

April 2017 changes

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RBKC Benefits



Two children benefit limit



Welfare Reform and Work Act 2016

Child Tax Credit

No child element of Child Tax Credit for a third or subsequent child born on or after 6 April 2017.

Universal Credit

Child element limited to two children for UC claims made from 6 April 2017.

No regulations.....until last week.



Impact on Housing Benefit

- ▶ Without amendment to the Housing Benefit regulations, people may gain-back the loss of Child Tax Credit through Housing Benefit.



Impact on Housing Benefit

- ▶ HB claims in payment on 5/4/17: ALL children born before 6/4/17 are protected.
 - ▶ Children born on or after 6/4/17 not protected.
- ▶ New HB claims from 6/4/17: applicable amount is restricted to two children (even if the children were born before 6/4/17).



Exceptions (Child Tax Credit)

- ▶ General exception for children born before 6/4/17.

(Doesn't matter when CTC is claimed)



Exceptions

Multiple births - detail

Example 1

Already one child.

Then triplets born 1/5/17.

= All 4 children get the child element of CTC and the HB allowance

Example 2

Already 2 children

Then triplets born 1/5/17.

= Triplet 1 gets NO child element of CTC nor the HB allowance

= Triplets 2 and 3 get the child element of CTC and the HB allowance

= The two older children also get the child element of CTC and the HB allowance.



Exceptions

Child living with family and friends

Formal arrangements

- ▶ Child Arrangement Order
- ▶ Special Guardianship Order
- ▶ Guardian's Allowance and neither the parent or step-parent

Informal arrangements

- ▶ Must be verified by a social worker



Exceptions

Child likely to have been conceived as a result of rape

- ▶ Supporting evidence from a third party professional (from a specified list of professions), or
- ▶ Successful conviction or compensation award from Criminal Injuries Compensation Authority
- ▶ No time limit imposed on reporting the rape to the third party professional
- ▶ Coercion and control included
- ▶ Must not be living with the alleged perpetrator.



Child Tax Credit

- ▶ All children born before 6/4/17 will be protected, even if CTC is claimed after that date.
- ▶ HMRC will decide whether any of the exemptions apply.
- ▶ HB will follow Child Tax Credit exemptions.



HB new claim process 3+ children from 6 April 2017

1. New HB claim 3 children (all born before 6/4/17)
2. HB awards “applicable amount” for only 2 children
3. Client claims CTC and gets CTC for **3 children**
4. HB amends applicable amount to 3 children



Problem

- ▶ Our Child Tax Credit evidence is not detailed enough to show the number of children in a Child Tax Credit assessment.
- ▶ Onus on the client to provide us with proof of how their CTC is calculated.



Sundry points

- ▶ Disabled Child Premium & Enhanced Disability Premium can still be awarded
- ▶ The 3rd or subsequent child will count as an “occupier” for deciding how many bedrooms the family is entitled to (LHA & Bedroom Tax)



Impact on Universal Credit

- It is on or after 6/4/17, and
- The client lives in a Universal Credit **Full Service** area, and
- They have more than 2 children, and
- They **cannot** make a NEW claim for UC,

They will be allowed to claim legacy benefits, including Housing Benefit (but the “two children only” rules will still apply to them if their third [or subsequent child] was born on or after 6/4/17).

But: if the claimant is **ALREADY** on UC when a third or subsequent child is born, they will stay on UC.



ESA Work-related Activity Component no longer awarded



ESA Work-related Activity Component no longer awarded

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- ▶ New claims of ESA from 1/4/17, people in the Work-related Activity Group (WRAG) will **not** be awarded the Work-related Activity component in their ESA.
- ▶ Work-related activity component is £29.05 pw
- ▶ These people will **not** be entitled to the equivalent Work-related Activity premium in the HB applicable amount.
- ▶ Affect on HB is neutral.



Bereavement Support Payment

- ▶ For people whose spouse or civil partner died on or after 6/4/17, **Bereavement Support Payment** replaces: Widowed Parent's Allowance, Bereavement Allowance and Bereavement Payment.
- ▶ People who were bereaved before 6/4/17 will continue to receive Bereavement Allowance, Bereavement Payment and Widowed Parent's Allowance as appropriate.



Bereavement Support Payment

- A lump sum of £3500 followed by 18 payments of £350 pcm for people with dependant children (or pregnant).
- A lump sum of £2500 followed by 18 payments of £100 pcm for people without dependant children, or
- The lump sum is disregarded as capital for 52 weeks
- The income is disregarded for 1 month. If unspent, it is then treated as non-disregarded capital.



Universal Credit Digital Roll-out

- ▶ We already have the Full Service in W14, SW3, SW5, SW7 and SW10.



New Bedroom Tax and LHA rule

- ▶ HB regulations currently allow an extra bedroom where:
 - ▶ The claimant or partner has an overnight carer, or
 - ▶ Where a disabled child cannot share a bedroom with another child.
- ▶ But until now there was no provision for an overnight carer for a **disabled child or non-dependant**, or where a **couple** cannot share a bedroom due to disability (except through DHP).



