

BW3***Assessment of needs***

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BW3 Assessment of needs

About this chapter

- W3.00 This chapter gives guidance for working age claimants on the
- way a claimant's needs are assessed when calculating their entitlement to Housing Benefit (HB) or Council Tax Benefit (CTB)
 - personal and dependant's allowances applicable to claimants
 - premiums, including the qualifying conditions, and
 - effect of hospitalisation on a claimant's entitlement to HB/CTB

W3.01-W3.29

Applicable amounts

- W3.30 To establish the amount of HB/CTB to be paid, a claimant's income is compared with their applicable amount, which is made up of various allowances and premiums depending on the claimant's circumstances.
- W3.31 Applicable amounts consist of
- a claimant's personal allowances
 - personal allowances for any dependants, if appropriate, and
 - any appropriate premiums, for example the Family Premium (FP)
- W3.32 In the main, the same applicable amounts are used by Department for Work and Pensions (DWP) to calculate Income Support (IS), income-based Jobseeker's Allowance (JSA(IB)) and income-related Employment and Support Allowance (ESA(IR)). But there are some differences, for example the FP (Lone Parent) is higher than the comparable IS and JSA(IB) premium.
- W3.33 If the claimant is receiving IS, JSA(IB), ESA(IR) or Pension Credit (guarantee credit) there is no need to calculate an applicable amount, see *A5 Is claimant entitled to maximum HB*.
- W3.34 The rates of personal allowances and premiums are shown at *Annex A* at the end of this chapter.

W3.35-W3.39

W3.40-W3.43

Personal and dependant's allowances

W3.40 Claimants attract various allowances, based on their particular circumstances, for example
HB Reg 22 & Sch 3; CTB Reg 12 & Sch 1

- whether or not the claimant has
 - a partner
 - children
 - dependants
- the ages of everyone in the family

Claimant's personal allowance

W3.41 The level of the basic personal allowance depends on the claimant's age. In the case of a married or unmarried couple, the personal allowance depends on the age of the older partner, regardless of whether that person is the claimant. The relevant ages are

Single claimant	under 25 25 and over
Lone parent	under 18 aged 18 or over
Couple	both aged under 18 at least one aged 18 or over

W3.42 If the claimant is also claiming ESA see *Claimant also claiming ESA* later in this chapter.

Claimant also claiming ESA

W3.43 If the claimant is also claiming ESA the rules are

Single claimant	under 25, assessment phase - receives the under 25 rate
Single claimant	under 25, main phase and main phase credits only – receives the 25 or over rate
Single claimant	25 or over any phase – receives the 25 or over rate
Lone parent	under 18, assessment phase – receives the under 18 rate
Lone parent	under 18, main phase – receives the 18 or over rate
Lone parent	18 or over any phase – receives the 18 or over rate
Couple	both members under 18, claimant in assessment phase – receives the under 18 rate
	Both members under 18, claimant in main phase or main phase credits only – over 18 rate
	One or both members 18 or over any phase – over 18 rate

Polygamous marriages

- W3.44 If the Local Authority (LA) has decided a claimant is polygamously married the applicable amount is
- the appropriate personal allowance for a couple, plus
 - an amount for each additional partner calculated, regardless of the partner's age, as the difference between the higher rate for a couple and the highest rate for a single claimant. At April 2005 rates, the amount for each additional partner is £31.95, that is £88.15 - £56.20. Dependant's personal allowances

HB Reg 23; CTB Reg 13

Dependant's personal allowances

- W3.45 If you decide that a child or young person is a member of the claimant's family, see *C1 Children and young persons*, a dependant's personal allowance is normally added to the claimant's applicable amount for each child or young person.

HB Reg 22 & (SPC) 22; CTB Reg 12 & (SPC) 12

- W3.46 No dependant's allowance is added if the child or young person has capital in excess of the limit prescribed in HB Regulation 22(b) and CTB Regulation 12(b).

- W3.47 A young person stops being treated as a dependant from their 20th birthday, whether or not they are still undertaking full-time relevant education. The young person will stop being treated as a dependant earlier than this if they have left school and the Child Benefit terminal date has been reached. See *C1 Young person reaches their 20th birthday* for more information.

HB Reg 19; CTB Reg 9

Children of a polygamous marriage

- W3.48 Award a dependant's allowance for any child or young person of any of the relationships of a polygamous marriage, the same as for a child of a couple, if that child or young person is included in the claimant's family, see *C1 Polygamous marriages*.

HB Reg 23; CTB Reg 13

W3.49-W3.69

Premiums

What are premiums?

- W3.70 Premiums are allowances added to the claimant's personal allowance and/or any dependant's additions if the claimant or a member of the family meet certain qualifying conditions.

W3.71-W3.74

W3.71 A premium will always form part of the claimant's applicable amount, even though the qualifying conditions apply to someone else in the family.

HB Reg 22; CTB Reg 12

W3.72 There are seven categories of premium

HB Sch 3; CTB Sch 1

- FP or FP (Lone Parent) (FP(LP)) when linking applies
- Disability Premium (DP)
- Enhanced Disability Premium (EDP)
- Severe Disability Premium (SDP)
- Disabled Child Premium (DCP)
- Carer Premium (CP)
- Bereavement Premium (BP)

Entitlement to more than one premium

W3.73 Some claimants, because of their personal circumstances, will attract more than one premium. In these cases, include

- **any or all** of the following
 - FP, or FP(LP) if appropriate
 - SDP
 - DCP
 - CP
 - BP
- **only the premium with the highest value** of the following premiums
 - DP, or
 - BP
- if the EDP is payable, it can be paid with any other premium

Family Premium and Family Premium (Lone Parent)

