

<i>C5</i>	<i>Extended payments</i>
About this chapter	5.00
What is an EP.....	5.50
The EP (qualifying income-related benefits) Scheme	5.100
The qualifying conditions	5.100
Linking provisions	5.110
Relationship with the EP (qualifying contributory benefits) Scheme	5.120
No longer a requirement to claim an EP	5.150
Duration and amount of EPs	5.152
Duration	5.152
Amount	5.160
Cases with no entitlement to In-work HB/CTB	5.200
Changes of circumstance during the EP period	5.230
Claimants with two homes	5.250
Claimant changes address before qualifying income-related benefit ceases	5.260
Claimant changes address within the LA during the EP period	5.270
Claimant's partner makes a claim for HB/CTB while an EP is in payment	5.290
Claimant changes address to another LA within the EP period	5.300
Claim for In-work HB/CTB at the new LA during EP period	5.305
Claimant/partner reaches age 60 during EP period	5.330
Exchanging information between the original and new LA.....	5.340
HB/CTB EP disputes	5.350
Overpayments of EPs	5.360
HB/CTB EP notifications	5.370
Mortgage Interest Run-On cases	5.380
The EP (qualifying contributory benefits) Scheme.....	5.400
The qualifying conditions	5.400
Linking provisions	5.410
Relationship with the EP (qualifying income-related benefits) Scheme	5.420
No longer a requirement to claim an EP	5.430
Pension Credit cases	5.440
Duration and amount of EPs	5.450
Duration	5.450
Amount	5.454
Cases with no entitlement to In-work HB/CTB	5.457
Changes of circumstance during the EP period	5.470

Contents

Claimant with two homes	5.490
Claimant changes address before qualifying benefit ceases	5.500
Claimant changes address within the LA during the EP period	5.510
Claimant's partner makes claim for HB/CTB while an EP is in payment	5.530
Claimant changes address to another LA within the EP period	5.550
Claim for In-work HB/CTB at the new LA during the EP period	5.570
Claimant/partner reaches age 60 during the EP period	5.590
Exchanging information between the original and new LA	5.600
HB/CTB EP disputes	5.620
Overpayments of EPs	5.630
HB/CTB EP notifications	5.640
Mortgage Interest Run-On cases	5.650

C5 Extended Payments

About this chapter

5.00 This chapter

- explains what an Extended Payment (EP) is
- provides details about the EP Schemes for claimants who come off either
 - Income Support (IS), income-based Jobseeker's Allowance (JSA(IB)) or income-related Employment and Support Allowance (ESA(IR)) for work-related reasons, and
 - IB, SDA, or contributory Employment and Support Allowance (ESA(C)) for work-related reasons

5.01 As shorthand, the two schemes are referred to as the

- EP (qualifying income-related benefits) Scheme
- EP (qualifying contributory benefits) Scheme

5.02-5.49

What is an EP?

5.50 EPs are payments of HB and CTB made for the first four weeks when a claimant or their partner either starts work or increases their hours or earnings, and as a result they are no longer entitled to either

- for the EP (qualifying income-related benefits) Scheme
 - IS, or
 - JSA(IB), or
 - from 27 October 2008, ESA(IR)
- for the EP (qualifying contributory benefits) Scheme
 - IB, or
 - SDA, or
 - from 27 October 2008, ESA(C)

5.51-5.99

5.100-5.110

The EP (qualifying income-related benefits) Scheme

The qualifying conditions

HB Reg 72; CTB Reg 60

- 5.100 To be eligible for an EP the claimant or partner must have
- 1 ceased to receive a qualifying income-related benefit, ie IS, JSA(IB) or ESA(IR), because they have started work, increased their hours of work or increased their earnings, **and**
 - 2 have started employment, or have increased earnings or hours of employment which is expected to last at least five weeks, **and**
 - 3 been continuously in receipt of either IS, JSA or ESA(IR), or a combination of those benefits, for a period of at least 26 weeks immediately before the qualifying income-related benefit ceased
- 5.101 Although periods in receipt of JSA(C) can count towards the 26 week period, the claimant or partner must have come off one of the qualifying income-related benefits for one of the work-related reasons. A person ceasing to get JSA(C) for work-related reasons cannot get an EP unless they were also in receipt of a qualifying income-related benefit which ceased at the same time and for the same reasons.
- 5.102 Any periods that a partner has spent on IS/JSA/ESA(IR) count towards the 26 week qualifying period. But these periods only count if the person in question was the claimant's partner throughout the 26 week qualifying period and is still is the claimant's partner.
- 5.103 An EP cannot be awarded unless all the conditions have been met.
- 5.104 To decide the amount of an EP, see *Duration and amount of EPs* later in this chapter.
- Note:** If the claimant's liability to pay rent or liability to pay Council Tax (CT) ceases during the EP period, no payments should be made in respect of the remainder of the EP period.

