

Factsheet 92

Universal Credit

April 2019

About this factsheet

This factsheet gives information about Universal Credit, a means-tested benefit for people under State Pension age (this is continuing to rise and is 65 and 2-3 months as of April 2019 and will be 65 and 8-9 months by April 2020). It gives information about Universal Credit, how it affects people claiming other benefits and how to claim it.

The information in this factsheet is correct for the period April 2019 to March 2020. Benefit rates are reviewed annually and take effect in April but rules and figures can change during the year.

The rules for claiming Universal Credit have changed many times since its introduction in 2013 and continue to be amended regularly. This factsheet aims to provide a general overview of the key aspects to Universal Credit but it is important to seek advice about specific issues or problems due to these regular changes.

The information in this factsheet is applicable in England, Wales and Scotland (Note, the Scottish Government has altered some aspects of Universal Credit, contact Age Scotland for more information about these). If you are in Northern Ireland, please contact or Age NI for information. Contact details can be found at the back of this factsheet.

Contact details for any organisation mentioned in this factsheet can be found in the *Useful organisations* section.

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Glossary

APA – Alternative Payment Arrangement	HMRC – HM Revenue and Customs
CA – Carer’s Allowance	JSA – Jobseeker’s Allowance
CTS – Council Tax Support	NIC – National Insurance Contributions
DHP – Discretionary Housing Payment	PC – Pension Credit
DLA – Disability Living Allowance	PIP – Personal Independence Payment
DWP – Department for Work and Pensions	SSP – Statutory Sick Pay
EEA – European Economic Area	UC – Universal Credit
ESA – Employment and Support Allowance	WCA – Work Capability Assessment

1 What is Universal Credit?

Universal Credit (UC) is a means-tested non-taxable benefit to cover basic living expenses. There are additional amounts if you are unable to work due to sickness or disability, for carers, children and help towards rent and housing costs. The Government department with responsibility for social security benefits is the Department for Work and Pensions (DWP).

1.1 Legacy benefits

UC replaces the following six ‘*legacy benefits*’ payable to working age people, in or out of work:

- income-based Jobseeker’s Allowance (IB-JSA)
- income-related Employment and Support Allowance (IR-ESA)
- Income Support (IS)
- Housing Benefit (HB)
- Child Tax Credit (CTC) and Working Tax Credit (WTC) (‘*tax credits*’)

You can no longer make new claims for legacy benefits and you must claim UC instead (see exceptions at section 2.5).

If you currently claim a legacy benefit, you can either be required to claim UC instead if you have a relevant change of circumstance (see section 2.4.1) or be invited to claim UC between July 2019 and 2024 (see section 2.4.2), whichever comes first.

Full Digital Service

A basic version of UC, called the ‘*live service*’ rolled out across the UK from 2013 with ‘*gateway*’ conditions restricting who could claim.

The Full Digital Service then rolled out removing gateway conditions.

This factsheet concentrates on the Full Digital Service. Existing live service UC claimants must transfer to the Full Digital Service in spring 2019. This will require them to make a new UC claim.

2 Who qualifies for UC?

You claim UC as a single person or jointly as a couple if you have a partner. You can claim for dependent children or qualifying young people you are responsible for. You are treated as a member of a couple if you:

- are married and live with your husband or wife
- live with someone as if you are husband and wife
- live with your civil partner
- live with someone as if you are civil partners.

In cases where one member of a couple does not meet the basic requirements for UC (see next section), you may still be able to claim. The financial circumstances of both members of the couple are taken into account when calculating the amount of UC payable, but you are only entitled to a single rate of benefit, not the couple rate.

A person who is a member of a couple can claim UC as a single person if the other member of the couple:

- does not meet the conditions for being present, habitually resident and having the right to reside in Great Britain
- is temporarily absent from their household and the absence is expected to exceed, or does exceed 6 months
- is a prisoner
- is under the age of 18 and is not exempt from this minimum age limit.

2.1 Basic requirements

To claim UC, you must:

- be 18 or over
- be under State Pension age (see section 2.3) (if you are a couple and one of you is over this age, see next section)
- have a low income and capital of £16,000 or less (see section 7)
- be present, habitually resident and have a right to reside in Great Britain
- not be in education
- accept a Claimant Commitment.

Note

Residence tests and immigration conditions can be complex. Contact Age UK Advice for details of a local advice service that can provide more information.

2.2 Mixed age couples

A mixed age couple is where one person is over State Pension age and the other person is under. Currently, you have a choice and can claim either PC or UC. For most people, it is better to claim PC as your income is likely to be higher and you are not subject to UC work seeking conditions. The table below shows the first date you can claim PC based on you or your partner's date of birth, whichever is earlier.

