

Children first and at the heart of all we do

WELFARE BENEFITS WHEN A CHILD OR YOUNG ADULT WITH A DISABILITY ATTENDS A RESIDENTIAL COLLEGE

This factsheet looks at what happens to benefit payments where a child or young person with a disability attends a residential college. If the child or young person stays away from home in a residential educational setting overnight, some of the benefits you receive are likely to be affected.

How will any benefits be affected?

There are different rules for each benefit. Some may stop altogether, some may be reduced, while others may continue to be paid as usual. It is important that you tell the relevant benefit and Tax Credit offices when your child goes into residential college, even if they come home at weekends, or outside term times.

Who should I inform?

You need to tell each office separately as they do not always pass on information. No one else will do this on your behalf, so tell them as soon as you can to avoid any overpayments. Contact information can be found below:

PIP office **0800 121 4433**

Carers Allowance Unit **0800 3710297**

Tax Credits Office **0800 371 0197**

Child Benefit **0300 200 3100**

Income Support **0800 169 0130**

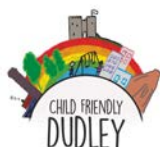
Housing Benefit/Council Tax Reduction

0300 555 8100 or visit online at

<https://www.dudley.gov.uk/residents/benefits/>

Universal Credit log into your Universal Credit account to report changes or call **0800 328 5644**

Motability Scheme **0300 456 4566**



Disability Living Allowance (DLA) and Personal Independence Payments (PIP)

Payment of the care component of DLA and the daily living component of PIP is suspended after 28 days.

The 28 days do not have to be consecutive, so that overnight stays in a residential setting separated by 28 days or less are added together (see Linking Rule details). The day your child goes into residential care and the day they leave do not count as days in care.

The mobility component of DLA and PIP should continue as normal.

What if my child comes home for visits?

Even if the care component of DLA / daily living element of PIP is suspended when your child is attending residential college, they may still be entitled to payments at a daily rate for any days that they come home.

These payments are normally made in arrears after you have returned forms to the DLA Unit/PIP office confirming details of the days your child has spent at home. Make sure that you tell the DLA or PIP office about any days that your child comes home.

Counting the number of days away from home

The day your child enters residential college and the day they leave are both treated as days at home. For example, if your child goes into a residential college on a Monday and comes back on a Friday, then only Tuesday, Wednesday and Thursday will count as days away from home. This is a total of three days, so you would receive 4 days' worth of the care component of DLA or daily living component of PIP in that week.

Spending at least 29 days at home

If your child is in residential college but comes home for holidays, the link would be broken if they were home for at least 29 days. On return to college, the care or daily living parts of DLA or PIP would be payable for 28 days before once again being suspended.

The mobility component of DLA and PIP

The mobility component of DLA or the mobility component of PIP continue to be paid to your child as normal, despite the fact that they are in a residential setting.

Can I keep a Motability car?

If you use your child's higher rate mobility to pay for a car through the Motability scheme, you may be able to keep the car if it is being used for the benefit of your child, for example, if you visit them regularly and use the car to take them out, or if they come home for weekends or holidays. The decision on whether you can retain the Motability car or not is made by the Motability Unit itself. If you have to give up the Motability car before the end of the agreement you could be liable for charges.

Linking Rule

When working out whether your child's care component or daily living element payments will stop, it is important to know that any stays in residential college that are separated by 28 days or less at home will be added together. This is known as the 'linking rule'.

This means that if your child has regular 'short breaks' in residential college, the number of days in each of these separate breaks can be added together. Once your child has spent a total of 28 'linked days' in a residential college setting, they will stop being paid DLA Care or PIP Daily Living Element during any subsequent days in that setting. They will still get payments as normal for the days they spend at home.

If at any point your child spends a continuous period of more than 28 days (or at least 29 days) at home in between stays in a residential setting, the 'link' is broken. If they go back to residential college accommodation after breaking the link, they will be allowed another 28 days before their DLA Care/PIP Daily Living element is once again suspended.

Carers Allowance

If your child is in a residential setting, your Carers Allowance could be affected. This is because you need to be providing at least 35 hours a week care to your child, and they also need to be getting payments of the care component of DLA or daily living component of PIP. If you no longer meet these tests, your Carers Allowance will stop.

Can I still get Carers Allowance?

You may still be able to continue getting Carers Allowance if your child regularly spends at least two days or more at home in one 'benefit week'. A benefit week for Carers Allowance runs from Saturday midnight to the following Saturday midnight. In order to retain Carers Allowance, you must provide at least 35 hours care during that week.

This does not have to be spread over the whole week. If you provide 35 hours care over a two- or three-day period, this should be sufficient. And time spent driving your child to and from their residential setting, preparing your home for their visit or cleaning up afterwards count towards the 35 hours' care.