W3.74 There are two types of FP in HB and CTB, the

HB Sch 3 Pt II Para 3

- FP(LP), and
- FP

CTB Sch 1 Pt II Para 3

- W3.75 The FP(LP) is included in the applicable amount of lone parents when the claimant
- was entitled to HB (together with a lone parent premium) or CTB (together with a lone parent premium) or both of these on 5th April 1998. This includes people who would have been entitled to HB but were not because the date fell during a rent free period, and
 - has remained entitled since that date (rent free periods can be ignored), and
 - has remained a lone parent since that date, and
 - has not become entitled to DP since that date, and
 - has not become entitled to the work-related activity or support component, and
 - either was
 - ~ entitled to IS, JSA(IB) or ESA(IR) on that date and has continued to be entitled since that date, or
 - ~ not entitled to IS or JSA(IB) on that date and not become entitled to either of those benefits or ESA(IR) since that date
- W3.76 The FP is included in the applicable amount of
- couples with children, and
 - lone parents who made a claim for HB and/or CTB
 - after 5 April 1998, or
 - before 5 April 1998 but who do not meet the conditions for the use of the FP(LP) outlined above
- Note:** A change of address even outside the authority area does not count as a break in entitlement, as long as HB continues.
- W3.77 Only one FP or FP(LP) can be awarded regardless of the number of
- children in the family
 - partners if the claimant is polygamously married
- W3.78 An additional amount is awarded if there is a child aged under one. For the purposes of this additional amount, a child is regarded as aged under one year until the first Monday following their first birthday unless their first birthday falls on a Monday.
- HB(SPC) Reg 22 & Sch 3, para 3; CTB(SPC) Reg 12 & Sch 1, para 3*
- W3.79 When the only, or youngest, child has left school, it should continue to be awarded until the Child Benefit terminal date, see *C1 Young person reaches their 20th birthday* later in this manual.
- W3.80 When you decide there is a child or young person living as a member of the claimant's family, award the FP or FP(LP) even if an allowance for the child is not awarded because they have capital of more than the prescribed amount.

W3.81-W3.139

W3.140-W3.142

Disability Premium

W3.140 There are two rates of DP

- single rate, or
- couple rate

W3.141 Only one DP can be awarded if both members of a couple meet the qualifying conditions. The DP cannot be awarded if the claimant is entitled to ESA.

HB Sch 3 Para 12; CTB Sch 1 Para 12

Example 1

Single claimant, registered blind, claims and is awarded ESA(C).

The Disability Premium cannot be awarded in HB/CTB.

Example 2

Couple. ESA claimant is the HB/CTB claimant. Partner has Disability Living Allowance (DLA).

Because the HB/CTB claimant is the ESA claimant, the Disability Premium cannot be awarded.

If the couple were to swap so that the person who is not the ESA claimant becomes the HB/CTB claimant, the Disability Premium would be payable at the couple rate – as DLA is in payment. This is because the qualifying conditions for a Disability Premium have not been amended for HB/CTB claimants who are not ESA claimants.

Single rate DP

W3.142 The single rate of DP is payable to a single claimant or lone parent who has not reached the qualifying age for Pension Credit and they

HB Sch 3 Para 13; CTB Sch 1 Para 13

- have been entitled to Statutory Sick Pay (SSP) or been incapable of work or treated as being incapable of work for 364 days, or 196 days for terminally ill claimants, or

HB Sch 3 Para 13; CTB Sch 1 Para 13

- AA, including CAA
- DLA
- Mob S payments
- IB(LT), or in certain circumstances, at the short-term higher rate
- SDA
- DPTC, **or**
- receive payment through the Invalid Vehicle Scheme or War Pensioner's Vehicle Scheme, which is being paid direct to Motability Finance, **or**

- (W3.142) • are provided with or have a grant towards an invalid vehicle, **or**
- are registered as blind or are treated as blind. If a claimant regains their sight, you should continue to treat them as blind for 28 weeks after they stop being registered as blind. If a claimant or partner is not actually registered blind, or one or both is registered as partially sighted, do not award the premium, **or**

HB Sch 3 Para 13; CTB Sch 1 Para 13

- usually receive AA/DLA but it has ended or is abated solely because the claimant has been in hospital for more than 28 days*, **and**
 - **DP was in payment immediately before DLA ceased, and**
 - the personal allowance has not been reduced on account of hospital in-patency

***Note:** DP is withdrawn when both members of a couple, or all members of a polygamous marriage, have been in hospital for more than 52 weeks. DP continues throughout the stay in hospital when only one member of a couple is an in-patient, or at least one member of a polygamous marriage is not an inpatient

Couple rate DP

W3.143 Pay the couple rate of DP if

HB Sch 3 Para 11; CTB Sch 1 Para 12

- the claimant is a member of a
 - married or unmarried couple
 - civil partnership or living together as civil partners, or
 - polygamous marriage, **and**
- neither the claimant and partner have reached the qualifying age for Pension Credit, **and**
- the **claimant** has been entitled to Statutory Sick Pay (SSP) or been incapable of work or treated as being incapable of work for 364 days, or 196 days for terminally ill claimants **or**
- **either** the claimant or partner receive
 - AA, including CAA
 - DLA
 - Mob S payments
 - IB(LT), or in certain circumstances, at the short-term higher rate
 - SDA
 - DPTC, **or**

Note: If the HB/CTB claimant receives ESA you cannot award DP. You should consider if the member of the couple who does not receive ESA should make the claim for HB/CTB.

continued

(W3.143)-W3.149

(W3.143) • either the claimant or partner

- receive payment through the Invalid Vehicle Scheme or War Pensioner's Vehicle Scheme, which is being paid direct to Motability Finance, **or**
- have an invalid vehicle for use on the road, **or**
- are registered as blind or are treated as blind. If the person regains their sight, you should continue to treat them as blind for 28 weeks after they stop being registered as blind, **or**

HB Sch 3 Para 13 & 13; CTB Sch 1 Para 13

Note: If a claimant or partner is not actually registered blind, or one or both is registered as partially sighted, do not award the premium.

