HB, CTB or CB
- they get benefits or a SP but live in Switzerland or an eligible [EEA country](#)
- they live in Scotland and receive an ADP from the Scottish Government

1 SFWFP Regs 2000, reg 4

40002 The QW in any year is the week beginning on the third Monday in September of that year.¹

1 SFWFP Regs 2000, reg 1(2)

40003 The qualifying age for SPC¹ is for a

1. woman - pensionable age **or**

2. man - the age which is pensionable age for a woman born on the same date as the man.

Note: Following state pension equalization there is now no distinction between men and women with regards to the qualifying age. See **Appendix 2** for phasing table for WFPs.

1 SFWFP Regs 2000, reg 1(2)

Entitlement

40004 A WFP is payable to a person who, in or before the QW, has reached the qualifying age for SPC and in respect of any day falling within the QW is

- 1.** ordinarily resident in GB (see DMG 070769) **or**
- 2.** habitually resident (see DMG 073707 et seq) in an eligible EEA state or Switzerland¹.

1 SFWFP

Regs 2000, reg 2(1)

40005 A person who falls within **40004 2.** above does not qualify for a WFP unless they are a person covered by

- 1.** Title III of Part 2 of the withdrawal agreement as set out at Article 30 of that agreement; **or**
- 2.** Title III of Part 2 of the EEA EFTA separation agreement as set out at Article 29 of that agreement; **or**
- 3.** Part Three of the Swiss citizens' rights agreement as set out at Article 25 of that agreement; **or**
- 4.** the Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland signed at Dublin on 1st February 2019 as set out in Article 2 of that Convention;¹

Note 1: They must also be able to demonstrate a genuine and sufficient link to the United Kingdom.²

Note 2: For Guidance on the effect of EU law on the residence requirement see DMG 073756 et seq.

1 SFWFP Regs 2000, reg 2(4)(a), 2 reg 2(4)(b)

40006 However, not every person who fulfils the above conditions will qualify for a WFP (see DMG **40009 - 40016**)¹

1 SFWFP Regs 2000, reg 3

Alternative payee

40007 A WFP may be paid to the partner on behalf of the person entitled to the payment even if the partner has not reached the qualifying age¹ (see further guidance in DMG 08306).

1 SS (C&P) Regs, reg 36(2)

Defective claims

40008 See DMG 02106 - 02108 and DMG 02166 for guidance on defective claims.

Persons not entitled to a winter fuel payment

40009 From 1.4.12 Persons will not qualify for a WFP if throughout the QW

- 1.** they live with a partner who has reached the qualifying age for SPC and to whom SPC, JSA(IB) or ESA(IR) has been or falls to be paid in respect of the QW **or**
- 2.** they are in receipt of SPC, ESA(IR) or JSA(IB), in respect of the QW, and are in residential care throughout the QW and the twelve weeks immediately before it **or**
- 3.** they are currently receiving free hospital in-patient treatment and have done so for more than 52 weeks immediately preceding the QW **or**
- 4.** they are detained in custody under a sentence imposed by a court¹ **or**
- 5.** they are subject to Immigration control and not eligible for help from DWP².

1 SFWFP Regs 2000, reg 3(1)(a); 2 I & A Act 99, s 115

Example

Bill and Ethel are a married couple both aged over 80. Bill receives SPC for himself and his wife so he is entitled to a WFP of £300 and Ethel will not be entitled to a WFP.

40010 Couple means¹

- 1.** two people who are married to, or civil partners of, each other and are members of the same household
- 2.** two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners.

1 SFWFP
Regs 2000,
reg 1(2)

40011 Partner means a member of

1. a couple **or**
2. a polygamous marriage¹.

1 SFWFP Regs
2000, reg 1(2)

40012 A person lives with another person if

1. disregarding any period of temporary absence, they share accommodation as their mutual home **and**
2. they are not in residential care¹.

1 SFWFP Regs
2000, reg 1(3)

40013 For the purposes of WFP regulations, persons are in residential care if disregarding temporary absences, they reside in

1. a care home **or**
2. an independent hospital (see DMG 39156) **or**
3. Ilford Park Polish Home

and have resided there throughout the QW and the period of twelve weeks immediately before that week¹.

1 SFWFP Regs 2000, reg 1(3)

40014 From the winter of 2000/2001, if persons do not receive a WFP automatically, they may make a claim, but even if they fulfil the conditions of entitlement at DMG 40004, they will be excluded from entitlement if they do not make the claim on or before March 31 in the year following the QW¹.

1 SFWFP Regs 2000, reg 3(1)(b) & 2(1)(a) &
4(1)

40015 If asylum seekers are granted refugee status after the QW, and become retrospectively entitled to IS, SPC or ESA(IR) then providing they fulfil the conditions of entitlement in DMG **40004 - 40006** and are not excluded by DMG **40009 - 40016**, a WFP must be made and the March 31 deadline does not apply.