5.105-5.109

Linking provisions

- 5.110 Apart from one exception, there are no linking provisions for EPs. Any break in entitlement to IS, JSA or ESA(IR) means that a further 26 week period has to be served before for an EP can be considered.

5.111 The only exception is for people who are not entitled to a qualifying income-related benefit or JSA(C) for less than five weeks because they were engaged in remunerative work as a consequence of participation in an Employment Zone (EZ). They should be treated as in receipt of IS, JSA(IB) or ESA(IR) for this period. It may not be apparent from the claimant Information System (CIS) that the claimant has been on an EZ program. If there is any doubt whether the claimant satisfies the 26 week qualifying condition, you may wish to double-check with Jobcentre Plus.

HB Reg 72(2); CTB Reg 60(2)

5.112 There is no longer any requirement for Jobcentre Plus to confirm to the LA that the 26 week qualifying period has been fulfilled. It is the responsibility of the LA to check all of the qualifying conditions. LAs should use the CIS to access relevant dialogues to check eligibility. Again, if there is any doubt whether the claimant satisfies the 26 week qualifying condition, you may wish to double-check with Jobcentre Plus.

5.113-5.119

Relationship with the EP (qualifying contributory benefits) Scheme

5.120 When, for example, a claimant was getting IS and IB (or SDA) together, and then moves onto IB (or SDA) only, the IB (or SDA) can be counted towards the 26 week qualifying period for the EP(qualifying contributory benefits) Scheme, irrespective of the fact that it was paid alongside IS at an earlier stage.

5.121 However, if the claimant was in receipt of IB (or SDA) only then went onto IB (or SDA) and IS, then the only way they could get an EP would be under the EP (qualifying income-related benefits) Scheme provided they completed 26 weeks on IS. You cannot add together the IS and IB/SDA periods.

5.122 ESA will operate in a similar way, for example if a claimant was in receipt of

- **ESA(IR) and ESA(C) together**, and then moves onto ESA(C) only. In these cases, the ESA(C) can be counted towards the 26 week qualifying period for the EP (qualifying contributory benefits) Scheme, irrespective of the fact that it was paid alongside ESA(IR) at an earlier stage
- **ESA(C) only**, then went onto ESA(C) and ESA(IR), then the only way they could get an EP would be under the EP (qualifying income-related benefits) Scheme provided they completed 26 weeks on ESA(IR). In these circumstances, you cannot add together the ESA(IR) and ESA(C) periods

HB Reg73(1)(d); CTB Reg 61(1)(d)

5.123-5.149

5.150-5.159

No longer a requirement to claim an EP

5.150 The LA should treat the move into work by the claimant/partner as a normal change of circumstances. The LA should check for entitlement to

- an EP, and
- In-work HB/CTB

5.151 There is no longer a requirement to end the current HB/CTB claim if there is entitlement to an EP. If there is such an entitlement, the EP rate becomes payable on the existing HB/CTB claim, with In-work HB/CTB taking over once the EP period has ended, but see *Cases with no entitlement to In-work HB/CTB* later in this chapter.

HB Reg 72B(1); CTB Reg 60B(1)

Duration and amount of EPs

Duration

5.152 When a claimant or their partner is entitled to an EP, the EP period begins on the first day of the benefit week following the week when the qualifying income-related benefit ceases.

5.153 A claimant or their partner is no longer entitled to the qualifying income-related benefit on the day after that benefit ceases.

HB Reg 72A; CTB Reg 60A

Example

IS is paid up to and including Sunday 10 May. IS therefore is no longer payable on Monday 11 May. HB would cease at the end of that week (from Monday 11 May to Sunday 17 May). The EP would commence from Monday 18 May for a maximum of 4 weeks.

5.154 EPs are not payable for rent free weeks. For example, if weeks 2 and 3 of the four week period are rent free weeks, an EP should be paid for weeks 1 and 4 only. It should not be extended beyond the four week period to compensate for non-payment during the rent free weeks.