Date of Birth	Date you can claim PC
Before 6 December 1953	Can claim now
6 December 1953 to 5 January 1954	6 March 2019
6 January 1954 to 5 February 1954	6 May 2019

From 15 May 2019, the rules change so that **both** members of a couple have to reach State Pension age to claim PC. You can still make a claim until 13 August as PC can be backdated by up to three months.

Existing mixed age PC couples at the date of the change can stay on PC provided there is no break in your claim. Mixed age couples making a new claim after this change will have to claim UC until they both reach State Pension age (see next section).

2.3 Pension Credit (PC)

If section 2.2 does not apply to you, you can claim PC when you reach State Pension age or, if you are a couple, when both of you do. The dates in the table above also apply. If you or your partner were born after 5 February 1954 find out when you can claim PC by going to www.gov.uk/state-pension-age and entering your date of birth (or if you are a couple, the date of birth of the youngest partner).

For information about PC, see factsheet 48, *Pension Credit*.

Transferring from UC to PC

If you expect to be entitled to PC once you reach State Pension age, you can make an advance claim up to four months early. Your UC award should be paid for the days in the assessment period until you reach State Pension age and then your UC entitlement ceases. Your PC award should start from the following day (the day you reach State Pension age).

If you do not make an advance PC claim, your UC award may end when you reach State Pension age, and you may be left without any benefit until you make a PC claim. We are waiting to hear more information from the DWP about this.

2.4 Transfer from other benefits

If you currently claim a legacy benefit, you remain entitled until you transfer onto UC. This can happen in one of two ways:

2.4.1 Change of circumstances

If you have a change of circumstance which prior to UC would have meant claiming another legacy benefit, you may have to claim UC instead under '*natural migration*' which terminates existing awards of legacy benefits.

Examples include if you are claiming:

- IB-JSA, IR-ESA, IS, HB or WTC and you move into or out of work
- IB-JSA and you become sick, or IR-ESA and you are no longer sick
- HB and you move to new rented accommodation in a different local authority area.

Note

If you are claiming HB when you apply for UC, you continue to receive HB for the first two weeks of your UC claim. This is not recoverable and does not affect the amount of UC you are entitled to.

If you have a change of circumstance which does not require a new claim to be made, you remain entitled to your legacy benefit. Examples include if you claim:

- a legacy benefit and become entitled to another premium or allowance
- one of the tax credits and you subsequently qualify for the other
- HB and move to new rented accommodation within the same local authority area.

There is no transitional protection if you transfer to UC due to a change of circumstance, which can mean a reduction in the overall amount of benefit you receive. See sections 6 and 7 about how to calculate your entitlement for UC or seek specialist advice to consider your options.

Note

If you receive a severe disability premium as part of a legacy benefit and have a change of circumstances, seek specialist advice.

Currently, you should not need to claim UC and you may be entitled to transitional protection if you have already claimed.

2.4.2 Managed migration

If you do not transfer to UC due to a change of circumstance, you will be part of the '*managed migration*' process between July 2019 and 2024. You will receive a letter inviting you to claim UC by a specific deadline of at least three months. If you fail to make a claim before the deadline, all legacy benefits will stop.

When transferred, if the amount you receive under UC is lower than the amount you received before, you get transitional protection to pay the higher amount until your UC award catches up, or you have a relevant change of circumstance, such as if:

- your earnings change significantly for three months or more
- you cease claiming UC.

2.5 Exceptions

There are exceptions to the rule that no new claims for legacy benefits can be made:

- HB claims if you are in specified accommodation (e.g. sheltered housing schemes)
- HB claims if you or your partner have reached State Pension age (subject to mixed age couples rule in sections 2.2 and 2.3)
- a claim for the other tax credit if you are already in receipt of CTC/WTC
- renewal CTC/WTC claims if you are already in receipt of them.

3 How to claim

UC is designed to be claimed online, although there is provision to make a claim by telephone or face to face (see next section). Apply online at www.gov.uk/apply-universal-credit. There is a helpline for applications to allow you to ask questions - 0800 328 5644.

You must provide all necessary information and evidence to show you meet the criteria for UC. Failure to do so can lead to your application being turned down. If one partner is unable to claim (e.g. due to illness), the other partner can be allowed to claim for both of you.

Before making a claim, make sure you have details of your National Insurance number, bank account, and, if applicable, details about your partner and any dependents. You need a unique email address, as does your partner if you have one. If you have a partner, you both need to create an online account and link them together with a special code.

