



Herts Adviser

Updated benefits information and advice
from Hertfordshire's Money Advice Unit

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www.hertfordshire.gov.uk/benefits



Contents

UC managed migration	2
Cost of living payments.....	4
Feb 2024 UC increases for some claimants with disabilities	5
2024 benefits and local housing allowance uprating.....	6
Case study	7
Discretionary housing payments....	8
Warm home discount.....	9
Age UK winter welfare checks	9
Tax credits overpayments after moving to UC.....	10
Bereavement benefits deadline	12
Help for survivors of domestic abuse.....	14
Query from the MAU advice line ...	15



UC managed migration is about to reach Herts

In February 2024, the Department for Work and Pension (DWP) will start to tell Hertfordshire claimants who receive tax credits (but no other legacy benefits) to transfer to universal credit (UC). This is known as ‘**managed migration**’.

What will happen?

The DWP will send out ‘migration notices’ to tax credits claimants, giving them three months to make their UC claim before their tax credits end. Couples with a joint claim for tax credits will each receive a migration notice, and must both apply for UC.

What should claimants do if they receive a migration notice?

Migration to UC is not automatic, and claimants who have received a migration notice must **take action to avoid losing money**. They should **[apply for UC on gov.uk](#)** before their ‘deadline date,’ which will be three months after the date the migration notice was issued. If they cannot claim UC by the deadline date, they should contact the **[UC Migration Notice helpline](#)** on **0800 169 0328** before their deadline date. The DWP will grant an extension of up to 28 days if they accept that the claimant has good reason for not being able to claim before the deadline date. Further extensions can be requested (before the new deadline expires) if needed.

For some claimants, it will be in their interests to apply for UC straight away after receiving a migration notice. For others, it will be better to delay their UC claim for a while (but make sure they don’t miss their deadline). Seek advice if necessary.

If a claimant misses their deadline for claiming UC, their legacy benefits will stop on the day before their deadline date. They can still apply for UC. If they make a UC claim within a month of their deadline day they could still get transitional protection (see below). Otherwise, they'll lose that protection.

Some categories of claimant are currently **exempt** from managed migration. This includes people who are within six months of pension age, 16/17 year olds, claimants with a visual impairment, terminally ill claimants, and prisoners. The DWP can cancel a migration notice if it was issued in error.

See [gov.uk](https://www.gov.uk) for further guidance on what claimants should do after receiving a migration notice.

Legacy benefit claimants who haven't yet received a migration notice should not apply for UC without getting advice, because they won't qualify for the transitional protection described below and may be worse off.

Transitional protection

Claimants in the following categories may benefit from **transitional protection**, to mitigate financial loss at the point of moving to UC under managed migration:

1. People with capital over £16,000

If a tax credits claimant moving to UC has capital over £16,000 (the usual cut-off point for UC) at the point of migration, any capital over £16,000 will be disregarded for up to a year after migrating to UC. After a year, normal rules will apply and they will no longer be entitled to UC if they still have more than £16,000 in capital.

2. Students

Students in full-time advanced education who have received a migration notice will be able to claim UC for the duration of their course, even if they would not have otherwise qualified for UC due to their student status.

3. Transitional element

The transitional element is an additional amount which can be included in UC for claimants moving to UC under managed migration if their UC entitlement would otherwise be less than their previous total legacy benefits.

The rules for calculating the transitional element are complex. A 'total legacy amount' and an 'indicative UC amount' are used to in the calculation. These amounts are not always the same as the amounts the claimant actually received in legacy benefits and/or would get in UC without transitional protection. Some claimants will be worse off on UC than they would have been if they had been able to remain on legacy benefits, especially with the passage of time.

The transitional element can be eroded by changes of circumstances (such as an increase in rent or having a child), and by the annual increase in benefit rates each April.

All three types of transitional protection will end if claimants separate or form a couple. Transitional protection can also end if a claimant ceases employment, has a sustained drop in earnings, or has a break in their UC claim. [Revenuebenefits.org.uk](https://www.revenuebenefits.org.uk) has a more detailed explanation. Seek advice if in doubt.