5.155 The EP period ends either

- after four weeks, or
- on the date that liability for rent or council tax ends

whichever happens first.

5.156-5.159

Amount

- 5.160 The amount of the EP will be the higher of the amount of
- HB/CTB in payment in the last benefit week in which the qualifying income-related benefit was in payment, or
 - entitlement to In-work HB/CTB
- 5.161 The aim is to ensure that the claimant or their partner is entitled to at least the same amount of HB/CTB that they were receiving in the week before they started work.
- 5.162 If the last benefit week in which the income-related benefit was in payment was a rent free week, the benefit week used to determine the level of the EP would be the last non rent free week.

HB Reg 72B; CTB Reg 60B

Example 1

Claimant starts work and is entitled to an EP. LA calculates in-work entitlement. In-work entitlement is less than rate of EP. EP paid for four weeks at EP rate. In-work HB/CTB rate takes over from EP rate at end of EP period.

Example 2

Claimant starts work and is entitled to an EP. LA calculates in-work entitlement. In-work entitlement is greater than rate of EP. EP paid for four weeks at in-work rate of HB/CTB. In-work HB/CTB takes over from EP at end of EP period. In effect, there will be no change in rate of HB/CTB at this stage.

5.163-5.199

Cases with no entitlement to In-work HB/CTB

- 5.200 If there is no entitlement to In-work HB/CTB following cessation of the qualifying income-related benefit, but there is entitlement to an EP, the existing HB/CTB claim can continue so that the EP can be paid. This avoids the need to end the current HB/CTB claim in order to enable the EP to be paid.

HB Reg 72D; CTB Reg 60D

5.201-5.229

5.230-5.259

Changes of circumstance during the EP period

5.230 Changes of circumstance during the EP period will not normally affect the rate of the EP. This supports the need to pay the EP at the HB/CTB rate that was in payment in the week before the qualifying income-related benefit ceased.

HB Reg 72D(2); CTB Reg 60D(2)

5.231 However, the claimant can report changes of circumstance during the EP period which might affect entitlement to In-work HB/CTB. How the change of circumstance affects the EP will depend on whether it would mean that In-work HB/CTB would be higher or lower than the rate of EP. The change should be assessed using the normal change of circumstance rules in *HB Reg 79* and *CTB Reg 67*. The rate of In-work HB/CTB should then be compared to the rate of EP in payment.

5.232 If the change means that the rate of In-work HB/CTB

- would be higher than the rate of the EP, then the EP is adjusted upwards to the rate of In-work HB/CTB
- remains lower than the rate of the EP, then the EP continues in payment at its current rate until the end of the EP period

HB Reg 72B; CTB Reg 60B

5.233 See also *Claimant changes address within the LA during the EP period* later in this chapter.

5.234-5.249

Claimants with two homes

5.250 EPs do not affect provisions for HB on two homes. You must still consider whether HB on two homes is appropriate. The amount of the EP will reflect the rate paid for two homes, so long as liability for two homes exists. If liability for one of the homes ceases during the EP period then the EP must be adjusted to take account of that change.

HB Reg 72B(5)

5.251-5.259

Claimant changes address before qualifying income-related benefit ceases

- 5.260 If the claimant/partner stops being entitled to HB/CTB because they left their home, and the change of address was in the week in which their qualifying income-related benefit ceased due to work-related reasons or during the preceding week, the LA must treat the claimant as being entitled to HB for that week and process the EP/change of circumstance as described above.

HB Reg 72(4); CTB Reg 60(4)

5.261-5.269

Claimant changes address within the LA during the EP period

- 5.270 If a claimant entitled to an EP moves home during the EP period, the EP is still payable for the rest of the EP period provided there is a liability for rent/CT at the new home.
- 5.271 It is not necessary for the claimant to have left home to start work or increase their hours/wages, it could be that the move coincides with a new job or an increase in hours or wages.
- 5.272 How the change of address affects the EP will depend on whether it would mean that In-work HB/CTB would be higher or lower than the rate of EP. The change of address should be assessed using the normal change of circumstance rules in *HB Reg 79* and *CTB Reg 67*. The rate of In-work HB/CTB should then be compared to the rate of EP in payment.
- 5.273 If the change of address means that the rate of In-work HB/CTB
- would be higher than the rate of the EP, then the EP is adjusted upwards to the In-work rate of HB/CTB
 - remains lower than the rate of the EP, then the EP continues in payment at its current rate until the end of the EP period

5.274-5.289

5.290-5.304

Claimant's partner makes a claim for HB/CTB while an EP is in payment

5.290 If a claimant's partner makes a claim for HB/CTB in the same LA while an EP is in payment to the claimant, no HB/CTB can be paid to partner while the EP is in payment. This is to prevent duplication of provision.