- usually receive AA/DLA but it has ceased or is abated solely because the claimant or partner has been in hospital for more than 28 days, **and**
 - ~ DP was in payment immediately before DLA ceased, **and**
 - ~ the personal allowance has not been reduced on account of hospital in-patency

W3.144 If a claimant receives one of the qualifying benefits, award DP from the outset of the claim. If the award of a qualifying benefit is backdated, the award of DP should be backdated to the start of the award of

- the qualifying benefit, or
- HB and/or CTB claim, whichever is later

W3.145 Spare

W3.146 Spare

Calculating the 364 day qualifying period

W3.147 The starting date for calculating the 364 day qualifying period is the date of the first medical certificate, or the date of the first claim to SSP, even though this may be earlier than the date of the claim to DP. Ask the claimant to provide confirmation of the date.

W3.148 A claimant's capacity for work will be assessed by means of the all work test. The decision about whether a claimant is capable or incapable of work will always be made by a Decision Maker at the Jobcentre Plus office.

Linking periods of incapacity

W3.149 To qualify for DP under the 364 day rule, the claimant must be sick and submitting evidence of incapacity for work. Periods of sickness link together if separated by 56 days or less, or 52 weeks for Welfare to Work beneficiaries, see *Welfare to Work Beneficiaries* later in this chapter. The Jobcentre Plus office will take this into account when they notify you of the length of time the claimant has been incapable of work.

W3.150 Any period spent in hospital counts towards the 364 day qualifying period.

W3.151 If after a claimant has qualified for DP, there is a break in incapacity of eight benefit weeks or less, the claimant does not have to meet the 364 day qualifying period again.

W3.152 DP should be awarded from

HB Sch 3 Para 13; CTB Sch 1 Para 13

- the outset of the renewal claim, or
- when they become incapable of work again, as long as medical evidence of incapacity in support of the claim is provided or they receive SSP

Welfare to Work beneficiaries

104 week benefit protection period

W3.153 This benefit protection period is a period of 104 weeks following return to work (or training for work) in which periods of incapacity can be linked, or during which the right to certain transitional protections may be preserved.

HB Sch 3 Paras 11 & 13; CTB Sch 1 Paras 11 & 13

W3.154 People benefiting from this are known as Welfare to Work beneficiaries.

W3.155 This protection period will

- apply to those who are no longer incapable of work for benefit purposes because of moving into remunerative work or starting training for work. Those who leave Incapacity Benefits due to failing the All Work Test will not qualify for benefit protection.
- safeguard the claimant's entitlement to the basic rates of IB and SDA, and also access to the IS/HB/CTB DP in certain cases

W3.156 To benefit the person needs to have

- been incapable of work for at least 28 weeks
- stopped receiving a benefit or advantage dependent upon capacity
- started work or training for work within 7 days of ceasing to be incapable of work
Note: Training for work means attendance on a training course for which the person receives a training allowance further to section 2(1) of the Employment and Training Act 1973 or section 2(3) of the Enterprise and New Towns (Scotland) Act 1990. In England and Wales the relevant scheme is called Work Based Training for Adults and in Scotland Training for Work
- notified the DWP office of starting work within one month of ceasing to claim as incapable of work

W3.157-W3.163

W3.157 This applies to

- Incapacity Benefit (IB)
- SDA
- IS
- HB
- CTB, and in respect of partners
- JSA(IB)

W3.158 In addition, the benefit protection period applies to transitional protection for HB for those protected from the Local Reference Rent Scheme.

Jobcentre Plus confirmation of the benefit protection period

W3.159 The Jobcentre Plus office

- is responsible for confirming when the benefit protection period applies
- will give eligible claimants a
 - letter explaining the possible effect on their HB/CTB
 - form to explain the link and confirming the relevant date

W3.160 The claimants are advised to give this letter to their LA if they reclaim HB/CTB within 104 weeks.

W3.161 If you receive this form when a claimant again becomes incapable of work and they are over 60, contact the Jobcentre Plus office to confirm incapacity.

How the benefit protection period affects DP

W3.162 If the Jobcentre Plus office confirm that the claimant is a welfare to work beneficiary, the eight week linking rule is extended to 104 weeks, whereby periods of incapacity separated by eight weeks/104 weeks or less are linked for the purposes of

- qualifying for the DP under the 364 day rule
- retaining the DP after a break in claim

How the benefit protection period affects HPP

W3.163 For welfare to work beneficiaries, the regulations extend the following periods from eight weeks to 104 weeks, namely the

- period prior to the 60th birthday for which receipt of DP acts as a qualifying condition for the HPP
- linking period for which breaks in entitlement to HB/CTB spanning the 60th birthday are treated as continuous entitlement for the purposes of the HPP
- link between receipt of the HPP in CTB and HB

Enhanced Disability Premium

W3.164 The Disability Income Guarantee for people who have not reached the qualifying age for Pension Credit will be delivered by an EDP. This premium provides extra help for certain disabled adults and families with disabled children.

W3.165 Award an EDP when the

- claimant or a member of their family
 - has not reached the qualifying age for Pension Credit, and
 - receiving the highest rate DLA care component, or
- claimant (but not the partner) is entitled to a support component

W3.166 There are three rates of EDP, one for each of the following groups

- child or young person receiving the highest rate DLA care component
- single claimant/lone parent receiving the highest rate DLA care component and/or the support component
- couples
 - ESA has not been claimed - one of a couple receiving the highest rate DLA care component
 - ESA has been claimed by the claimant (but not by the partner) and is entitled to the support component

When not to award EDP

W3.167 Do not award the EDP for

- a single claimant who has been in hospital over 52 weeks
- couples who have both been in hospital over 52 weeks
- a child or young person who has been in hospital over 52 weeks if it is a pensioner claim

W3.168-W3.199

Overlapping benefits

W3.200 Some benefits such as DLA, AA and CAA are payable in addition to other social security benefits. However, you should be aware of the overlapping rules which apply to some other social security benefits.

W3.201 These provide that if a claimant qualifies for more than one benefit, only the higher benefit is payable, although underlying entitlement to the other benefit remains.

W3.202 In these cases, if a premium has been awarded and the qualifying benefit is withdrawn because another, non-qualifying, benefit is awarded at a higher rate, DP should continue in payment.