Spring 2024 cost of living payments

The Department for Work and Pensions (DWP) has announced details of the £299 cost of living payment which will be paid in February 2024.

Who is eligible for the payment?

Claimants will be eligible if they were entitled to certain means-tested benefits on specified dates:

- If they were entitled to a payment (or later found to be entitled to a payment) of universal credit (UC) for an assessment period that ended in the period 13 November 2023 to 12 December 2023
- If they were entitled to a payment (or later found to be entitled to a payment) of income-based jobseeker's allowance (IBJSA), income-related employment and support allowance (IRESA), income support, or pension credit for any day in the period 13 November 2023 to 12 December 2023
- if they received a payment of working tax credit and/or child tax credit for any day in the period 13 November 2023 to 12 December 2023, or later receive a payment for any day in that period.

They will not get the payment if they are only getting housing benefit, new style ESA, contributory ESA, or new style JSA.

Couples claiming jointly will receive a single cost of living payment.

When will the payment be made?

Most people will receive their payment between 6 February and 22 February 2024. Eligible claimants will be paid automatically in the same way they usually get their benefit or tax credits.



If someone is eligible for the £299 cost of living payment but has not received it by 22 February 2024, they should [report it](#) to the office paying their benefit.

Retrospective payments

Claimants may become retrospectively entitled to a cost of living payment if they are given a backdated award of a means-tested benefit covering the relevant dates above, or a backdated award of a means-tested benefit or disability benefit covering relevant dates in 2023 linked to previous cost of living payments. In these circumstances the cost of living payment should be made automatically.

Example: Ahmed applied for personal independence payment (PIP) on 6 March 2023, but his PIP claim was refused. He appealed, and on 12 December 2023 was awarded PIP, backdated to 6 March 2023. That means he is now entitled to a disability cost of living payment of £150.

Seek advice if in doubt.

Valentine's day heralds increased UC for some claimants with disabilities



Claimants who have transferred from legacy benefits to universal credit (UC) by 'natural migration' can have a **severe disability premium transitional element (SDPTE)** included in their UC if they previously had a **severe disability premium (SDP)** included in their income-related employment and support allowance (IRESA), income-based jobseeker's allowance (IBJSA), or income support (IS) in the month before their claim for UC, and continued to satisfy the SDP eligibility conditions up to and including the first day of their UC award. (Natural migration means that they have transferred to UC voluntarily or due to a change of circumstances, as opposed to managed migration where **different transitional protection rules** apply.)

Despite the SDPTE, some claimants have still been considerably worse off. In January 2022 a **court case** ruled that the DWP was not adequately compensating some claimants who were worse off after moving onto UC under natural migration.

New legislation, taking effect from 14 February 2024, introduces additional monthly amounts for claimants who are entitled to the SDPTE and previously received an enhanced disability premium, disability premium or disabled child premium in IRESA, IBJSA or IS, or a disabled child element (but not a severely disabled child element) in child tax credit, in the month before their claim for UC, and continued to satisfy the eligibility conditions up to and including the first day of their UC award.

The additional monthly amounts (see below) will be added to the standard SDPTE previously in place, starting with the first monthly assessment period beginning on or after 14 February 2014. The additional monthly amounts will be:

- for those whose IS, IRESA or IBJSA included an enhanced disability premium: £84 for single claimants; £120 for couples
- for those whose IS or IBJSA included a disability premium: £172 for single claimants; £246 for couples
- for those whose IS or IBJSA included a disabled child premium, or whose child tax credit included a disabled child element (but not a severely disabled child element): £177 per disabled child or qualifying young person

Example: Sinead lives alone. She used to get IRESA including an enhanced disability premium and SDP. She opted to apply for UC in June 2023, after a friend suggested that she might be better off on UC. Unfortunately, her friend was incorrect - despite having an SDPTE of £132.12 per month included in her UC, Sinead was about £86 a month worse off than she had been when she was getting IRESA.

For Sinead's first UC monthly assessment period starting after 14 February 2024, an extra £84 will be added to her SDPTE, bridging the gap between her current UC entitlement and her previous IRESA entitlement.

Note that some claimants will still be worse off on UC than they were on legacy benefits. The SDPTE will be eroded by later changes in circumstances and increases in benefit rates.