5.291 When a claim is made in a new LA, see *Claim for In-work HB/CTB at the new LA during EP period* later in this chapter.

HB Reg 72B(7); CTB Reg 60B(3)

5.292-5.299

Claimant changes address to another LA within the EP period

5.300 If a claimant entitled to an EP moves to a different LA during the EP period, EPs may still be payable for the rest of the EP period provided there is a rent/Council Tax liability at the new address.

5.301 The change will be effective from the Monday following the date of the change of address even if the change of address is a Monday.

Example 1

Claimant moves on Monday 13 October 2008, the effective date of the change is the Monday following the date of the change – 20 October 2008.

Example 2

Claimant moves on 22 October 2008. The effective date of the change is the Monday following the date of the change – 27 October 2008.

5.302 The amount of the EP payable from the Monday following the day of the move will be the amount of HB/CTB payable to the mover (or their partner) for the last benefit week before they ceased to be entitled to a qualifying income-related benefit.

5.303 The EP continues to the end of the original four week EP period, and may take the form of a payment from the original LA to either the

- new LA, or
- claimant/partner directly

5.304 For example, with a CTB EP, it might make sense to pay the balance of the EP directly into the claimant's CT account at the new LA rather than directly to the claimant.

HB Reg 72C; CTB 60C

Claim for In-work HB/CTB at the new LA during EP period

- 5.305 When the claimant (or their partner) makes a claim for In-work HB/CTB at the new LA, the new LA should reduce the weekly amount of In-work HB/CTB due to the claimant (or their partner) by an amount equal to the weekly EP in payment until the end of the EP period.

HB Reg 72C(4); CTB Reg 60C(4)

5.306-5.329

Claimant/partner reaches age 60 during the EP period

- 5.330 Normally, when a claimant or their partner reaches age 60, HB/CTB entitlement would be assessed under the HB and/or CTB (SPC) Regulations. When this occurs during the EP period, how this affects the EP will depend on whether it would mean that In-work HB/CTB would be higher or lower than the rate of EP. The rate of In-work HB/CTB should then be compared to the rate of EP in payment.

- 5.331 If the change means that the rate of In-work HB/CTB

- would be higher than the rate of the EP, then the EP is adjusted upwards to the In-work rate of HB/CTB
- remains lower than the rate of the EP, then the EP continues in payment at its current rate until the end of the EP period

HB(SPC) Reg 52; CTB(SPC) Reg 41

5.332-5.339

Exchanging information between the original and new LA

HB Reg 115; CTB Reg 96

- 5.340 When there is a change of address from one LA to another, and there is liability for rent/CT in the new authority, the original LA should disclose to the new LA

- the amount of the EP
- the date the EP commenced is/is due to commence
- the date the EP ceased/is due to cease
- the date of the move from the original LA to the new LA
- if any deduction was being made in respect of a recoverable overpayment, and

continued

(5.340)-5.370

- (5.340)
- if the original LA is to make the payment direct to the new LA
 - the amount to be paid over
 - any other information needed by new LA that will enable the original LA to make the payment, and
 - any overpayment deductions that are being made

5.341 The new LA must provide the original LA with the following information

- whether the mover's liability for the new accommodation is to the new LA, and
- if the original LA is to make the payment direct to the new LA
 - any other information needed by original LA that will enable the original LA to make the payment
 - the date the payment is received by the new LA

5.342-5.349

HB/CTB EP disputes

5.350 The award or refusal of an EP is a relevant decision and subject to the dispute process.

5.351-5.359

Overpayments of EPs

5.360 An overpayment of EPs can happen, for example if

- HB/CTB is not reassessed for a change of circumstances that happened before the EP period until after the EP was awarded. For example, this could happen when a non-dependant moves into the household before JSA(IB) ended
- an LA incorrectly decides an award is appropriate

5.361-5.369

HB/CTB EP notifications

5.370 *Decision Making and Appeals Regulations, Reg 10* states that a decision notice must tell the person affected they

- may request a statement of reasons for the decision, if the notice does not include one
- have the right of appeal to an Appeal Tribunal

5.371 However it is good practice to include the items, appropriate to EPs, listed in *HB Schedule 9* and *CTB Schedule 8*, see *A6*, *What a decision notice must include* earlier in this manual.

