

Carers Rights and Entitlements

What was new in 2017 and what's changing in 2018?

Carers UK has produced this briefing for Carers Rights Day 2017 to give professionals an overview of different rights and entitlements across care, health, welfare rights and employment. It is designed to help professionals advising carers review and refresh knowledge of what has changed over the last year and what they need to be prepared for.

Carers UK will continue to update resources in the run-up to and during the changes set out below.

UK wide: what changed in 2017?

April 2017: Earnings Limit for Carers Allowance.

The Carer's Allowance earnings limit went up from £110 a week to £116 a week (after deductions). Although this is welcome news, with the rise of the National Living wage to £7.50 an hour, those carers who are working 16 hours at NLW will remain over this earnings limit (£7.50 an hour x 16 hours = £120 a week). There are certain deductions that can be made from earnings for Carer's Allowance purposes.

See our Carer's Allowance information www.carersuk.org/carersallowance

April 2017: Positive changes to the Bedroom Tax.

The 'bedroom tax' rules were changed to allow an additional room where a child or non-dependent adult requires overnight care from a non-resident carer(s) and where a couple are unable to share a bedroom due to health reasons. This was a significant change which benefited many carers and their families.

For more information on these changes see our 'bedroom tax' webpage (www.carersuk.org/bedroomtax).

April 2017: Cuts to Employment and Support Allowance.

The work related activity component of Employment and Support Allowance (ESA) and the limited capability for work element of Universal Credit were abolished for claims made on or after 3rd April 2017, meaning those who are found to have a limited capability for work, will no longer receive an additional amount of money to reflect this.

For more information on these changes see our ESA information (www.carersuk.org/workingagebenefits#sec1).

April 2017: Two child limit

A two child limit came into force, meaning claimants will not be able to get an amount included in Child Tax Credit or Universal Credit for any third or subsequent children who are born on or after 6th April 2017. There are certain exceptions to this rule. The Family Element in Child Tax Credits was also abolished for families who have their first and subsequent children on or after 6th April 2017.

April 2017: Bereavement Support

The system of bereavement benefits for those whose spouse or civil partner died on or after 6th April 2017 was replaced with a Bereavement Support Payment. Bereaved spouses with children will get significantly less support under the new system.

For more information see our bereavement information www.carersuk.org/help-and-advice/practical-support/when-caring-ends/bereavement

September 2017: Changes to the Work Capability Assessment (WCA)

From 29 September 2017, the WCA reassessment criteria will change for some Employment and Support Allowance (ESA) and Universal Credit (UC) claimants.

ESA claimants in the support group and UC claimants with limited capability for work and work-related activity (LCWRA) attending a Work Capability Assessment from 29 September 2017 will no longer need to be reassessed if it finds that they:

- have a severe, lifelong disability, illness or health condition
- are unlikely to ever be able to move into work

UK wide: what's changing in 2018?

From January: Larger loans will be available for new Universal Credit claimants to bridge the waiting period from 50% of their estimated monthly entitlement to 100%, with the repayment period extended from six to 12 months.

February 2018: The elimination of a seven-day waiting period for Universal Credit claimants so that the first payments come within five weeks rather than six weeks will be introduced.

April 2018: Universal Credit claimants who receive housing support will get an extra two weeks' housing benefit payments to reduce the amount of rent arrears they might build up.

April 2018: Carer's Allowance earnings limit will increase to £120, including deductions. Carer's Allowance will increase to £64.60 alongside other benefit upratings.

April 2018: Loan payments to replace support for mortgage interest.

Anyone receiving help with their mortgage interest via a means tested benefit will lose it from April 2018, and will instead be offered support in the form of a loan. The DWP is writing to people affected asking them if they wish to accept the loan. Those who are no longer entitled to a means tested benefit once support for mortgage interest is removed will still be eligible for the loan, but they will no longer be entitled to passported benefits.

Continuing Roll-out of Universal Credit

UC is a single means-tested benefit replacing Income Support, income-based Jobseekers Allowance, income-related Employment and Support Allowance, Housing Benefit, Child Tax Credit and Working Tax Credit.

UC will be made up of a personal allowance (dependant on your circumstances) and 'elements' rather than the existing premiums, for example a carer element paid to certain carers.

Whether carers can claim UC depends on whether they live in a "live service" or "full service" area. They can only claim if they live in a "full service" area. They will only need to claim UC if they have a change in circumstances that means they have to make a new claim for one of the above means-tested benefits.

The roll out of UC across the UK is continuing and by December 2018¹ the whole of the UK is expected to be a "full service" area. The managed migration of people on existing benefit to UC is due to start in 2019 and be complete by 2022.

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/662177/universal-credit-transition-rollout-schedule.pdf

Secretary of State for Work and Pensions statement, 23rd November 2017 on Changes to Roll-out of UC²:

Scotland only: what changed in 2017?

October 2017: Universal Credit Flexibilities In Scotland

Anyone who applies for Universal Credit (UC) on or after 4 October 2017 in a 'full service' area can ask to change the way that UC is paid.

- There are two options available, for UC to be paid twice a month instead of monthly, or for some UC to be paid directly to the landlord.
- These flexible payment options are available to anyone who is applying for UC.
- These flexibilities are not yet available to people who claimed UC before 4 October 2017.

