

Policy Circular

Document No 11/05

Owner: Strategy & Communications Directorate

Subject: Civil Partnership Act 2004

Version: 1 of 1

Last Amended: 25 November 2005

Date Reviewed: 10 June 2010

Next Review: June 2012

Please note: From 17 June 2010 the ILF is closed to new applications.

1.0 Background

On 5 December 2005 the Civil Partnership Act 2004 came into force. Under the Act same sex couples are able to make a formal legal commitment to each other by entering into a civil partnership. Civil partners assume legal rights and responsibilities with regard to each other and to third parties (including the State).

DWP have indicated that, from the implementation date, they treat same sex couples who enter into a civil partnership the same as married couples. Further, for the purposes of income-related benefits, a person who is “living together” with a same sex partner is treated in the same way as a person who is treated as living together as husband and wife with a partner of the opposite sex, **whether or not they have entered into a civil partnership.**

Independent Living Fund

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The Independent Living Fund is an Executive Non-Departmental Public Body of the Department for Work and Pensions

2.0 Policy

2.1 Means assessment

For any new applicant visited by the ILFA on or after 5 December 2005 the means of a same sex partner (whether or not they have entered into a civil partnership) are aggregated with those of the user / applicant when a means assessment is prepared.

For existing users the policy will be applied at the first ILFA visit on or after 5 December 2005. Where a reassessment arises other than from an ILFA visit, for example as a result of a request by phone or in writing, the policy will be applied in relation to all such requests received on or after 5 December.

2.2 Paid carers

For any new applicant visited on or after 5 December 2005 a same sex partner (whether or not they have entered into a civil partnership) will not normally be allowed to act as a paid carer using ILF funding. Where a request to employ a same sex partner is made, the request will be considered in the same way and applying the same criteria as any other request to employ a relative (see policy Relatives Providing Care).

For existing users who have employed a same sex partner as a paid carer continuously prior to December 2005, the arrangement will be allowed to continue for so long as the same sex partner continues to provide paid care using ILF funding. In the event that the same sex partner ceases to be a paid carer he or she will not be automatically allowed to resume as a paid carer. In these circumstances the request to resume will be considered on an exceptional basis in line with existing policy for employment of relatives.

3.0 Source

Trustees meeting 12/10/2005

4.0 History Date Reviewed

18 February 2008

10 June 2010

Equality Impact Assessment

Screening Template

This preliminary impact assessment form is to help you screen your policy, project, function or new service. It should help you consider whether a full Equality Impact Assessment is required by looking at whether there is a potential negative or positive impact on any of the equality groups, if there is an opportunity to promote equality, and whether further data is needed.

Title of policy, project, function or service:

Civil Partnership Act 2004

Short description of aims and objectives

To explain ILF treatment of civil partners having regard to relevant statutory provisions.

Thinking about each group below, does (or could) the policy, project, service or function have an impact on members of each equality group? If so, how?

Equality Group	Yes – negatively	Yes – positively	Unclear	No impact
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transgender	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socio-economic groups	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

What information or research has been considered in judging these impacts?

See below

You should consider a full Equality Impact Assessment (EIA) if:

- (a) you feel one or more equality groups will be negatively impacted by the policy, project or service, or
- (b) there is an opportunity to promote equality and eradicate discrimination.

You may also consider further research if it is unclear, at this stage, what the impact may be.

Based on your findings, is a full EIA required?

No

Please provide a short summary of your decision-making below:

The Civil Partnership Act 2004 came into force on 5 December 2005. The policy explains that, in short, same sex couples are for relevant ILF purposes to be treated in exactly the same way as opposite sex couples. The relevant purposes are 1. Means assessment and 2. Relatives providing care. In relation to relatives providing care, some same sex couples are more generously treated if the arrangement was in force prior to the act / policy coming into force and has continued uninterrupted since then. ILF policy matched DWP policy introduced at the time. Since the date of introduction the policy has been partially superseded by changes to the ILF trust deed, in particular the definitions of "relative" and "partner". This policy (apart from the transitional provisions) is arguably no longer necessary as all relevant issues are now dealt with by either legislation, Income Support Regulations or the ILF Trust Deed.

Notes:

- The completed EIA Screening Template should be sent to Jon Duckworth, User Liaison Manager for approval by the Equality Impact Assessment Board (EIAB).
- We will contact you with any comments or queries about the completed form.

**This form was
completed by:**

Michael Beacroft