5.372-5.379

Mortgage Interest Run-On cases

5.380 Mortgage Interest Run-On (MIRO) gives claimants who have mortgage interest payments and help for other housing costs (such as ground rent and service charges) included in their IS/JSA(IB)/ESA(IR), and who return to work, an additional four weeks of IS.

5.381 This means they will automatically get an additional four weeks of maximum CTB, and possibly HB if they pay part mortgage–part rent on their property.

5.382 In these cases, there is no entitlement to an EP.

5.383-5.399

The EP (qualifying contributory benefits) Scheme

The qualifying conditions

HB Reg 73, HB(SPC) Reg 53; CTB Reg 61, CTB(SPC) Reg 44

5.400 To be eligible for an EP the claimant or their partner must satisfy the following conditions. The claimant or partner must

- have ceased to receive a qualifying contributory benefit, ie IB, SDA or ESA(C), because they have started work, increased their hours of work or increased their earnings, **and**
- have started employment, or have increased earnings or hours of employment which is expected to last at least five weeks, **and**
- have been continuously in receipt of either IB, SDA, or ESA(C) for a period of at least 26 weeks immediately before the qualifying contributory benefit ceases, **and**
- not be entitled to and not be in receipt of a qualifying income-related benefit in the last benefit week in which the claimant was entitled to a qualifying contributory benefit

5.401 Any periods that a partner has spent on IB/SDA/ESA(C) count towards the 26 week qualifying period. But these periods only count if the person in question was the claimant's partner throughout the 26 week qualifying period and is still the claimant's partner.

5.402 An EP cannot be awarded unless all the conditions have been met.

5.403-5.429

5.403 To decide the amount of an EP, see *Duration and amount of EPs* later in this chapter.

Note: If the claimant's liability to pay rent or liability to pay CT ceases during the EP period, no payments should be made in respect of the remainder of the EP period.

5.404-5.409

Linking provisions

5.410 There are no linking provisions for EPs. Any break in entitlement to IB, SDA or ESA(C) means that a further 26 week period has to be served before an EP can be considered.

5.411 It is the responsibility of the LA to check all of the qualifying conditions. LAs should use the CIS to access relevant dialogues to check eligibility.

5.412-5.419

Relationship with the EP (qualifying income-related benefits) Scheme

5.420 When, for example, a claimant was getting IS and IB (or SDA) together, and then moves onto IB (or SDA) only, the IB (or SDA) can be counted towards the 26 week qualifying period for the EP (qualifying contributory benefits) Scheme, irrespective of the fact that it was paid alongside IS at an earlier stage.

5.421 However, if the claimant was in receipt of IB (or SDA) only then went onto IB (or SDA) and IS, then the only way they could get an EP would be under the EP (qualifying income-related benefits) Scheme provided they completed 26 weeks on IS. You cannot add together the IS and IB/SDA periods.

5.422 ESA will operate in a similar way, for example someone getting

- **ESA(IR) and ESA(C) together**, and then moves onto ESA(C) only – in these cases, the ESA(C) can be counted towards the 26 week qualifying period for the EP(qualifying contributory benefits) Scheme, irrespective of the fact that it was paid alongside ESA(IR) at an earlier stage
- **ESA(C) only** and then went onto ESA(C) and ESA(IR), the only way they could get an EP would be under the EP (qualifying income-related benefits) Scheme provided they completed 26 weeks on ESA(IR). In these circumstances, you cannot add together the ESA(IR) and ESA(C) periods

HB Reg73(1)(d), HB(SPC) Reg 53(1)(d); CTB Reg 61(1)(d), CTB(SPC) Reg 44(1)(d)

5.423-5.429

No longer a requirement to claim an EP

- 5.430 The LA should treat the move into work by the claimant/partner as a normal change of circumstances. The LA should check for entitlement to
- an EP, and
 - In-work HB/CTB
- 5.431 There is no longer a requirement to end the current HB/CTB claim if there is entitlement to an EP. If there is such an entitlement, the EP rate becomes payable on the existing HB/CTB claim, with In-work HB/CTB taking over once the EP period has ended, but see *Cases with no entitlement to In-work HB/CTB* later in this chapter.
- HB Reg 73B(1), HB(SPC) Reg 53B(1); CTB Reg 61B(1), CTB(SPC) Reg 44B(1)*