When an online claim is made, an online account is created with a username and password that should only be known by the claimant. This is because the account holds a great deal of personal information such as your National Insurance number and bank account details.

You can request for your claim to be backdated for up to one month if you could not reasonably have claimed earlier because of disability, illness (confirmed by medical evidence), DWP computer failure, or in some circumstances where a joint claim ends or is refused.

After a claim is made, you must attend a local Jobcentre Plus for an interview with a work coach, see section 3.2.

If you are not eligible for UC, you may qualify for other benefits such as contribution-based JSA. See section 9 or factsheet 56, *Benefits for people under Pension Credit age*, for more information.

3.1 Support for claiming

Alternative claiming methods

If you are unable to make a claim online or do not have access to the internet, you can request assistance from a local Jobcentre Plus office. There may be other locations locally, such as libraries or internet cafes, that can be used, but extra care must be taken around security due to the personal information necessary and held in the online journal.

Alternatively, claims can be made by telephone in some circumstances through the UC helpline (0800 328 5644) where an adviser completes the online form for you. This is the number to use if you want to request alternative formats, such as braille, large print or audio CD.

In exceptional circumstances, such as if you are disabled, if you are unable to claim by telephone or go to a local Jobcentre Plus office, the DWP may make a home visit to initiate a claim.

Note

For more information about online security, see the Age UK Guide *Internet security – staying safe online*.

Receiving help from an advice service

Because some vulnerable claimants may need extra support to cope with online claims and other issues, the Government funds the '*Help to claim*' service at Citizens Advice (contact details are at the end). This includes help with claims through to your first payment of UC.

If you receive help from an advice service, UC operates a system of '*explicit consent*' for advisers and other people acting on behalf of, or enquiring about, someone else's claim.

If you want a third party to discuss your claim with the DWP, you must make a note in your online journal that permits this and specify exactly what matter(s) you are giving permission to discuss.

For example, “*I authorise A.N. Adviser to speak to you about the housing element of my Universal Credit and why you are not paying it to me*”. These permissions are time limited so you must make a note in your online journal each time you require assistance from someone else.

Someone acting on your behalf

If you are unable to act for yourself, an appointee can make the claim (and receive payment) on your behalf. This includes corporate appointees, where an organisation such as a local Age UK, a solicitor or a local authority acts on behalf of clients.

For more information see factsheet 22, *Arranging for someone to make decisions on your behalf*.

3.2 Interview with a work coach

Once a claim is made, you must usually attend a local Jobcentre Plus office for an interview with a work coach. This is to agree the contents of your Claimant Commitment, before a decision is made about your UC entitlement.

The role of a work coach is to discuss your claim and any relevant circumstances, to set out the steps you must take to seek work if applicable, to take any further evidence necessary to decide the claim and to talk to you about your Claimant Commitment. You are generally expected to have the same work coach for the duration of your claim.

If you have health problems that affect your ability to work and you are submitting fit notes from your GP, you must also attend a medical assessment. Your work coach can talk to you about this.

3.3 Claimant commitment

Your claim is usually not decided until you (and your partner if applicable) agree and accept a Claimant Commitment. The Commitment sets out what is expected of you during your UC claim such as the steps you must take in seeking work.

Steps can include attending work-focused interviews, doing work preparation such as drafting a CV or attending training, undertaking work search activities and what your availability for work is.

It is important to flag up any difficulties you may have with these activities due to your health condition or caring responsibilities, for example. Your work search responsibilities can be tailored or relaxed in certain circumstances, if your work coach agrees to this.

In most cases, the Commitment is drawn up after an interview with a work coach and if accepted, is backdated to the date of claim. It can be reviewed and updated on an on-going basis (e.g. if your circumstances change).

If you accept the Commitment, you are expected to do so electronically, by telephone or in writing. You should be given a seven-day cooling-off period if you refuse to sign, to give you the chance to reconsider. This period can be extended if you ask for a review of the requirements.

If you refuse to accept the Commitment, your UC claim is refused. The only exceptions are if you lack the capacity to accept this or there are exceptional circumstances which would make acceptance unreasonable (e.g. illness or a domestic emergency).

The Commitment places a duty on you to notify any change of circumstances or incorrect information. See section 5 for information about work-related requirements and the penalties for not meeting these. If you fail to meet a requirement in your Claimant Commitment, your UC amount may be reduced by a sanction until you comply (see section 5.5).