W3.203-W3.219

W3.203 Cases of this kind should be very few, the most likely instance being when a widow's benefit is paid instead of SDA or IB. Widows who are already receiving Widows Benefit should be advised to submit medical evidence to their local social security office if they become sick, so they may qualify for the DP.

HB Sch 3; CTB Sch 1

W3.204-W3.209

Severe Disability Premium

W3.210 This premium is different from other premium in that it will only be applicable when DP or HPP has also been awarded.

W3.211 Award the lower rate of SDP if one of the following meets the qualifying conditions
HB Sch 3 Para 14, (SPC) Sch 3 Para 6; CTB Sch 1 Para 14, (SPC) Sch 1 Para 6

- a single claimant, or
- a lone parent, or
- one member of a couple, or
- one or more, but not all, members of a polygamous marriage

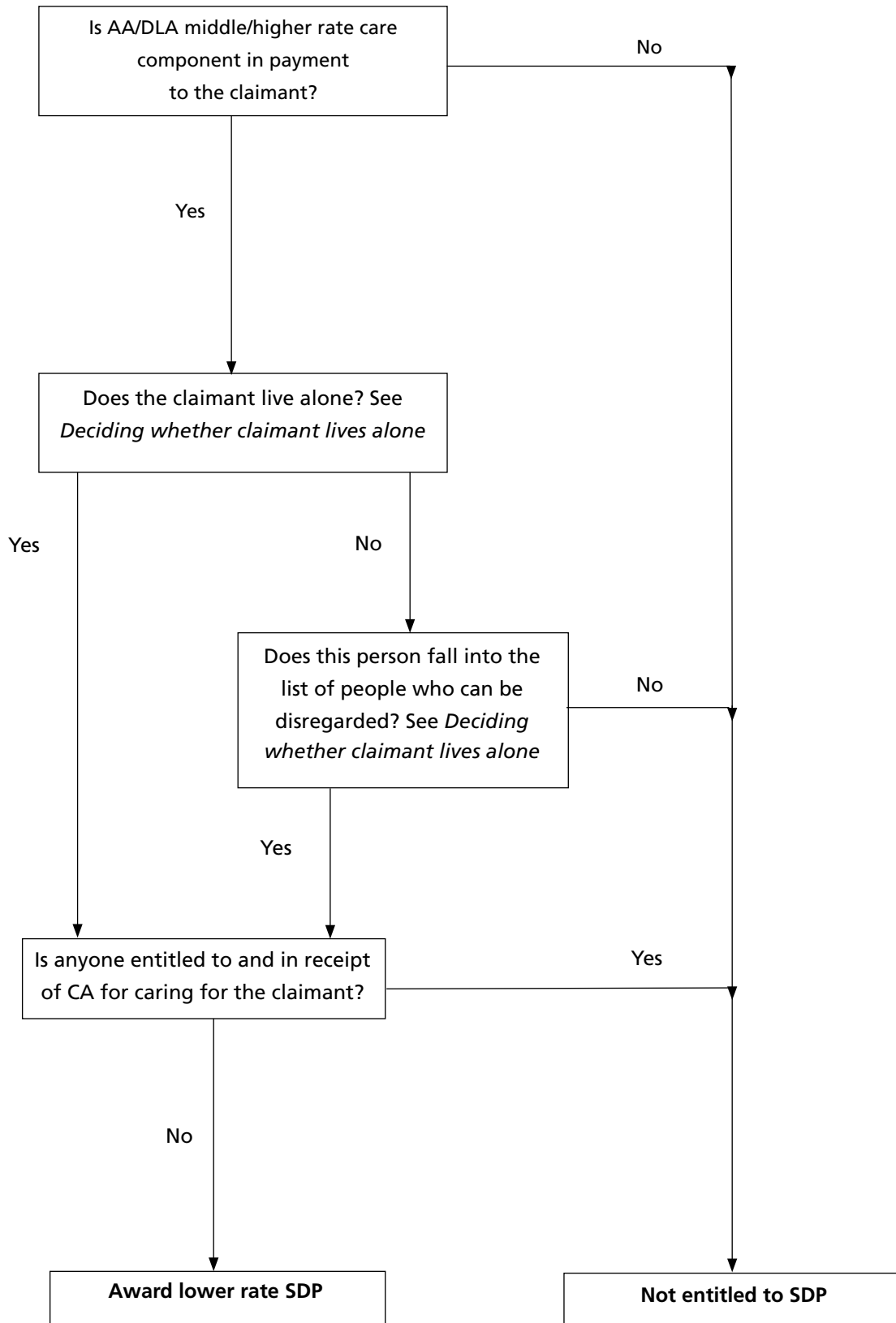
W3.212 Award the higher rate of SDP when the following are entitled to SDP

- **both** members of a couple, or
- **all** the members of a polygamous marriage