2024 benefits and local housing allowance uprating

In April 2024, all working age benefits will be uprated by 6.7 per cent (based on September 2023 CPI inflation figure). The basic state pension, new state pension and pension credit standard minimum guarantee for 2024-25 will be uprated by 8.5 per cent. The proposed new benefit rates are now available on [gov.uk](https://www.gov.uk)

Local housing allowance (LHA) rates for private tenants will also be raised in April 2024, following a four-year freeze. The LHA will be reset to match the 30th percentile of local rents, an average rise of 16 per cent. This will be good news for many private tenants who currently have shortfalls between their actual rent and the amount of housing benefit or UC housing costs they receive.

However, note that the benefit cap has not been increased, so residents who are impacted by the cap will not benefit from the raise in LHA. Some families who currently have a benefit income too low to be capped will be brought into range of the cap by the benefit increase and the LHA lift. (The benefit cap is £1,835 a month for couples and single parents; £1,229.42 for single childless claimants.)

Current LHA rates can be found on [voa.gov.uk](https://www.voa.gov.uk). The new rates can be found at [indicative LHA rates for 2024 on gov.uk](https://www.gov.uk). LHA rates will be frozen again in 2025.



National insurance changes

The main rate of class 1 employee national insurance contributions (NICs) was cut from 12 per cent to 10 per cent on 6 January 2024.

The main rate of class 4 self-employed national insurance contributions will be reduced from 9 per cent to 8 per cent, and class 2 self-employed contributions abolished, from 6 April 2024. However, class 2 contributions help build entitlement to important contributory benefits such as maternity allowance and new-style employment and support allowance. It is still unclear how its abolition will impact on entitlement to these benefits.

National living wage / minimum wage increase

The national living wage (NLW) will increase to £11.44 an hour from 1 April 2024, with the age threshold lowered from 23 to 21 years old. The national minimum wage rates for people aged 18 to 20 will increase to £8.60 an hour, and for 16 to 17 year olds and apprentices it will be £6.40 an hour.

Although this is a welcome move for many families and individuals, particularly those just above the cut-off point for in-work benefits, there are some additional points to consider. For many, there will be a 30 per cent loss of any gain from extra tax and NI (allowing for the reduction of the NI rate to 10 per cent). Someone working 35 hours a week on NLW will get an extra £35.70 pw (£154.70 pm) in April 2024. They are over the 'frozen' tax and NI threshold of £12,570, so will lose £8.24 pw of that increase, gaining £27.46 pw net.

Herts Adviser – benefits and money advice news

For those on UC, the gain is smaller. A £27.46 pw increase in net pay (£118.99 pm) means they will lose 55 per cent (£65.43 pm) of that from their UC. Taking the tax, NI and UC effects into account, an increase in pay of £154.70 pm translates into £53.56 pm extra income after tax, NI and loss of UC is taken into account. If they also get means-tested council tax reduction, the gain would be further reduced by £23.79 pm, to give a net gain of £29.77 pm.

Case study: – overcoming obstacles

The MAU's Enhanced Primary Care Mental Health Service project works with users of the Enhanced Primary Care Mental Health Service in Herts. Here is one example.

Background

John, 22, has severe anxiety. His grandfather died recently and the grief has turned his world upside down. His anxiety is so bad that he can't leave his flat at all, even to collect post.

The Jobcentre treated John as fit for work from the start of his universal credit (UC) claim. They failed to advise him to obtain a fitnote even when he reported difficulties, then sanctioned him for failing to attend an appointment. John's mental health deteriorated, and he became suicidal.

Action taken

The MAU adviser immediately helped John start a personal independence payment (PIP) claim with a joint phone call, and directed him to request a fitnote from his GP. When it became clear that John could not retrieve his post, the adviser made a home visit. She showed John how to request a fitnote online instead of by phone.

The adviser completed the PIP form, requested medical records and supporting evidence from John's mental health worker, and sat in on the telephone assessment. She also chased for and completed the UC capability for work questionnaire, and sat in on that telephone assessment.

