

Benefits Series

Universal Credit

Date: April 2023

If you have concerns, please ring the DSA's Benefits Adviser Helen Wild

Monday & Thursday 10am-4pm

Tues & Weds 10am-12.30pm

Telephone: 0333 1212 300

Universal credit (UC) is a benefit for people of working age who are in or out of work. It is means tested which means that savings over £6K will affect benefit and anything over £16k will stop it.

It replaces 6 existing benefits listed below and has a single monthly payment which is paid in arrears into your bank.

- Income-based Jobseeker's Allowance
- Income-related Employment and Support Allowance
- Income Support
- Working Tax Credit
- Child Tax Credit
- Housing benefit for some people

Savings under 6k are unaffected.

When should my child claim UC?

If you are still in receipt of Tax Credits for your family and considering whether to make an independent benefit claim for your son or daughter, please check if you are better off waiting until they leave your claim naturally (usually just before their 20th birthday).

The rules for UC are very stringent for students so please get advice before making this decision.

In the meantime, they can make a 'contribution credit only' claim for New style ESA and get the work capability assessment done ready for when they can claim UC.

This will not affect any family benefit that they are in as no benefit will be payable.

Transitional protection for older adults on legacy benefits

For those previously in receipt of the benefits above and who claimed UC because of a change in their circumstances, (natural migration), there is transitional protection that can be added to UC, but only if you were entitled to the severe disability premium (SDP) within the above legacy benefits. This prevents the claimant being worse off on UC.

Closure of gateway and Transitional SDP amount

From 27 Jan 2021 claimants in receipt of legacy benefit and entitled to the severe disability premium as part of it, will not have immunity from having to claim UC. They will be able to ask for a transitional SDP amount which reduces as UC increases, (such as an increase for reaching age 25 or for a rent increase).

Transitional protection does not apply if you only have the enhanced disability premium as part of your benefit. If there is a change of your circumstance, such as reaching age 25 (entitled to extra money) or an increase in rent, you may be told that you must make a new claim for UC (called natural migration).

You do not have to make a claim for UC if you are already on legacy benefits and you choose not to. You can wait for the DWP to move you over (managed migration).

You need to check that if there is a change of circumstances such as an eligibility for a UC higher amount, whether you would be better off on UC or staying on existing benefit.

Supported Accommodation and Housing Benefit

If you are moving into accommodation provided by a non-metropolitan county council, housing association, registered social landlord, registered charity, non-profit making voluntary organisation or similar bodies and your landlord provides you with care support or supervision, or has a contractual arrangement for this to be provided between themselves and a care provider, you will have no rent restriction (providing the rent and accommodation size is reasonable) and you will still be able to claim Housing Benefit rather than UC housing cost (even though you may already be in receipt of UC for other amounts).

How to start a claim

Universal credit should be claimed online at www.gov.uk/apply-universal-credit.

If you are unable to claim this way, you can call the Universal Credit helpline on 0800 328 5644. The line is open from Monday to Friday from 8am - 6pm.

Once you have submitted your claim, you should be given a phone number so you can see someone at the job centre for an interview.

If you are the appointee for your son or daughter for PIP/DLA, then there should be no issue with you being the appointee for them for UC. You will then have responsibility for the claim.

Work Capability Assessment and amounts

At the interview you will be asked for confirmation of your identity and sign a copy of your claim details. It would be a good idea to take a fit note obtained from your GP as this may trigger having a work capability assessment. A work capability amount cannot be included straight away in the award. There will first be a 3 month wait before it is added.

If you have already been claiming ESA and you have been found to have limited capability for work related activity, you will not have to go through another work capability assessment and the work capability amount can be paid in the first UC payment period.

Students under 21

If you have a son or daughter who is under 21 and in full time non advanced education, you may be told that they cannot claim UC because they are not without parental support.

To be entitled to UC, as a student under 21, you must be found to have limited capability for work before commencing a course of education.

The rules have been amended and UC cannot now be paid unless the work capability assessment has been carried out before starting a fresh course of education. You can still make a claim for new style ESA as above, but the UC may now not be payable until the student leaves the current course.

The key now is to see whether the course that your young person is on, can be classed as something other than 'receiving education' in regulation 12 of the UC Regs 2013.

A qualifying young person is treated as receiving education unless the person is participating in a traineeship or relevant training scheme.

The definition of relevant training scheme is a traineeship or a course or scheme which is comprised of education or training designed to assist a claimant to gain skills needed in order to obtain paid work

Explain that for your son or daughter to progress in life, these life skills are an essential part of their independence and future employment prospects, then they may be able to allow the claim.

*If DWP do not let you make a claim for UC, ask to keep the UC claim on hold until you can claim and instead ask to make a claim for **new style ESA**. Although your son or daughter will not receive any money, they will receive a class 1 national insurance contribution and will also have a work capability assessment done in the process. Once this assessment has been done, and if found to have limited capability for work related activity, when you make a claim for universal credit it would include the extra work amount from the start of the claim (rather than 12 weeks later).*

Claimant commitment

There are 4 claimant commitment levels. There are other circumstances which fall into the categories. The most likely requirement outcomes of someone with Down's syndrome are the first and third listed below. You must accept this commitment to receive the benefit.

- **No work-related requirements** - if you are assessed as having limited capability for work related activity. This is the same as being in the support group of employment and support allowance (ESA). If you are placed in this group, there are no activities that you have to carry out in order to receive your benefit.
- **work focused interview requirement**
- **work focused interview requirement and work preparation requirement** - if you are found to have limited capability for work (rather than limited capability for work related activity). This is like being put in the work-related activity group of ESA

- **All work-related requirements**

The legislation showing the descriptor points is below.

legislation.gov.uk/ukxi/2013/376/schedule/6/made

In order to be assessed as having limited capability for work related activity, and have no work-related requirements, you need to score 15 points on any of the activities at 1-7, 11-14 or 17. Please note, this does not stop you if you find a job, it does enable you to keep more of your earnings before your universal credit is affected. This is called a work allowance.

Have a look at the descriptor and write down an example that will illustrate the point.

If you disagree with your decision

If you have work related requirements in your claimant commitment and you do not agree with them, you can ask DWP for a review. Whilst they are reviewing it you must still abide by the commitments you currently have to keep receiving benefit. You can ask for a mandatory reconsideration within a month of the decision letter. If you still disagree with the decision, you can then ask for an appeal.

Please call the benefit adviser if you need help on 0333 1212 300

Contact us

t. 0333 1212 300 option 1

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