40016 No person is entitled to a WFP for the winters of 1997/8, 1998/9 and 1999/2000 unless they

have made a claim for such a payment on or before 31.3.14¹.

1 SFWFP Regs 2000, reg 3(3)

Amount payable

40017 For those persons entitled, the amount of a WFP, as shown at **Appendix 1** to this Chapter, is payable

1. at the lower rate for persons who are not in receipt of SPC, JSA(IB) or ESA(IR) in respect of the QW **and**

1.1 are in residential care **or**

1.2 live with another person who is also entitled to a WFP **and**

2. at the higher rate for all other persons, except those in residential care and those who live with a partner who is also entitled to the higher rate¹.

Note: Appendix 1 also includes the specific rates for the winters 2009/2010 and 2010/2011.

1 SFWFP Regs 2000, reg 2

Additional amounts for people aged 80 or over

40018 From the winter of 2003/2004, people aged 80 or over in or before the QW are entitled to a higher winter fuel payment. The additional amount is sometimes called an 80+ annual payment.

40019 Where a person is entitled to a WFP and has reached the age of 80 in or before the QW, their WFP will be

1. £300¹ unless they

1.1 were in residential care throughout the QW and the twelve weeks immediately before it or

1.2 live with a person not receiving SPC, ESA(IR) or JSA(IB) in respect of the QW who is also entitled to a WFP or

2. £200² if they

2.1 are not in receipt of SPC, ESA(IR) or JSA(IB) in respect of the QW and

2.2 live with another person aged less than 80 in the QW who is also entitled to a WFP or

3. £150³ if they

3.1 live with another person aged 80 or over in the QW who is also entitled to a WFP or

3.2 are in residential care throughout the QW and the twelve weeks immediately before and are not receiving SPC,ESA(IR) or JSA(IB) in respect of the QW.

1 SFWFP Regs 2000, reg 2(2)(a); 2 & 3 reg 2(2)(b)

40020 Where a person has reached the qualifying age for SPC in or before the QW and is living with a partner who is 80 or over they may be entitled to a WFP of £300¹.

Note: This only applies where the member of the couple who is aged 80 or over is eligible, but is not receiving, a WFP.

1 SFWFP Regs 2000, reg 2(3)

40021 - 40022

Temporary increases for specific winters

40023 For the winters of 2022/2023 and 2023/2024 only

1. where a person is entitled to a WFP as per the circumstances in **DMG 40020.1** they are entitled to a WFP of £250

2. where a person is entitled to a WFP as per the circumstances in **DMG 40020.2** they are entitled to a WFP of £500.

40024 For the winters of 2022/2023 and 2023/2024 only, where a person is entitled to a WFP and has reached the age of 80 in or before the QW their WFP will be¹

1. £600 unless they

1.1 were in residential care throughout the QW and the twelve weeks immediately before it or

1.2 live with a person not receiving SPC, ESA(IR) or JSA(IB) in respect of the QW who is also entitled to a WFP or

2. £350 if they

2.1 are not in receipt of SPC, ESA(IR) or JSA(IB) in respect of the QW and

2.2 live with another person aged less than 80 in the QW who is also entitled to a WFP or

3. £300 if they

3.1 live with a person who is aged 80 or over in the QW and who is also entitled to a WFP or

3.2 are in residential care throughout the QW and the twelve weeks immediately before it and are not receiving SPC, ESA(IR) or JSA(IB) in respect of the QW.

Note: If there is more than one person at the same address who is in receipt of SPC, ESA(IR) or JSA(IB) in respect of the QW, they will each receive £600 if entitled to a WFP and aged 80 or over in or before the QW.

1 Social Fund Winter Fuel Payment (Temporary Increase) Regulations 2022 & 2023, reg 2

Example

Mary, Doris and Edna are sisters all aged over 80 who live at the same address. They each receive SPC so are entitled to a WFP of £600 each for the winters of 2022/2023 and 2023/2024.

40025 For the winters of 2022/2023 and 2023/2024 only, where a person has reached the qualifying age for SPC (but is not aged 80 or over) in or before the QW and living with a partner who is aged 80 or over they may be entitled to a WFP of £600.¹

Note: This only applies where the member of the couple who is aged 80 or over is eligible for, but is not receiving, a WFP.

1 Social Fund Winter Fuel Payment (Temporary Increase) Regulations 2022 & 2023,
reg 2 & SFWFP Regs 2000, reg 2(3)

Revision or supersession

40026 A decision on entitlement to and the amount of a WFP, made on the basis of official records, can be revised or superseded in the normal way (see DMG Volume 1).

40027 - 49999