The Jobcentre put John on the Restart program, and the adviser asked for him to be removed from it. The DWP refused, but did amend his Jobcentre appointments to be telephone only. The adviser contacted Reed directly and they agreed not to press John to engage with the Restart program, avoiding further sanction.

Outcome

John was placed in the limited capability for work related activity (LCWRA) group for UC. He received £1500 arrears as well as an extra £390 per month, and no longer has to deal with the Jobcentre at all. He was also awarded both components of PIP. He received £1600 arrears as well as £380 per month going forward.

It is a huge relief for John not to worry about his benefits. He is spending more time at his mum's home to keep him safe. Now that he can pay his way, he can stay with her as long as he needs without being a financial burden to her.

New support for domestic abuse survivors

There is a new national fund of [£2 million to help domestic abuse victims escape abuse and rebuild their lives.](#)

From 31 January 2024, victims of domestic abuse who do not have the financial means to leave their abusers can apply for a one-off payment of up to £500 via one of over 470 support services, for essential items such as groceries, nappies or support with new accommodation for them and their children. They can also apply for a further one-off payment of up to £2,500 to help with a deposit for rental accommodation.

The fund, which will initially last until March 2025, will be delivered via referrals from a network of local frontline services.

See [page 14](#) for further information about support for survivors of domestic abuse.

Online PIP claims

As mentioned in previous issue of Herts Adviser, the DWP is conducting a trial of online personal independence payment (PIP) claims for a limited number of customers in specified postcode areas, including some areas in Hertfordshire. The DWP has reported that demand for the online PIP claims service has been higher than they anticipated, with an increase of 20 to 25 per cent in PIP applications in areas where the online application facility is available.

During 2024, the DWP will extend the online PIP claims trial to cover some additional regions and increased numbers of claims. Claimants can find out if the option to claim PIP online is available to them by entering their postcode on [gov.uk](#)



Discretionary housing payments

Local authorities (LAs) administer discretionary housing payments (DHPs), to assist people who are entitled to some universal credit housing costs element or housing benefit, but struggling to cover their full rent or needing help with the cost of moving to alternative accommodation. LAs receive an allocation of funds from central government to use for DHPs. LAs can also (but don't have to) spend an additional amount that is equivalent to up two and a half times their government allocation, but have to fund that element themselves.

It can sometimes be more difficult to obtain a DHP later in the financial year, as fewer funds remain. Whatever time of year a claimant applies, they are more likely to be granted a DHP if they can show that personal circumstances, such as a disability or caring responsibilities, mean that they have extra costs, or make it particularly difficult for them to find and move to suitable affordable accommodation. Supporting evidence is often helpful.

Visit your LA's website or see the [DHP guidance manual](#) for further information

Warm home discount

The warm home discount scheme gives eligible households £150 towards their energy costs every year, in the form of a discount on their bill, credit to a prepayment meter or top up voucher for the meter. People in England who are eligible should receive the discount automatically, and many have already received it. See [gov.uk](https://www.gov.uk) for a list of energy suppliers who are part of the scheme.



In order to be eligible, customers must either:

- have been receiving guarantee credit (a type of pension credit) on 13 Aug 2023;
- **or** have been receiving certain means-tested benefits on 13 Aug 2023, and also have “high energy costs”. Qualifying benefits are tax credits, housing benefit, income-related employment and support allowance, income-based jobseeker’s allowance, income support, pension credit or universal credit.

To determine if a home has high energy costs, the Valuation Office Agency (VOA) and energy suppliers will consider the age, type (for example, semi-detached or detached), and floor area. It may use the home’s [energy performance certificate](#) (EPC) if there is one. All tenants should have been given an EPC by their landlord. If a customer doesn’t have an EPC (which will be the case for many homeowners in older properties) they can [apply for one](#), but this typically costs £60 to £120. The Government has said that they will accept expired EPCs this year.

Customers who think their energy costs assessment isn't accurate can challenge it via the Warm Home Discount helpline on **0800 030 9322**, or in writing. The helpline will close to new claims on 29 February 2024.