New Bedroom Tax and LHA rule

- ▶ The Supreme Court decision of 9 November 2016 is now transcribed into the HB regs (from 1/4/17)



New Bedroom Tax and LHA rule

- ▶ From 1/4/17, a child or non-dependant who requires an overnight carer is allowed an extra bedroom. The conditions are:
 - ▶ The child or non-dependant requires overnight care
 - ▶ a spare bedroom is available for the carer (or team of carers)
 - ▶ the disabled child or non-dependant adult must be in receipt of: middle or higher rate care component of Disability Living Allowance (DLA), or Attendance Allowance (AA), or the daily living component of Personal Independence Payment (PIP) or the Armed Forces Independence Payment (AFIP), or
 - ▶ (if not in receipt of one of the above benefits), the claimant has provided the council with sufficient evidence to satisfy the council that the overnight care is required.



New Bedroom Tax and LHA rule

- ▶ From 1/4/17, a “member of a couple who cannot share a bedroom” means a member of a couple—
 - ▶ who is in receipt of Attendance Allowance at the higher rate, or DLA care component highest or middle rate, or the daily living component of PIP, or the Armed Forces Independence Payment, and
 - ▶ whom the relevant authority is satisfied is, by virtue of his or her disability, not reasonably able to share a bedroom with the other member of the couple”.



18 – 21 year olds

- ▶ People aged 18 to 21 will not be able to get the housing element of Universal Credit from 1/4/17
- ▶ Applies to Universal Credit Full Service areas.
- ▶ So it does not apply to HB....but it (sort of) does apply to HB, because if someone is barred from HB because they live in a UC Full Service area, they will then come under UC and be affected by this rule if age under 22.



18 – 21 year olds

Exceptions

- ▶ People who do not live in Universal Credit Full Service areas
- ▶ People who were on HB (or the housing element of UC) immediately before this new rule would have applied
- ▶ People who are working, or were recently working*
- ▶ Parents
- ▶ Former care leavers



18 – 21 year olds

Exceptions

- ▶ People entitled to the care component of Disability Living Allowance at the middle or highest rate or the daily living component of Personal Independence Payment
- ▶ People living in temporary accommodation
- ▶ People who have no parents, or are unable to live with their parents**
- ▶ Victims of domestic violence
- ▶ People who are exempt from certain work requirements



18 – 21 year olds Working

- ▶ *16 hours pw or more at the National Minimum Wage
- ▶ Also if someone has been working for 6 consecutive months then loses their job, they are then exempt from this new rule for a further 6 months.



18 – 21 year olds Unable to live with parents

1. **the renter is unable to live with their parents because—
 - ▶ (i) the renter has no parent; or
 - ▶ (ii) neither parent occupies accommodation as their home in Great Britain;
2. in the opinion of the Secretary of State it is inappropriate for the renter to live with each of their parents, including (but not limited to) in circumstances where there would be a serious risk to the renter's physical or mental health, or the renter would suffer significant harm, if the renter lived with them.



RBKC Discretionary Housing Payment budget 2017-18

	2016 – 17	2017 - 18
DWP DHP funding for RBKC	£1.3 M	£895,344



DHP for UC people

The screenshot shows a web browser window with the URL <https://www.rbkc.gov.uk/advice-and-benefits/>. The browser tabs include 'The Royal Borough...', 'kcsc.org.uk', 'gov.uk', 'Parliament shooting: Police off...', 'R.B.K.C. Corporate Templates', and 'Discretionary Housing Pay...'. The website header features the council's logo and a search bar. The main heading is 'Discretionary Housing Payment'. The content area includes a detailed description of the payment, a list of related links, and a download link for the application form. A 'Contact the Benefits team' button is also visible.

Services ▾ MyRBKC Council Maps

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

Enter search terms...

Home / Advice and benefits / Discretionary Housing Payment


Discretionary Housing Payment

Discretionary Housing Payment is a limited fund that the Council can use to help residents whose Housing Benefit or Universal Credit has been restricted. This could be because of the Local Housing Allowance caps, or because of other **changes to benefits**. If you are receiving Housing Benefit or Universal Credit and you are not getting your full rent paid, you may qualify.




It is separate to Housing Benefit and Universal Credit, though the Council's Housing Benefit section runs the schemes. All awards are made at the Council's discretion. To be eligible, you must be in receipt of Housing Benefit or Universal Credit and your circumstances must be exceptional. These payments are normally only awarded for a limited period and cannot be relied upon to solve long-term housing difficulties.

Apply online, download the application form below or call us on tel: 020 7361 3006, to request a printed form or a copy of our policy.

- Complete this form if you are on Housing Benefit [Discretionary housing payment for Housing Benefit - online form](#)
- Complete this form if you are on Universal Credit [Discretionary housing payment for Universal Credit - online form](#)

 **Discretionary housing payments form**
[PDF] (file size 108.8 KB)

Print page: [Paper](#) / [PDF](#)

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