If you are unhappy with the requirements in your Commitment, it may be advisable to sign it anyway, so the UC claim can be decided and then ask your work coach to vary the contents later on.

3.4 Claim maintenance

UC is designed so you can manage your claim directly through an online account. There is a '*To do*' list and a '*Journal*' of actions as agreed under your Claimant Commitment.

Any communication with the DWP (e.g. award notices and change of circumstances) are also through your online account. It is good practice to take screen shots of all transactions through the journal to avoid later disputes.

You can submit any evidence or information necessary for your claim through your online account, such as medical evidence. If you are working, your monthly earnings are sent automatically to the DWP using your employer's PAYE system if they are a '*Real Time Information*' (RTI) employer.

If your employer is not a RTI employer, or they are but they have failed to submit the relevant information, you are responsible for providing earnings details. This is also the case if you are self-employed.

If you have problems with your online account, call the UC helpline (0800 328 5644), speak to your work coach or go to a local advice service for help. See section 4.4 about challenging any decision which you do not agree with.

See section 4 for more information about the decision process and when payment of UC will start, and section 8 about when to report change of circumstances.

4 Decisions and payments

When you have completed your UC claim and it is received by the DWP, a decision is made about whether you are eligible or not. Entitlement to UC is assessed over a month which is known as an 'assessment period'. Awards are calculated and notified automatically through the online journal. Award notices (and revised awards) include details of UC elements and the effect of any income and capital.

If you receive a nil award of UC in any month, you must make a new claim to re-establish entitlement subsequently.

4.1 Payments and assessment periods

After you apply, it is at least five weeks before you receive your first payment. The first calendar month of your claim is the assessment period, where your circumstances, income and capital are taken into account, followed by a seven day period during which your UC entitlement is calculated and then paid.

After this, you receive one payment on the same date each month following your assessment period, or the nearest working day (in Scotland you can be paid twice monthly).

Example

You apply for UC on 5 February. Your first assessment period runs until 4 March. You receive your first payment on 11 March and then on the 11th day of each subsequent month or nearest working day.

UC is normally paid into one bank account, building society or post office account and is the whole amount for you and anyone else in the household you claim for. You can request alternative payment arrangements (such as housing costs paid directly to your landlord, see section 4.3 for more information).

If you are unable to open or manage a bank account, you can use the *Payment Exception Service* which allows you to withdraw money from PayPoint outlets. If you are unable to use any of these methods of payment, contact the DWP. UC can be paid to an appointee or someone with power of attorney if you are not able to act for yourself.

4.2 Advances of benefit

This is a recoverable advance payment, paid to you in certain circumstances if you are in 'financial need'. If you have an underlying entitlement to UC, you can access up to one month's worth of benefit within five days of your claim. The intention is for an advance payment to provide financial support for a limited period. Any advance received is recovered from future UC payments over twelve months.

4.3 Alternative payment arrangements

It may be possible to have different payment arrangements under certain circumstances, such as if you are finding it difficult to budget. These are discretionary and there is no right of appeal. These include:

- paying housing costs directly to the landlord, known as '*Managed Payment to Landlord*' (if you have two months of rent arrears, this can happen automatically, until the arrears are cleared)
- paying more than one person in the household
- receiving payments more frequently than once a month.

4.4 If you disagree with a decision

If you disagree with your Claimant Commitment or the imposition of a sanction, see sections 3.3 and 5.8. Additionally, you have the right to appeal against many decisions, such as if your UC claim is refused.

It is important to challenge a decision or get advice promptly because there are time limits that usually mean you must act within one month of the decision. You must ask for a Mandatory Reconsideration before you can lodge an appeal with HM Courts and Tribunals Service.

For more information about this, see factsheet 74, *Challenging welfare benefit decisions*. If you need independent advice, contact Age UK Advice or one of the independent *Useful Organisations* listed.

5 Conditionality and sanctions

You are usually required to meet work-related requirements (see section 5.3) as outlined in your Claimant Commitment as a basic condition of UC. These can apply if you work, do not work at all, or have impairments or ill-health conditions, or caring responsibilities.

Your requirements are monitored by your work coach who has a duty to assist and support you. Any failure to meet your requirements can lead to a sanction of your benefit amount (see section 5.5). There is no right of appeal against work requirement directions and no prescribed procedure if you are unhappy with your work coach.

5.1 Conditionality groups

You are placed in one of four '*conditionality groups*' (see overleaf) depending on your capability and circumstances, as discussed with your work coach and outlined in your Claimant Commitment.