Age UK winter welfare checks

Age UK Hertfordshire is supporting people with winter welfare checks. This is primarily for older people, but anyone who is vulnerable and in hardship can be referred. Age UK will deliver this support via their handyman services, including:

- provision and installation of draught excluders, radiator reflector strips, energy efficient bulbs and/or night lights
- provision of an electric blanket or a winter duvet (single size only)
- a Warm in Winter bag
- help to take meter readings and set heating timings and thermostats (although they are unable to help with any central heating related issues)
- hanging of winter curtains

This service will be available until the end of March 2024 and is free of charge as it is fully funded by Hertfordshire County Council and the ICS. To make a referral, email chris.skrabski@ageukherts.org.uk

Tax credits overpayments after a move to universal credit

One of the big surprises that claimants may get when they move from tax credits to universal credit (UC) is the shock of 'old' tax credits overpayments coming to light.

When a tax credits customer moves to UC (for whatever reason), HM Revenue & Customs (HMRC) should send a letter to the customer. This letter is called a TC1131 (UC) and sets out the details of any overpayment.

If someone is unsure whether they have a [tax credits overpayment](#), or how much that might be, they can check with HMRC. If there are any questions about when the overpayment happened, or why money is owed, the customer should contact the HMRC helpline on **0345 300 3900**.

If the household has already moved to UC, any tax credits overpayments owed to HMRC will be transferred to the DWP to collect from UC. It will be recovered by DWP's Debt Management Service. The DWP does not hold details of when or why the overpayment (debt) occurred.

Once the debt has been transferred to DWP, HMRC does not hold details of how or when the debt will be recovered or the debt balance once recovery has started. DWP will take an amount from a household's UC payment to pay towards the money owed. The amount deducted for recovery of the overpayment usually depends on how much a claimant gets and their household income, and whether other deductions for other debts are in place. The maximum that up to a maximum of 25 per cent of their UC standard allowance. More information about deductions from UC payments is available on [gov.uk](#)

If there was an existing repayment plan for the tax credits debt (also known as a 'time to pay' arrangement), it will end after HMRC send the TC1131 (UC) letter. HMRC will cancel any direct debits. If customers had other payment arrangements in place to repay a tax credits debt with either HMRC, or a debt collection agency acting on their behalf, they should check to ensure these are cancelled.

If someone needs help with managing their debts, they should call DWP Debt Management Service on **0800 916 0647** to discuss affordable repayment options and arrange a plan to suit their needs. To determine an appropriate repayment rate, customers may be asked about:

- any savings and income - including benefits and pensions
- living expenses - including rent, mortgage, childcare and household costs
- any other repayments being made - including loans, credit cards and utility bill repayments

If the customer thinks HMRC has made a mistake about the debt, they should call HMRC on **0345 300 3900** or see [gov.uk](#) for information about how to dispute a tax credits overpayment. However, customers need to be aware that they must complete the [TC846 dispute form](#) within three months of either the date on the first letter, statement or notice received informing that there has been an overpayment; or the

Herts Adviser – benefits and money advice news

‘decision date’ on the annual review notice.

While a dispute is being considered by HMRC, recovery of the overpayment will continue. If HMRC determines that the overpayment is incorrect (either in part or in full), they will notify DWP. The DWP will consider if any money due to the customer from the successfully disputed tax credits overpayment should be taken from any other tax credits overpayments outstanding before refunding it to the customer.

Free school meals

Using DWP and Council data, the County Council estimates that there are around 6,000 families in Hertfordshire who could be eligible for free school meals but so far haven’t applied. This has a very negative effect on the family budget, plus it means the children’s school misses out on extra funding, known as the pupil premium.



As well as missing out on a free school meal, families could be missing out on:

- school milk (year 3 and over)
- **SaverCard** which gives half fare bus travel to 11-19 year olds (usually £20)
- help with music lesson fees
- free school holiday activity camps (www.hertfordshire.gov.uk/happy)

For each child eligible for a free school meal through low income, the school gains an additional pupil premium (£1455 for primary-aged pupils and £1,035 for secondary-aged pupils), which helps to improve education for disadvantaged pupils.

Please promote www.hertfordshire.gov.uk/freeschoolmeals at every chance you get!