W3.213-W3.219

W3.220 **Flowchart: Severe Disability Premium – single person**

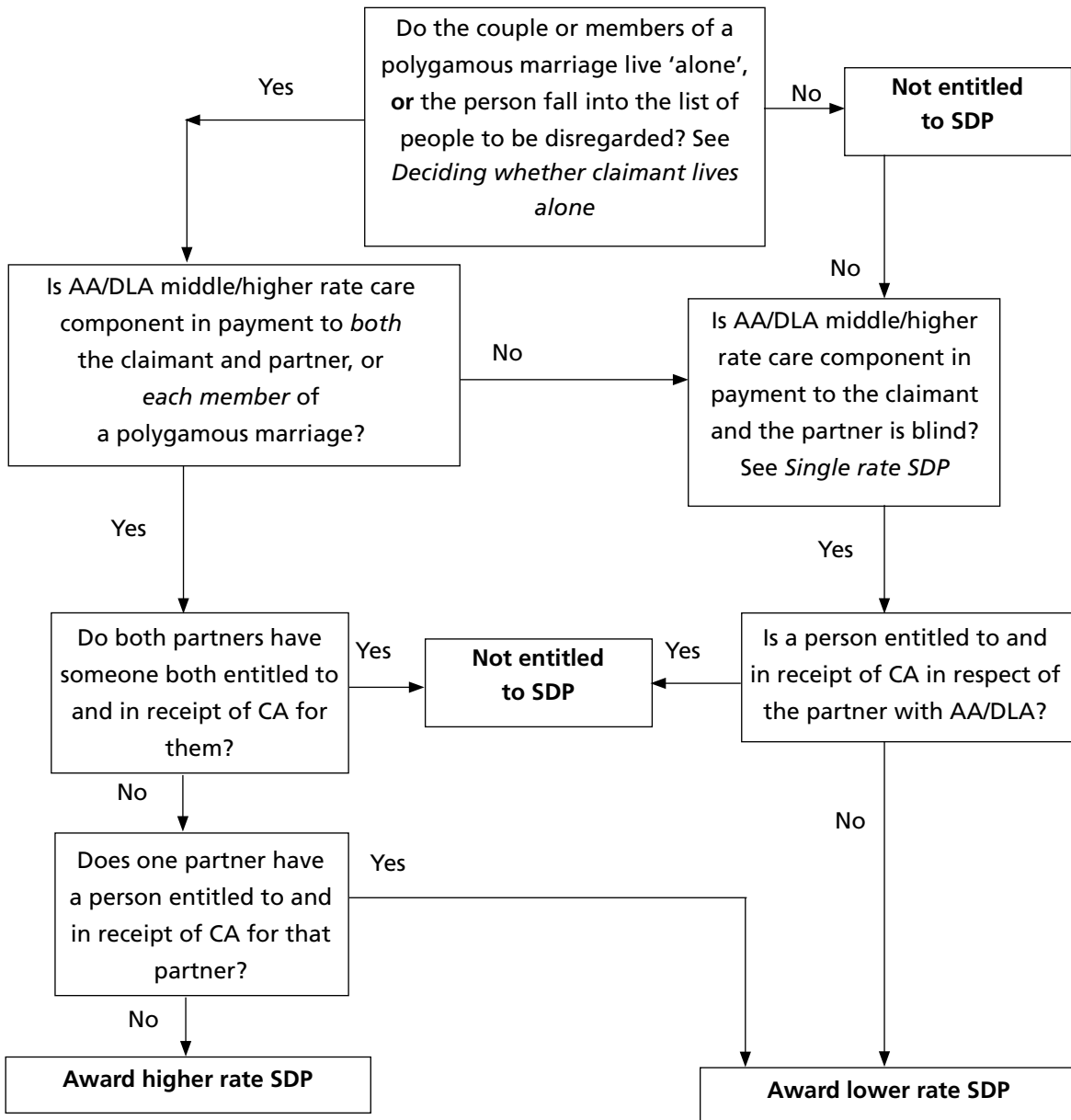
HB Sch 3 Para 14; CTB Sch 1 Para 14



W3.221-W3.224

W3.221 *Flowchart: Severe Disability Premium – couples*

HB Sch 3 Para 14; CTB Sch 1 Para 14



W3.222-W3.224

Single rate SDP

W3.225 Single rate SDP is payable if the claimant

HB Sch 3 Para 14; CTB Sch 1 Para 14

- is single or a lone parent **and**
 - they receive AA or CAA, or the middle or higher rate DLA care component, **and**
 - they live alone, **and**
 - no one is entitled to and in receipt of Carer's Allowance (CA) for looking after them
- is a member of a married or unmarried couple, or a polygamous marriage, and they **both** or **all** members of the polygamous marriage
 - receive AA or CAA, or the middle or higher rate DLA care component, **and**
 - CA entitlement and receipt of CA for one partner, but not all members of a polygamous marriage
- is a member of a married or unmarried couple, or a polygamous marriage, and one partner receives
 - AA or CAA, or the middle or higher rate DLA care component, **and**
 - the other partner is blind, **and**
 - they live alone, **and**
 - no-one is entitled to and in receipt of CA for looking after them

Note: The person receiving AA/CAA/DLA must be the claimant to qualify for SDP.

Deciding whether claimant lives alone

W3.226 When deciding if the claimant lives alone for the purpose of awarding SDP, disregard

HB Reg 3 & Sch 3; CTB Reg 2 & Sch 1

- dependants
- a non-dependant aged 16–17
- anyone receiving AA, or middle or higher rate DLA care component
- boarders, other than a close relative
- a joint-tenant/occupier of the home
- a person who lives with the claimant to care for them or their partner, and who is paid by a charitable or voluntary organisation which charges the claimant or their partner for the services provided
- a landlord or members of the landlord's own family
- a partner who is registered blind or was registered as such within the previous 28 weeks

W3.227-W3.251

One partner in hospital

HB Sch 3 Para 14; CTB Sch 1 Para 14

W3.227 A person who normally receives AA or DLA, who goes into hospital, will stop receiving the AA or DLA

- when they have been in hospital for more than 28 days, or
- earlier, if they have previously been in hospital and the period is linked for AA and DLA purposes

W3.228 The conditions for the award of the SDP allow a person, who is one of a couple, to be treated as still receiving AA or DLA middle or highest rate care component if the **only** reason they have stopped receiving AA or DLA middle or highest rate care component is because they have been a hospital in-patient for more than 28 days.

W3.229 This means that a couple who have been awarded SDP can continue to receive the single rate of SDP for the partner who remains at home, even though payment of AA or DLA to the partner in hospital may have ended

- when only one of the couple is in hospital, or
- if both are in hospital, when one partner has been a patient for less than 28 days

W3.230 One of the three conditions for an award of SDP is that no-one must be receiving CA to care for that person. A person who was receiving CA for a person who has become a hospital in-patient, and who stops receiving CA because the AA or DLA has stopped being paid to the patient, should be treated as if they were still receiving CA.

