

MONEY MATTERS

A Welfare and Benefits blog
by Chris Saxon



Here are some examples of people I've helped who were not receiving their full entitlement:

Claimant was receiving Contribution Based ESA and PIP and had been for many years, after speaking to her about her finances and living situation I realised she should also be receiving the Income Based part of ESA to top up her Contribution Based ESA.

The DWP never assessed whether she would be eligible for this additional amount when she was moved over from the old Incapacity Benefit. A few letters and many, many bank statement requests later I was able to get her entitlement revised to include the Income Based top up for a period spanning more than 4 years, this ended up totalling around £12,000.



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Claimant had separated from their partner recently and had main custody of their child. The partner was the one in receipt of Child Benefit for the child however and so the DWP incorrectly told her that this meant an extra amount for being responsible for a child could not be included in her Universal Credit. This is a common mistake the DWP make, it is a requirement for receiving the Child Element of Universal Credit that the child must live with you most of the time, this is not a requirement for Child Benefit.

It's entirely possible for a child's main carer to receive the extra amount of Universal Credit while the other parent receives Child Benefit, after this was explained to UC the claimant had over a years worth of backdated Child Element added to her claim, totalling around £2,000.



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Claimant receives Universal Credit, has a disabled daughter he resides with who received Disability Living Allowance, high rate of both components. The DLA claim for his daughter began over 2 years ago, he didn't report this change to Universal Credit at the time as he believed they would already know and make any changes accordingly, after all, it's the same government department that administers both benefits, why wouldn't they?

Unfortunately this isn't the case. After realising he should be entitled to both the disabled child element of UC and the carers element he notified UC of his daughter's benefit award and his caring responsibilities and requested backdating to the start of his daughter's DLA claim. He was told the extra amounts could only be included from the date he reported the change, and that backdating would require a compelling reason he didn't or couldn't report the change sooner.

This is the normal rule for changes of circumstance, however thanks to Schedule 1, Part 4, Para 31(1) & 31(2)(a) of The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013 this rule should not apply in this case.

Full backdating of both missing elements was eventually awarded, totalling over £15,000.



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