Child benefit update

Child benefit customers can now view and update their bank account details using the **HMRC app** or [report changes that affect their child benefit on gov.uk](https://www.gov.uk/report-changes-that-affect-their-child-benefit). Customers’ bank details can be viewed and updated instantly with no need to contact HMRC. Payments that are due within three days will be credited to the customer’s previously listed account.

Customers can download the free HMRC app from the **App Store** for iOS or the **Google Play Store** for Android. They should then follow the instructions on screen to complete the app settings. They will be asked to sign into their account and can sign in or register on the same sign in page if they have not used HMRC’s online services before. Once set up, customers can log in using a pin, fingerprint or with facial recognition.

Deadline for bereavement benefit backdating approaching - £1000's at risk

The deadline for **maximum** backdating of bereavement benefit claims is **8 February 2024**.

Last year, the government changed the rules on bereavement benefits to extend payments to parents / expectant mothers who were cohabiting at the time of their partner's death. Previously, the claimant had to have been married or in a civil relationship. The change affects entitlement from 30 August 2018 onwards – but see below for people whose partner died before that date.

The two benefits involved are **bereavement support payment (BSP)** for parents whose partner died on or after April 2017, and **widowed parents' allowance (WPA)** (which BSP replaced) where the partner died before April 2017 and the surviving parent **still** had dependent children on or after 30 August 2018.

BSP is paid for a maximum of 18 months. If you claim late, this may mean you receive less than 18 months of entitlement.

WPA (where the partner died before April 2017) can be paid until the last qualifying child leaves school – so potentially up to the age of 20.

Although a claim for BSP / WPA can usually only be backdated a maximum of three months, the extension to unmarried cohabiting couples means that claims could now be paid from 30 August 2018 for eligible parents even where their partner had died before this date. After the rules changed, there was a **12 month window** to extend the deadline for claiming any arrears of benefit. This meant that anyone who qualifies and claims by **8 February 2024** could receive a payment for a period starting from 30 August 2018. This could be worth almost £10,000 in some cases.



After **8 February 2024**, whilst late claims for BSP / WPA can still be made, the maximum backdating will reduce to the usual three months.

Key features of the BSP include that it can still be paid even if the claimant has later remarried or cohabited again. Another is that it doesn't count as income when universal credit or other benefits are calculated, and also it can be paid as a tax-free payment for people in work.

For more information see:

www.gov.uk/bereavement-support-payment/eligibility

www.gov.uk/widowed-parents-allowance

Gingerbread lone parent advice www.gingerbread.org.uk

www.moneysavingexpert.com/family/bereavement-support-payment/#video

Saving and spending

Carers' passport discounts

The Carers' Passport discount card, available via [Carers in Herts](#), enables unpaid carers to access over 440 discounts and concessions available with local and national businesses. It is not necessary for the carer, or the person being looked after, to be getting any benefits to qualify for the carers' passport discount card.

The following groups are not eligible for card: foster parents, care workers/paid workers, kinship carers where the child does not have a disability or condition.

Cost of living support

This winter, Hertfordshire County Council want to make sure that advice and support is available to help every resident deal with the rising cost of living.

Practical help is available for those who need it most. To make sure everyone knows what financial support is available, we are highlighting trusted sources of local and national information to help you manage your finances, make savings, and look after your own health and wellbeing. All information can be accessed via Hertfordshire County Council's 'Cost of Living' webpage at www.hertfordshire.gov.uk/winterhelp

[Cost of living flashcards](#), signposting people to support, are available in a range of languages and formats including Easy Read and BSL.

Royal mail home collections – convenient, but no longer free

Royal Mail customers can have letters or parcels collected from their home using the [Parcel Collect](#) service. Customers can use this service when they buy postage online, or for items being returned using a **Royal Mail Tracked Return** service, and those who can't (or prefer not to) print a postage label at home can request that the postie bring them a printed label.



From 1 February 2024, the Royal Mail will begin charging for the collection service (after providing free collections between June 2023 and 31 January 2024). At the time of writing this, their website does not show what the charges will be. Prior to June 2023 they were charging 72 pence for collections (on top of any postage charge paid).