5.432-5.439

Pension Credit cases

- 5.440 When a claimant or their partner is in receipt of Pension Credit, and IB, SDA or ESA(C) is in payment, an EP cannot be made. This is because there are no remunerative work rules in Pension Credit which restrict the number of hours that can be worked, unlike in IS, JSA(IB) or ESA(IR) where the remunerative work rule affects the qualifying conditions for those income-related benefits.
- 5.441 In Pension Credit cases, HB/CTB will be paid by the LA until they have been notified that the claimant's Pension Credit has been reassessed.
- HB(SPC) Reg 53(1); CTB(SPC) Reg 44(1)*

5.442-5.449

Duration and amount of EPs

Duration

- 5.450 When a claimant or their partner is entitled to an EP, the EP period begins on the first day of the benefit week following the week in which the qualifying contributory benefit ceases.

C5 - Extended payments

5.451-5.456

5.451 A claimant or their partner is no longer entitled to the qualifying contributory benefit on the day after the benefit ceases.

HB Reg 73A, HB(SPC) 53A; CTB Reg 61A, CTB(SPC) Reg 44A

Example

IB is paid up to and including Sunday 10 May. IB is therefore no longer payable on Monday 11 May. HB would cease at the end of that week (from Monday 11 May to Sunday 17 May). The EP would commence from Monday 18 May for a maximum of four weeks.

5.452 EPs are not payable for rent free weeks. For example if weeks 2 and 3 of the four week period are rent free weeks, an EP should be paid for weeks 1 and 4 only. It should not be extended beyond the four week period to compensate for non-payment during the rent free weeks.

5.453 The EP period ends either

- after four weeks, or
- on the date that liability for rent or council tax ends

whichever happens first.

Amount

5.454 The amount of the EP will be the higher of the amount of

- HB/CTB in payment in the last benefit week in which the qualifying contributory benefit was in payment, **or**
- entitlement to In-work HB/CTB

5.455 The aim is to ensure that the claimant or their partner is entitled to at least the same amount of HB/CTB that they were receiving in the week before they started work.

5.456 If the last benefit week in which the qualifying contributory benefit was in payment was a rent free week, the benefit week used to determine the level of the EP would be the last non rent free week.

HB Reg 73B, HB(SPC) Reg 53B; CTB Reg 61B, CTB(SPC) Reg 44B

Example 1

Claimant starts work and is entitled to an EP. LA calculates In-work entitlement. In-work entitlement is less than the rate of EP. EP paid for four weeks at EP rate. In-work entitlement HB/CTB rate takes over from EP rate at end of EP period.

Example 2

Claimant starts work and is entitled to an EP. LA calculates In-work entitlement. In-work entitlement is greater than the rate of EP. EP paid for 4 weeks at In-work rate of HB/CTB. In-work HB/CTB takes over from EP at end of EP period. In effect, there will be no change in rate of HB/CTB at this stage.

Cases with no entitlement to In-work HB/CTB

- 5.457 If there is no entitlement to In-work HB/CTB following cessation of the qualifying contributory benefit, but there is entitlement to an EP, the existing HB/CTB claim can continue so that the EP can be paid. This avoids the need to end the current HB/CTB claim in order to enable the EP to be paid.

HB Reg 73D, HB(SPC) Reg 53D; CTB Reg 61D, CTB(SPC) Reg 44D

5.458-5.469

Changes of circumstance during the EP period

- 5.470 Changes of circumstance during the EP period will not normally affect the rate of the EP. This supports the need to pay the EP at the HB/CTB rate that was in payment in the week before the qualifying contributory benefit ceased.

HB Reg 73D(2), HB(SPC) Reg 53D(2); CTB Reg 61D(2), CTB(SPC) Reg 44D(2)

- 5.471 However the claimant can report changes of circumstance during the EP period which might affect entitlement to In-work HB/CTB. How the change of circumstances affect the EP will depend on whether it would mean that In-work HB/CTB would be higher or lower than the rate of EP. The change should be assessed using the normal change of circumstance rules in *HB Reg 79/HB(SPC) Reg 59, CTB Reg 67/CTB(SPC) Reg 50*. The rate of In-work HB/CTB should then be compared to the rate of EP in payment.