W3.231 This only applies for the conditions for the award of SDP. It means that a person who did not previously qualify for SDP because someone was receiving CA for caring for them will not become entitled to the SDP while they are treated as receiving AA or the middle or highest rate DLA care component because they are in hospital.

W3.232-W3.249

Disabled Child Premium

HB Sch 3 Para 6; CTB Sch 1 Para 6

W3.250 The DCP is a flat rate premium that should be awarded for **each** disabled child or young person who satisfies the qualifying conditions.

HB Sch 3 Para 16; CTB Sch 1 Para 16

W3.251 It is payable in addition to any personal allowances, family premium or any other premiums for which the claimant or their partner qualifies.

W3.252 Pay DCP for **each** child or young person who

- is receiving any rate of DLA, **or**
- is not receiving DLA because they are a hospital in-patient, but continue to be a member of the claimant's family, **or**
- is registered blind or is treated as blind in the 28 weeks after they cease to be registered blind, **and**
- is a member of the claimant's household

W3.253-W3.269

Carer Premium

W3.270 The CP

- is a flat rate premium
- can be awarded twice if both the claimant and any partner satisfy the qualifying conditions, that is two premiums can be paid
- can be awarded **in addition** to any other premium. When CP has been awarded and a person stops being entitled to and receiving, or being treated as entitled to and receiving, CA, CP continues for a further eight weeks

HB Sch 3 Para 17; CTB Sch 1 Para 17

W3.271 CA claimants are sent notifications from the CA Unit advising them of their entitlement, including any underlying entitlement, which they should produce as evidence for their HB/CTB claim.

Qualifying conditions

W3.272 Pay CP when the claimant or their partner

- becomes entitled to CA, **or**
- make a claim for CA and would be entitled but for overlapping benefits. The person in respect of whose care CA was claimed must continue to receive AA or the middle or highest rate DLA care component

W3.273 The CP will continue for eight weeks from the

- Sunday following the death of the person being cared for or if the person dies on a Sunday, that date, **or**
- date on which the person being cared for ceases to be entitled to AA or the middle or highest rate DLA care component, **or**
- date the person ceases to be entitled to CA

W3.274-W3.299

Components

HB/CTB components – single claimants aged less than 60

- W3.300 If the claimant meets the WCA threshold, a work-related activity component or a support component will be awarded in ESA. The decision on whether a component is awarded, and which one, will be made by a decision maker acting on behalf of the Secretary of State. DWP will advise you of that decision.
- W3.301 ESA(C) will be taken into account as income in the HB/CTB calculation. Therefore, so that no one loses the whole value of their ESA component, the same component will be awarded in HB/CTB at the same time that it is awarded in ESA.

Example 1

Single claimant aged 50 is awarded ESA(C) at the basic rate of £60.50. The HB/CTB personal allowance will also be £60.50.

From week 14 the work-related activity component is awarded. The ESA(C) increases by £24 to £84.50.

From week 14, the work-related activity component will also be added to the HB/CTB personal allowance to bring the weekly applicable amount to £84.50.

Example 2

Single claimant aged 20 is awarded ESA(C) at the basic rate of £47.95. The HB/CTB personal allowance will also be £47.95.

From week 14 the work-related activity component is awarded. The ESA basic allowance will increase to £60.50 (the age 25 or over rate) and the work-related activity component (£24.00) added making the total £84.50.

From week 14 the work-related activity component will also be added to the HB/CTB personal allowance which will also increase to the age 25 or over rate.

HB/CTB components, couples – both aged less than 60

- W3.302 There is no couple rate component in ESA(C) or ESA(IR). The same rule applies in HB/CTB.

continued

(W3.302)

Example

Couple, when the HB/CTB claimant is the ESA claimant who is entitled to ESA(C) and the partner has too much income for them to be entitled to ESA(IR).

The HB/CTB personal allowance will be £94.95 and ESA(C) of £60.50 will be taken into account as income.

The claimant satisfies the WCA and is awarded a work-related activity component from week 14. The ESA(C) increases by £24 to £84.50. The work-related activity component will be added to the HB/CTB personal allowance which will increase to £118.95.

W3.303 If the HB/CTB claimant is not an ESA claimant but the partner is, the component appropriate to the partner should be added to the HB/CTB personal allowance.

Example

Couple both aged over 18. The HB/CTB claimant is working, the partner claims ESA.

The HB/CTB personal allowance will be £94.95 and the partner's assessment phase rate of ESA(C) of £60.50 will be taken into account as income, as well as the claimant's earnings.

The partner becomes entitled to the support component £29.00 and the ESA(C) is increased to £89.50 which will be taken into account as income in the HB/CTB assessment.

The support component will be added to the HB/CTB personal allowance, which will increase to £123.95 - but see *Disability Premium* earlier in this chapter.

W3.304 When both members of a couple are ESA claimants and both have entitlement to a component, the component appropriate to the HB/CTB claimant should be added to the HB/CTB personal allowance. This will be the case even if the HB/CTB claimant is entitled to the work-related activity component and the partner is entitled to the, higher, support component.

Example

Couple, both aged over 18.

During the assessment phase the personal allowance is £94.95.

The HB/CTB claimant satisfies the WCA and is awarded a work-related activity component. The same component will be added to the HB/CTB personal allowance at the same time.

The partner is subsequently awarded a support component. The partner's ESA(C) will increase and that increased amount will be taken into account as income in the HB/CTB calculation.

However, the work-related activity component will remain appropriate in the HB/CTB applicable amount as that is the component appropriate to the HB/CTB claimant.

W3.305 In this situation the couple would be better off if they swapped who was the HB/CTB claimant. You should advise them that this will be the case.

W3.306-W3.369

W3.306 If when the HB/CTB claim is made, the HB/CTB claimant is in the assessment phase but the partner is already entitled to a component you should award the component appropriate to the partner. But if the HB/CTB claimant subsequently becomes entitled to an ESA component, the HB/CTB should include the component appropriate to the claimant. This may mean that you will need to change the component you awarded originally, or advise the couple that they would be better off if they swapped who was the HB/CTB claimant.