A soup-er deal

Until the end of February 2024, anyone aged 60 or over can get a bowl of soup, a bread roll and unlimited regular tea or coffee for £1 at any [Asda Café](#). There's no minimum spend or other purchase required, and this deal is valid from opening time until café closing, any day of the week, until the end of February .

Help for survivors of domestic abuse

One in four women will experience domestic abuse in their lifetime, as will one in six men. Two women a week are killed by a partner or ex-partner in this country. In a recent crime survey, over 42,000 adults in Hertfordshire said they had experienced domestic abuse. That number would fill Watford football club stadium twice.



Herts
Domestic
Abuse
Helpline

08 088 088 088

Domestic abuse costs the England and Wales economies over 65 billion pounds a year. Social and economic costs such as loss of productivity for employers, impact on career opportunities for victim/survivors, harm to children, housing, and of course the cost to the NHS and police.

The **Hertfordshire Domestic Abuse Helpline** is a free, anonymous, support and signposting service for anyone affected by domestic abuse. The line is open from 9 am – 9 pm weekdays and 9 am – 4 pm weekends and bank holidays on **08 088 088 088**. There is also a confidential email service – kim@mailpurple.org

The Helpline received a total of 2,400 calls and emails last year and with much of the country in financial crisis the number is expected to increase significantly.

If you'd like to find out more about the ways in which you can support the Helpline, whether it be fundraising, becoming a volunteer call taker or trustee please visit www.hertsdomesticabusehelpline.org

Domestic abuse and benefits

Several **concessions** make it easier for people to access benefits if they have experienced domestic abuse (including emotional or financial abuse) within the previous six months. Claimants must provide evidence from a person acting in an official capacity, such as a health professional or social worker. They can then:

- claim universal credit (UC) housing costs, or housing benefit, for up to a year while temporarily absent from home due to domestic abuse, if intending to return
- be exempt from job seeking and work preparation requirements for up to 13 weeks if claiming UC, jobseeker's allowance or employment and support allowance, if no longer living at the same address as the abuser
- have a temporary break from UC work related requirements if caring for a child under 16 who is in considerable distress due to domestic abuse. The break will be up to one month every six months, for a period of two years following the domestic abuse.
- ask the DWP to split payment between two bank accounts instead of one if still claiming UC as a couple
- be exempt from the benefit cap if in 'exempt accommodation,' such as refuges, hostels or temporary accommodation

Query from the MAU advice line

Every working day, the Money Advice Unit answers benefits queries from statutory and voluntary organisations on our advice line on **01438 843444** (9.30 am - 12.30 pm) or by email at moneyadvice.unit@hertfordshire.gov.uk This advice line is for professionals only.



Question

I have a client, threatened with homelessness, who has moved into a private tenancy where his brother is the landlord. The property has always been rented out and his brother has never lived there. UC have refused to pay, as they say it is a contrived tenancy. The client will have to move into other private accommodation if he does not have this flat.

Answer

Firstly, show the DWP this from the House of Commons: [Benefit support for housing costs when renting from relatives \(parliament.uk\)](https://www.parliament.uk) “It’s up to the DWP or local authority to demonstrate an abuse is being attempted”. In other words, it’s not a contrived tenancy simply because if a person is planning on UC to meet the rent. There has to be an element of abuse of the system, and the onus of proof is on the DWP.

Also make sure there is a proper tenancy agreement (TA) with all the bells and whistles that usually accompany private lets – gas safety checks, maintenance of house and garden, access for landlord, eviction if rent not paid or antisocial behaviour takes place, no subletting and so on. You can download a standard TA online. It helps if the tenant would otherwise be homeless or overcrowded, or is moving to save excess rent. (Make sure the new rent isn’t too low though, as that could be seen as non-commercial.)

One outcome of the delay in getting this sorted out is that the DWP might use the fact that the tenant hasn’t been evicted for non-payment of rent as proof that it’s not a normal tenant / landlord relationship. So the brother may need to commence possession proceedings until the rent is included in the UC.

The relevant DWP guidance is [ADM Chapter F2: Housing costs element \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)

Whilst every effort has been made to provide accurate information, this newsletter is for guidance only and should not be considered an authoritative statement of the law.