- 5.472 If the change means that the rate of In-work HB/CTB

- **would be higher** than the rate of the EP, then the EP is adjusted upwards to the rate of the In-work HB/CTB
- **remains lower** than the rate of the EP, then the EP continues in payment at its current rate until the end of the EP period

HB Reg 73B, HB(SPC) 53B; CTB Reg 61B, CTB(SPC) Reg 44B

- 5.473 See also *Claimant changes address within the LA during the EP period* later in this part.

5.474-5.489

Claimant with two homes

- 5.490 EPs do not affect provisions for HB on two homes. You must still consider whether HB on two homes is appropriate. The amount of the EP will reflect the rate paid for two homes, so long as liability for two homes exists. If liability for one of the homes ceases during the EP period then the EP must be adjusted to take account of that change.

HB Reg 73B(5), HB(SPC) Reg 53B(5)

5.491-5.499

5.500-5.530

Claimant changes address before the qualifying benefit ceases

5.500 If the claimant/partner stops being entitled to HB/CTB because they left their home, and the change of address was in the week in which their qualifying contributory benefit ceased due to work-related reasons or during the preceding week, the LA must treat the claimant as being entitled to HB for that week and process the EP change of circumstances see *Changes of circumstance during the EP period* earlier in this chapter.

HB Reg 73(2), HB(SPC) Reg 53(2); CTB Reg 61(2), CTB(SPC) Reg 44(2)

5.501-5.509

Claimant changes address within the LA during the EP period

5.510 If a claimant entitled to an EP moves home during the EP period, the EP is still payable for the rest of the EP period provided there is a liability for rent/Council Tax at the new home.

5.511 It is not necessary for the claimant to move home to start work or increase their hours or wages, it could be that the move coincides with a new job or an increase in hours or wages.

5.512 How the change of address affects the EP will depend on whether it would mean that In-work HB/CTB would be higher or lower than the rate of EP. The change of address should be assessed using the normal change of circumstance rules in *HB Reg 79/HB(SPC) Reg 59* and *CTB Reg 67/CTB(SPC) Reg 50*. The rate of In-work HB/CTB should then be compared to the rate of EP in payment.

5.513 If the change of address means that the rate of In-work HB/CTB

- **would be higher** than the rate of the EP, then the EP is adjusted upwards to the rate of In-work HB/CTB
- **remains lower** than the rate of the EP, then the EP continues in payment at its current rate until the end of the EP period

5.514-5.529

Claimant's partner makes a claim for HB/CTB while an EP is in payment

5.530 If a claimant's partner makes a claim for HB/CTB in the same LA while an EP is in payment to the claimant, no HB/CTB can be paid to the partner while the EP is in payment. This is to prevent duplication of provision.

5.531 When a claim is made in a new LA, see *Claim for In-work HB/CTB at the new LA during the EP period* later in this chapter.

HB Reg 73B(7), HB(SPC) Reg 53B(7); CTB Reg 61B(3), CTB(SPC) Reg 44B(3)

5.532-5.549

Claimant changes address to another LA within the EP period

5.550 If a claimant entitled to an EP moves to a different LA during the EP period, EPs may still be payable for the rest of the EP period provided there is a rent/CT liability at the new address.

5.551 The change will be effective from the Monday following the date of the change of address even if the change of address is a Monday.

Example 1

Claimant moves on Monday 13 October 2008, the effective date of the change is the Monday following the date of the change – 20 October 2008.

Example 2

Claimant moves on 22 October 2008. The effective date of the change is the Monday following the date of the change – 27 October 2008.

5.552 The amount of the EP payable from the Monday following the day of the move will be the amount of HB/CTB payable to the mover (or their partner) for the last benefit week before they ceased to be entitled to a qualifying contributory benefit.

5.553 The EP continues to the end of the original four week EP period, and may take the form of a payment from the original LA to either the

- new LA, or
- claimant/partner directly

5.554 For example, with a CTB EP it might make sense to pay the balance of the EP directly into the claimant's CT account at the new LA rather than directly to the claimant.

HB Reg 73C, HB(SPC) Reg 53C; CTB Reg 61C, CTB(SPC) Reg 44C

5.555-5.569

5.570-5.600

Claim for In-work HB/CTB at the new LA during the EP period

5.570 When the claimant (or their partner) makes a claim for In-work HB/CTB at the new LA, the new LA should reduce the weekly amount of In-work HB/CTB due to the claimant (or their partner) by an amount equal to the weekly EP in payment until the end of the EP period.