Example

Couple claim, claimant is in the assessment phase, partner already entitled to a support component.

From the start of the HB/CTB claim, the couple would be entitled to the couple rate personal allowance and the support component.

If the HB/CTB claimant becomes entitled to a work-related activity component, the support component would be replaced by the work-related activity component in the HB/CTB calculation.

W3.307 The component is normally awarded from week 14 but may be awarded earlier if

- the claimant is terminally ill, or
- the claim links to an earlier ESA claim

W3.308 You should award the same component in HB/CTB and from the same start date as ESA.

Example

An ESA claimant reclaims. The claim links to an earlier claim in which 10 weeks of the assessment phase were served.

The claimant satisfies the WCA and is entitled to the work-related activity component which will be awarded after three weeks because 10 weeks of the assessment phase had been served in the earlier linked ESA claim.

You should award the same component from the same start date.

W3.309 Example case studies of HB/CTB claimants who are receiving ESA are in *Annex B* at the end of this chapter.

W3.310-W3.349

Hospital in-patients

W3.350 As long as a sick person is regarded as being temporarily absent from home, there is no change in a claimant's entitlement when they or a member of their family is admitted to hospital as an in-patient. For more information on temporary absence, see *A3 Temporary absence from home*.

W3.351-W3.369

HB/CTB Guidance Manual

Married/unmarried couple or civil partnership couple living together as civil partners

One partner is admitted to hospital

W3.370 If one member of a married/unmarried couple or civil partnership couple living together as civil partners has been in hospital for more than 52 weeks consider whether they should still be regarded as a member of the claimant's family.

W3.371-W3.389

Polygamous marriages

W3.390 As with couples, when a member of a polygamous marriage is in hospital, for more than 52 weeks, consider whether they should still be regarded as a member of the claimant's family. Any premiums remain in payment, whichever partner qualified for the premium or whichever partner is in hospital.

W3.391 When all the members of a polygamous marriage have been in hospital for more than 52 weeks, calculate entitlement the same way as for couples, that is reduce their applicable amount to the hospital PRA for each member, plus if appropriate

HB(SPC) Reg 22; CTB(SPC) Reg 12

- a personal allowance for each dependant child or young person, and
- the FP, and
- any DCP

W3.392-W3.409

Children and young persons

W3.410 When a child or young person is admitted to hospital, consider whether the child should still be regarded as a member of the claimant's family.

W3.411-W3.419

Withdrawing AA and DLA

W3.420 AA and the DLA care component for people aged 16 and over are withdrawn after 28 days of hospital in-patient treatment or earlier if they have previously been in hospital and the period is linked for AA/DLA purposes.

W3.421-W3.999

W3.421 If DP has been awarded and AA/DLA is the only qualifying benefit, the premium should remain in payment.

W3.422 However, SDP should be

HB Reg 24 & Sch 3; CTB Reg 14 & Sch 1

- withdrawn at the same time as AA/DLA for single people, and
- awarded at the single rate to couples if only one partner is in hospital

W3.423-W3.429

Action to take when stay in hospital is likely to be permanent or exceed 52 weeks

HB claims only

W3.430 Benefit is withdrawn after 52 weeks, or earlier if you decide the absence is likely to be permanent or is likely to exceed 52 weeks. If a partner or dependant remains in the home, they should be invited to claim.

HB Reg 7

W3.431 A DP in payment because the partner in hospital was receiving one of the qualifying benefits the premium should be withdrawn after 52 weeks even though the partner at home remains in receipt of the qualifying benefit. The normal membership of a family rules apply.

W3.432 It should be noted that under the CTB scheme this provision does not exist. However, it is probable that after this length of time, the Council Tax Registration Officer would have decided that the hospital was the claimant's sole or main residence and they would be exempt from paying a Council Tax.

W3.433-W3.999

Applicable amounts

Personal allowances for people who have not reached the qualifying age for Pension Credit

	April 2008	April 2009
Single claimant		
aged 18 - 24	£47.95	£50.95
aged 25 or over	£60.50	£64.30
entitled to ESA main phase/main phase credits only (any age)	-	£64.30
Lone Parent		
aged under 18 (HB only)	£47.95	£50.95
aged 18 or over	£60.50	£64.30
entitled to ESA main phase/main phase credits only (any age)	-	£64.30
Couple		
both aged under 18 (HB only)	£72.35	£76.90
at least one aged 18 or over	£94.95	£100.95
claimant entitled to ESA main phase/main phase credits only (any age)	-	£100.95
Polygamous partner		
	£34.45	£36.65
Child or young person		
from birth to the first Monday in September following the 16th birthday	£52.59	£56.11
from the first Monday in September following the 16th birthday to the day before 20th birthday	£52.59	£56.11

Premiums and components for people who have not reached the qualifying age for Pension Credit

	April 2008	April 2009
Family Premium	£16.75	£17.30
One (or more) child(ren) aged under one year	£27.75	£27.80
Family Premium (Lone Parent) protected for certain claimants	£22.20	£22.20
One (or more) child(ren) aged under one year	£32.70	£32.70
Disability Premium		
Single	£25.85	£27.50
Couple	£36.85	£39.15
Enhanced Disability Premium		
Child	£19.60	£20.65
Severe Disability Premium		
Single	£50.35	£52.85
Couple (One qualifies)	£48.45	£50.35
Couple (Both qualify)	£100.70	£105.70
Carer Premium	£27.75	£29.50
Disabled Child Premium	£48.72	£51.24
work-related activity component	-	£25.50
support component	-	£30.85

Case studies - HB/CTB claimants who receive ESA but have not reached the qualifying age for Pension Credit

Example 1 – Single claimant registered as blind

Single claimant aged 30, registered as blind. His weekly income is earnings £200. He has savings of £7,000. The weekly rent is £100 and council tax is £25.