What if my child comes home at weekends?

Because the benefit week runs from Sunday to the following Saturday midnight, the care you provide over a single weekend is divided between two separate benefit weeks. If your child only comes home some weekends you are unlikely to qualify unless they come home on consecutive weekends.

If your child does come home every weekend, this will allow you to add the care you provide on the Sunday and Monday of one weekend to that provided on the Friday and Saturday of the following weekend.

Example

Julie's son is at residential college. He comes home every Friday at 6pm and returns to college on Monday morning. The hours between Friday evening and all day Saturday up to midnight don't add up to 35 but if Julie's son was home the previous weekend she can add the hours from Sunday and Monday of that week, giving her over 35 hours in the benefit week. This means she would continue to qualify for Carer's Allowance.



Income Support

This is a benefit which no longer exists for new claimants, but some existing claimants continue to receive it. Income Support is only paid if you fall into certain groups, such as:

- being a lone parent for a child aged under five, or
- being a full-time carer for a person with a disability.

Because your child is in a residential setting, you may stop being treated as a carer for Income Support purposes. This will happen if you stop getting Carers Allowance, or it is no longer accepted that you are providing regular and substantial care to a disabled person. It is worth checking to see if you can continue to qualify on other grounds, such as being a lone parent of a child aged under five.

Can I still get Income Support?

Even if you don't fit into one of the other groups who can claim Income Support, you may be able to continue being considered as a carer if your child comes home regularly. If your Carers Allowance stops, you can continue to get Income Support as a carer for a further eight weeks. This is known as the 'run-on'. If your child comes home before the eight week 'run-on' has ended you may be able to reclaim Carers Allowance during the short period they spend at home and continue to get Income Support. The rules are complex so seek further advice.

What if my child does not come home within the eight weeks?

Then your Income Support will stop unless you qualify on some other ground. If you get Housing Benefit, this will automatically stop if your Income Support stops. You should contact your Housing Benefit office to continue with your claim. You should seek advice about what other benefits you may be able to claim.

Child Benefit

Child Benefit normally continues for a child/qualifying young person attending residential college. Your child counts as a qualifying young person if they have reached their age of 16, if they are enrolled on or have been accepted for approved training, or a course of full-time non-advanced education. This can continue to apply until the 1st September following their 19th birthday, provide they remain in approved training or full-time non advanced education.

Child Tax Credit

It is common for parents to continue getting Child Tax Credit payments for a child with a disability who is away from home in a residential college setting.

Although you might continue to get tax credits for a child in residential college, in some cases the amount paid might reduce. This will depend on the rates of DLA or PIP that your child gets.

When would Child Tax Credit reduce?

If your child has been awarded the highest rate care component of DLA or the enhanced daily living component of PIP then your tax credit award should include a 'severely disabled child element'. When the care or daily living parts of DLA or PIP are suspended after 28 days in care, you no longer qualify for this element in your Child Tax Credit award.

You should let the Tax Credit Office know when your child comes home for holidays or weekends as the care and daily living parts of DLA and PIP are payable for days at home and the 'severely disabled child' element should be added back into your award.

Working Tax Credit

If you get Working Tax Credit as well as Child Tax Credit, this isn't likely to be affected by a stay in residential college unless your childcare costs reduce because your child is away from home.

Universal Credit

Can I continue to get Universal Credit if Care's Allowance stops?

Once you stop being treated as a carer you will lose a carer element from your Universal Credit award.

However, your award can continue as long as you satisfy the conditions about work or can be exempt from the conditions. For example, you might be a carer for someone else.

Will be expected to look for work?

If you stop being considered as a carer you may find that your Universal Credit work coach starts to expect you to look for work. If you have a child aged under one you will not be asked to look for work, or if you have health problems which would affect your ability to work you can submit 'fit notes' from your GP stating that you have limited capability for work. You would be asked to undergo a 'work capability' assessment.

Housing Benefit and Council Tax reduction

Your child should continue to be treated as part of your claim so long as they are not 'looked after' by the local authority and their absence from home is expected to last for less than 52 weeks.

Does my child have to claim benefits as an adult in their own right?

You usually have the option of continuing to claim Child Tax Credit and Child Benefit for a young person up to their 20th birthday as long as they are in full-time, non- advanced education.

Likewise, Universal Credit can also continue to include them as a dependent child in your award up to the September following their 19th birthday.

If you are your child's 'appointee' for benefits then it is your choice whether you continue to claim for them as part of your claim as a family or help them claim in their own right as a young adult.

Before deciding whether to apply for benefits for your child in their own right, it is recommended that you get a benefit check, as it may not always be financially advantageous to do so.