HB Reg 73C(4), HB(SPC) Reg 53C(4); CTB Reg 61C(4), CTB(SPC) Reg 44C(4)

5.571-5.589

Claimant/partner reaches age 60 during the EP period

5.590 Normally, when a claimant or their partner reaches age 60, HB/CTB entitlement would be assessed under the HB and/or CTB (SPC) Regulations. When this occurs during the EP period, how this affects the EP will depend on whether it would mean that In-work HB/CTB would be higher or lower than the rate of EP. The rate of In-work HB/CTB should then be compared to the rate of EP in payment.

5.591 If the change means that the rate of In-work HB/CTB

- **would be higher** than the rate of the EP, then the EP is adjusted upwards to the rate of the In-work HB/CTB
- **remains lower** than the rate of the EP, then the EP continues in payment at its current rate until the end of the EP period

HB(SPC) Reg 52, CTB(SPC) Reg 41

5.592-5.599

Exchanging information between the original and new LA

HB Reg 116, HB(SPC) Reg 97; CTB Reg 97, CTB(SPC) Reg 82

5.600 When there is a change of address from one LA to another, and there is liability for rent/Council Tax in the new authority, the original LA should disclose to the new LA

- the amount of the EP
- the date the EP commenced/is due to commence
- the date the EP ceased/is due to cease
- the date of the move from the original LA to the new LA

continued

- (5.600)
- if any deduction was being made in respect of a recoverable overpayment, and
 - if the original LA is to make the payment direct to the new authority, the original LA should disclose to the new LA
 - the amount to be paid over
 - any other information needed by the new LA that will enable the original LA to make the payment, and
 - any overpayment deductions that are being made

5.601 The new LA must provide the original LA with the following information

- whether the mover's liability for the new accommodation is to the new LA, and
- if the original LA is to make the payment direct to the new LA
 - any other information needed by the original LA that will enable the original LA to make the payment
 - the date the payment is received by the new LA

5.602-5.619

HB/CTB EP disputes

5.620 The award or refusal of an EP is a relevant decision and subject to the dispute process.

5.621-5.629

Overpayment of EPs

5.630 An overpayment of EPs can happen, for example if

- HB/CTB is not reassessed for a change of circumstances that happened before the EP period until after the EP period was awarded. For example this could happen when a non-dependant moves into the household before a qualifying contributory benefit ended
- an LA incorrectly decides an award is appropriate

5.631-5.639

5.640-5.999

HB/CTB EP notifications

- 5.640 Decision Making and Appeals Regulations, Reg 10 states that a decision notice must tell the person affected they
- may request a statement of reasons for the decision, if the notice does not include one
 - have the right of appeal to an Appeal Tribunal
- 5.641 However it is good practice to include the items, appropriate to EPs, listed in *HB Schedule 9* and *CTB Schedule 8*, see *A6, What a decision notice must include* earlier in this manual.

5.642-5.649

Mortgage Interest Run On cases

- 5.650 Mortgage Interest Run On (MIRO) gives claimants who have mortgage interest payments and help for other housing costs (such as ground rent and service charges), included in their IS, JSA(IB) or ESA(IR) and who return to work, an additional four weeks of IS.
- 5.651 This means they will automatically get an additional four weeks of maximum CTB and possibly HB if they pay part rent, part mortgage on their property.
- 5.652 In these cases there is no entitlement to an EP.

5.653-5.999

Notification of IS termination date

ADDRESS	Hougemont House 29 Belmont Street Liverpool L12 7HA	IF YOU GET IN TOUCH WITH US TELL US THIS REF No 0390 / IB878763A TEL: 0765 678 7650 DATE: 03/05/2001
LA:	SEFTON MBC	
IS DETAILS:		HOUSING BENEFIT END OF ENTITLEMENT
CUSTOMER DETAILS:		
START DATE:		DOB: 29/08/1949
PARTNER DETAILS:		
NINO:		DOB:
START DATE:		END DATE:
ADDRESS		PREVIOUS ADDRESS
START DATE: 22/12/01		START DATE: ADDRESS
DATE OF IS CLAIM: 22/10/1990		DATE OF IS ENT: 09/01/2001
NON-DEPS FULL NAME:	DOB:	START DATE: END DATE:
There are no non-dep details held		
DATE OF IS TERMINATION: 28/05/2001		DATE PAID TO:
REASON:	Customer works for 16 hours or more HBRO conditions satisfied	
DATE NOTIFICATION ISSUED: 03/05/2001		