

## **Changes to claims for Pension Credit and Housing Benefit**

***From 15 May 2019 changes will be brought in by the DWP in relation to claims for Pension Credit & Housing Benefit***

### **Current Position:**

Mixed age couples\* can claim Pension Credit as long as a member of the couple is above retirement age and makes the claim. They can also claim Housing Benefit (without the Benefit Cap or Bedroom Tax) rather than Universal Credit.

\*Where one party of the couple is over Pension Credit qualifying age and the other under that age

### **The Changes:**

From 15 May 2019, mixed age couples will no longer be able to choose whether they claim Universal Credit or Pension Credit or pension age Housing Benefit. Both parties of a couple will have to reach the Pension Credit qualifying age before they can be entitled to Pension Credit and/or pension age Housing Benefit.

There are no extra elements for being a pensioner under Universal Credit, making claimants worse off. From 15 May 2019 couples could potentially lose approximately £7k per year because of the difference in the Personal Allowance amounts.

### **Savings provisions:**

Savings provisions are included in the legislation which protect existing mixed age couples and means that where a mixed age couple were entitled to the following on 14 May 2019, they will continue to be entitled on or after 15 May 2019:

- Pension age Housing Benefit
- Pension Credit or
- Both

These savings provisions will cease to have effect in relation to the party of the mixed age couple, on any day on or after 15 May 2019, when that person is not entitled to either pension age Housing Benefit or Pension Credit as a part of the same mixed age couple.

The official guidance from the DWP can be found here:

<https://www.gov.uk/government/publications/housing-benefit-adjudication-circulars-2019/a32018-mixed-age-couples-changes-to-entitlement-conditions-from-15-may-2019>

Below are some examples of how couples may be affected:

#### **Example 1 – New claim from a mixed age couple on or after 15 May 2019**

The claimant and partner have been continuously entitled to Pension Credit and pension age Housing Benefit since December 2018. The claimant and their partner move to a new address in a new local authority (LA) area so their current Housing Benefit claim closes. As they were entitled to Pension Credit on 14 May 2019 and continue to be entitled to it they are able to make a new claim for pension age Housing Benefit.

#### **Example 2 – No longer entitled to either Pension Credit or pension age Housing Benefit as part of the same mixed age couple**

The claimant and partner have been continuously entitled to pension age Housing Benefit and Pension Credit since November 2016. In March 2019 one partner starts a temporary job. Their total income takes them off both Pension Credit and pension age Housing Benefit. When the partner's job ends they reapply for both benefits in August 2019. However, as they have not been continuously entitled to either benefit since 14 May 2019, they are not able to re-qualify and would need to make a claim for Universal Credit.

#### **Example 3 – Existing mixed age couples who separate**

The claimant and partner have been continuously entitled to pension age Housing Benefit and Pension Credit since September 2017. Due to a change of circumstances in June 2019 they are no longer treated as a couple. The claimant's Pension Credit and pension age Housing Benefit award continues as an award for a single person. The couple subsequently re-form and as the partner is still under pensionable age the claimant ceases to be entitled to Pension Credit and pension age Housing Benefit. This is because the exemption from the new rule excluding mixed age couples from entitlement to Pension Credit and pension age Housing Benefit only applies to claimants who have remained continuously entitled to either benefit since 14 May 2019 as part of the same couple. Therefore, they have to make a claim for Universal Credit.

#### **Example 4 - Single pensioners who form a mixed age couple**

If a single pensioner forms a couple with a person below the qualifying age on or after 15 May 2019, entitlement to pension age Housing Benefit and Pension Credit will end.

Existing legislation allows for a claim for pension age Housing Benefit to be made up to 17 weeks before a person reaches the qualifying age. Decision Makers can decide Housing Benefit claims made in advance for periods starting on or after 15

May 2019 based on the changes being made to regulations for Mixed Age Couples from 15 May 2019.

### **Backdated claims:**

The normal rules on the 3 month time limit for claiming pension age Housing Benefit will apply. This means that claims made on or before 13 August 2019 can be backdated to before the rule change applies, provided the claimant meets the entitlement conditions applicable on the earlier date.

### **Frequently Asked Questions**

**Q1: Does it matter when the partner joins the claim, in other words, is it only if they join the claim after 15 May 2019?**

*No, the changes apply to all mixed age couples regardless of when they became a couple. However, mixed age couples who are in receipt of Housing Benefit paid under the Housing Benefit (persons who have attained the qualifying age for pension credit) Regulations 2006 (SI 2006/213) (pension age Housing Benefit) on 14 May 2019 will be unaffected as long as continue to be entitled to pension age Housing Benefit.*

*If the couple stop being entitled to pension age Housing Benefit, the new rules will apply unless they are also receiving Pension Credit and they are still entitled to it when they make a new claim for pension age Housing Benefit.*

*If the change does apply it means they won't be able to start getting pension age Housing Benefit and Pension Credit until their partner has also reached pension age.*

**Q2: For an existing pension age Housing Benefit claim; where a partner joins a household and is identified as under pension age, the Housing Benefit claim must be terminated and the claimant directed to claim Universal Credit. Is this still the case even if the claimant is in receipt of Pension Credit?**

*Yes, the Pension Credit claim will also be terminated where a younger partner joins the household after the policy comes into force.*

**Q3: Is the 15 May 2019 the date the claim is actually made, or treated as made? I.e. is it the date a claim is physically received by the Local Authority, or is it the 'date of claim'?**

*The appointed day is the 15 May 2019 and any claims made or treated as made on or after that date are subject to the mixed age couple policy. Claims made or treated as made before the appointed day are protected from the changes.*

**Q4: If Pension Credit ceases, can claimants continue to receive pension age Housing Benefit?**

*Yes, pension age Housing Benefit can remain in payment due to the savings provisions included in the Commencement Order. Pension age Housing Benefit will need to be re-assessed on the grounds of low income once Pension Credit ceases.*

**Q5: What about claimants who are currently on working age Housing Benefit because they or their partner are receiving income based Jobseeker's Allowance (JSA), income related Employment and Support Allowance (ESA) or Income Support (IS)?**

*If they are currently claiming income based JSA, income related ESA or IS through the younger partner, they should continue to claim those benefits until they both reach pension age or move onto Universal Credit.*

**Q6: What happens if the claimant has a break in their pension age Housing Benefit claim?**

*If they were in receipt of Pension Credit continuously on or before 14 May 2019, they can reclaim pension age Housing Benefit.*

*If they are not receiving Pension Credit or they have a break in claim for both benefits, then they will need to make a claim to Universal Credit.*

**Q7: Can claimants backdate their claim to pension age Housing Benefit after 15 May 2019?**

*People will have until 13 August to make a backdated claim to pension age Housing Benefit to a period which includes 14 May providing they would have been entitled on that date had they claimed it at the time.*