Scotland only: what's changing in 2017?

April 2018: Carer's Allowance Supplementary Payment

The Scottish Government will be introducing a new benefit for Carers, but - as this will not be ready until 2019 - it is introducing a Carer's Allowance Supplement from 2018.

- This will be paid twice a year, with the first payment made be in the summer of 2018, backdated to April 2018.
- The amount of the payment will be the difference between Jobseeker's Allowance and Carer's Allowance, multiplied by 26 weeks (at this year's rates: £270.40).
- Payment of the supplement will not result in a loss of Income Support, Housing Benefit, Universal Credit and Tax Credits, Council Tax Reductions or passported benefits.

April 2018: Carers Scotland Act

A number of changes to the support for carers that were provided for in the 2016 Carers Scotland Act will be introduced in April 2018.

- A specific **Adult Carer Support Plan and Young Carer Statement** to identify carers' needs and personal outcomes. This will be available to all carers, no matter the level of care they provide.

² <https://hansard.parliament.uk/Commons/2017-11-23/debates/36EF5FEE-7FB1-4841-A242-7625ED73FCA0/UniversalCredit>

- A duty on local authorities to provide support to carers, based on the carer's identified needs which meet the local eligibility criteria, with a power to meet other needs.
- A requirement for each local authority to have its own information and advice service for carers.
- A duty on each local authority and health board to jointly prepare a local carer strategy.
- A duty on the NHS to inform carers about the hospital discharge of the person they care for.
- A duty to involve carers in the design and planning of services and care planning for the person they care for.
- A duty on Scottish Ministers to publish a Carers' Charter which sets out carers' rights under the Carers (Scotland) Act 2016.

April 2018

The new Health and Social Care Standards will be implemented from 1 April 2018, setting out what users and carers should expect when using health, social care or social work services in Scotland.

NI only: What changed in 2017?

Many welfare reform measures have been implemented in NI later than in the rest of the United Kingdom. There is also a system of mitigation measures "welfare supplementary payments" which will make up the losses experienced by people affected by certain welfare reform measures. These payments do not have to be applied for and will continue until 31st March 2020. However, at present there are no mitigation measures in place for Universal Credit.

February 2017: Bedroom tax Introduced

The 'Bedroom Tax' means that working age people who live in social housing, and who get help towards their rent through Housing Benefit or Universal Credit, can have the amount they receive restricted if they are considered to have too many bedrooms. Anyone subject to the 'Bedroom Tax' who has their Housing Benefits reduced will receive a Welfare Supplementary Payment.

September 2017: Roll-out of Universal Credit

Universal credit (UC) was introduced in NI from September.

- The roll-out is geographical; every month UC will be extended to more postcodes until September 2018 when the process is complete.
- UC is a single means-tested benefit replacing Income Support, income-based Jobseekers Allowance, income-related Employment and Support Allowance, Housing Benefit, Child Tax Credit and Working Tax Credit.
- UC will be made up of a personal allowance (dependant on your circumstances) and 'elements' rather than the existing premiums, for example a carer element paid to certain carers.
- Unlike the rest of the UK where UC is paid monthly, in Northern Ireland it will be paid fortnightly and housing costs will be paid directly to the landlord rather than being part of the overall UC payment.
- In the postcodes where UC is introduced it is available for all claimant types, including carers.
- New claims for means-tested benefits are not possible (there are some exceptions), but existing claimants will stay on their current benefits until a change of circumstances means they have to claim UC.
- The managed migration to UC is expected to begin in July 2019.
- A new system of rate relief is in place to provide support to low income households who receive Universal Credit.

Welfare Supplementary payments

While **Carer's Allowance** has not changed with the introduction of welfare reform, carers' entitlement to Carer's Allowance may be affected if the person they look after loses their disability benefit when they are reassessed for Personal Independence Payment (PIP).

- Carers affected in this way will receive a supplementary payment to cover their financial loss for a period of one year.
- The payment will stop if the person being cared for is successful in appealing their benefit decision and the carer has Carers Allowance re-instated.
- Payments (equal to the benefit in payment) should be made to DLA claimants who have been refused **Personal Independent Payment (PIP)** on

reassessment and who lodge appeals to challenge the decision. This payment will stop if the appeal is unsuccessful but will not be recoverable.

- Payments should be made to those who qualify for PIP after reassessment or appeal, but at a reduced rate, where their weekly loss is more than £10. The payments will be made for one year from the point at which PIP is reduced, and be equal to 75% of the loss.
- For those with a conflict-related injury who were getting DLA and who are refused PIP on reassessment, if they score at least four points in the reassessment they can get a payment equal to the standard rate of either the daily living component or the mobility component (which one depends on their circumstances) for up to one year.
- People on Housing Benefit affected by the **Benefit Cap** who live with, and are responsible for, a child or qualifying young person, should get a supplementary payment to cover the loss of Housing Benefit.
- Anyone who receives a lower amount of Employment and Support Allowance due to the time limiting nature of contribution based ESA can receive a supplementary payment for the full equivalent of the loss for a period of one year (as long as they have limited capability for work).

At present there are no welfare supplementary payments in place for losses to **Universal Credit** from welfare reform measures.