In-work calculation

HB/CTB applicable amount	£60.50
Disability Premium	£25.85
Total	£86.35

Income

Earnings (£20 disregard)	£180
Tariff Income	£4
Total	£184.00

Excess income £97.65

Rent £100 – (£97.65 x 65%) £63.47	HB	£36.53
CT £25 – (£97.65 x 20%) £19.53	CTB	£5.47

HB/CTB claimant stops work and claims ESA

HB/CTB applicable amount (no Disability Premium) £60.50

Income

ESA(C) £60.50	
Tariff income £4	£64.50

Excess income £4.00

Rent £100 – (£4.00 x 65%) £2.60	HB	£97.40
CT £25 – (£4.00 x 20%) £0.80	CTB	£24.20

The claimant reaches the ESA main phase, work-related activity component awarded

HB/CTB applicable amount	£60.50
Work-related activity component	£24.00
Total	£84.50

continued

Annex B

Income

ESA(C) £60.50 + work-related activity component £24.00 = £84.50			
Tariff income	£4.00	Total	£88.50
		Excess income	£4.00
Rent £100 – (£4.00 x 65%)	£2.60	HB	£97.40
CT £25 – (£4.00 x 20%)	£0.80	CTB	£24.20

Example 2 – Couple, claimant is registered as blind

Couple, both aged less than 60, the HB/CTB claimant is registered as blind and has part time earnings of £110. Partner's income is £130 personal pension. The weekly rent is £100 and council tax £25.

In-work calculation

HB/CTB applicable amount		£94.95
Disability Premium		£36.85
	Total	£131.80

Income

Earnings (£20 disregard)	£90	
Personal pension	£130	
		£220.00
	Excess income	£88.20
Rent £100 – (£88.20 x 65%)	£57.33	HB £42.67
CT £25 – (£88.20 x 20%)	£17.64	CTB £7.36

HB/CTB claimant stops work and claims ESA

HB/CTB applicable amount (no Disability Premium)		£94.95
Income		
ESA(C) £60.50		
Partner's income £130		£190.50
	Excess income	£95.55
Rent £100 – (£95.55 x 65%)	£62.10	HB £37.90
CT £25 – (£95.55 x 20%)	£19.11	CTB £5.89

The claimant reaches the ESA main phase, work-related activity component awarded

HB/CTB applicable amount		£94.95
Work Related Activity Component		£24.00
	Total	£118.95

Annex B

Income

ESA(C) £60.50 +
Work-related activity component £24.00 = £84.50

Partner's income £130

Total £214.50

Excess income £95.55

Rent £100 – (£95.55 x 65%) £62.10

HB £37.90

CT £25 – (£95.55 x 20%) £19.11

CTB £5.89

Example 3 – single claimant aged over 25

Single claimant aged 55 has a weekly private pension of £50. Weekly rent £120 and Council Tax £25. Claims ESA and HB/CTB on 27 October 2008, ESA payday is Tuesday.

HB/CTB Calculation

Personal allowance £60.50

Income

Private pension	£50.00	
ESA(C)	£60.50	£110.50

Excess income £50.00

Rent £120 – (£50.00 x 65%)	£32.50	HB	£87.50
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CT £25.00 – (£50.00 x 20%)	£10	CTB	£15.00
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The claimant satisfies the Work Capability Assessment and the work-related activity component is awarded from 28 January 2009.

HB/CTB calculation

Personal allowance £60.50

Work-related activity component £24.00

Total £84.50

Income

Private pension	£50.00	
ESA(C) £60.50 +		
Work-related activity component £24.00	= £84.50	£134.50

As the excess figure remains the same, so do the HB and the CTB.

The effective date of the change in HB/CTB will be 2 February 2009.

Annex B

Example 4 – same claimant as example 3 but the support component is awarded**HB/CTB Calculation**

Personal allowance		£60.50
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Income

Private pension	£50.00	
ESA(C)	£60.50	£110.50

Excess income	£50.00
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Rent £120 – (£50.00 x 65%) £32.50	HB	£87.50
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CT £25.00 – (£50.00 x 20%) £10	CTB	£15.00
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The claimant satisfies the Work Capability Assessment and as a result of having limited capability for work-related activity the support component is awarded from 28 January 2009. Because the support component has been awarded the claimant has automatic entitlement to the Enhanced Disability Premium.

HB/CTB calculation

Personal allowance	£60.50
Support component	£29.00
Enhanced Disability Premium	£12.60

Total	£102.10
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Income

Private Pension	£50.00	
ESA(C) £60.50 +		
Support component £29.00 =	£89.50	
Total	£139.50	

Excess income	£37.40
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Rent £120 – (£37.40 x 65%) £24.31	HB	£95.69
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CT £25 – (£37.40 x 20%) £7.48	CTB	£17.52
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The effective date will again be 2 February 2009.

Example 5 – Couple, both over 18 but under 60, man claims ESA(C) and HB/CTB on

8 January 2009. Partner is working and earning £150 a week. The claim links to an earlier ESA(C) claim when 6 weeks of the assessment phase were served. The weekly rent is £120 and council tax £25.

HB/CTB calculation

Personal allowance £94.95

Income

ESA(C) £60.50

Partner's earnings £150 - £10 disregard £140.00 £200.50

Excess income £105.55

Rent £120 – (£105.55x 65%) £68.60 **HB £51.40**

CT £25 – (£105.55 x 20%) £21.11 **CTB £3.89**

The effective date is 12 January 2009

The claimant is awarded the work-related activity component from 26 February 2009. This is because the claim links to an earlier claim where 6 weeks of the assessment phase were served.

HB/CTB calculation

Personal allowance £94.95

Work-related activity component £24.00

Total £118.95

Income

ESA(C) £60.50 +

Work-related activity component £24.00 = £84.50

Partner's earnings £150 - £20 disregard = £130.00

Total £214.50

Excess income £95.55

Rent £120 – (£95.55 x 65%) £62.10 **HB £57.90**

CT £25 – (£95.55 x 20%) £19.11 **CTB £5.89**

The HB/CTB increases because the £20 weekly earnings disregard applies once the claimant becomes entitled to a component. The effective date will be 2 March 2009.