You may move into different groups as your circumstances change. Partners in couples may be placed in different groups, depending on their individual circumstances. If you do not agree with the group you have been placed in, talk to your work coach or seek independent advice to assess your options.

5.1.1 All work related requirements

All four work related requirements are imposed if the exceptions listed below do not apply. You are likely to be placed in this group if you are a jobseeker, or have children aged 3 or over, or have earnings below your threshold.

In this group, the requirement for work search has a minimum number of hours per week. This is your individual '*threshold*' and is usually 35 hours a week, unless your work coach agrees a lower amount with you due to your circumstances, such as caring responsibilities or physical or mental health problems. There are no specific relaxations due to age.

You can modify your requirements at the discretion of your work coach. Examples include (these are not exhaustive) if you:

- care for a child or disabled person, you can be allowed up to 48 hours to attend an interview and up to a month to take up paid work
- have caring responsibilities, you can restrict the hours of work search and availability to what is compatible with your circumstances, as long as there are reasonable prospects of securing work
- were previously employed, you can limit your work search and availability to similar work or salary levels for up to 3 months, as long as you have reasonable prospects of securing such work
- have a physical or mental impairment, you can ask to restrict the hours of work search and availability, and if your impairment has a substantial adverse effect on your ability to carry out certain types of work, you can ask not to look and prepare for such work.

If you submit a medical certificate to say you have a limited capability for work, you can be subject to all work-related requirements until a work capability assessment (WCA) takes place and a decision made.

If this applies, whilst waiting for the WCA to take place, you can request a relaxation of your requirements with your work coach. However, if the work coach does not agree to relax the requirements, you can be subject to a sanction if you fail to meet them all.

5.1.2 No work related requirements

No work related requirements are imposed in various circumstances including if you are above State Pension age, or are assessed as having limited capability for work *and* limited capability for work-related activity, or are entitled to the carer's element (see section 6), or Carer's Allowance, or would be if claimed, or if you work and earn at least your individual earnings threshold (e.g. 35 hours a week at National Minimum Wage).

There are other circumstances where this may apply, such as if you have recently experienced domestic violence. Seek advice if you think you should not be required to undertake any work related activity.

5.1.3 Work focussed interviews only

You are required to attend and take part in work-focussed interviews if you are responsible for a dependant child aged between one and two.

5.1.4 Work focussed interviews and work preparation requirements

If you are assessed as having a limited capability for work, or are responsible for a child aged between two and three years old, or you do not work sufficient hours or earn sufficient wages, you must attend and take part in work focussed interviews and undertake work preparation requirements.

5.2 In-work conditionality

This requirement applies if you do not work sufficient hours or have sufficient earnings. You are expected to increase your hours or pay in your current job, or find new or additional employment. Your preferred option determines the activity you are expected to undertake to obtain more or better-paid work, but requirements should be reasonable, proportionate and compatible with current work commitments.

This requirement applies if your monthly earnings are below £338 (for a single person) or £541 (for couples). Some people may be selected for randomised trials and have a higher earnings threshold based on the minimum wage (normally for a 35 hour week).

5.3 Types of work related requirements

What you are required to do depends on which '*conditionality group*' you are placed in. There are four types of '*work related requirements*':

- **Work focussed interviews** to assess and enhance your job prospects. There is no requirement to apply for or take up a job or engage in a work preparation activity.
- **Work preparation** to increase the likelihood of obtaining paid work (or more or better-paid work) including attending skills assessments and training courses, drawing up a CV and undertaking work experience.
- **Work search** to take '*all reasonable action*' and any particular action specified to obtain paid work (or more or better-paid work) including looking and applying for jobs within 90 minutes each way travelling distance of home and registering with an employment agency.

The default requirement is you must spend at least 35 hours a week looking for paid work (including '*zero hours*' jobs), unless all reasonable action is completed in less hours.

- **Work availability** to be able and willing to immediately take up paid work (or more or better-paid work). The default requirement is immediate availability for full-time work within 90 minutes travelling distance and immediate availability to attend a job interview.

You may be required to provide evidence or information of any activity you undertake based on these requirements, either through your online account or during an interview with your work coach.

Your requirements can be relaxed in certain prescribed situations, for example, following bereavement, in cases of domestic violence and short periods of sickness. If this applies, speak to your work coach or go to an advice service.

5.4 Voluntary work

You can do voluntary work for a maximum of half the hours you are expected to look for work based on your work-related requirements. For example, if your work search requirement is 35 hours a week, you can volunteer for a maximum of 17 and a half hours.

5.5 Sanctions

If you do not meet a work-related requirement, a sanction can be imposed. This means the amount of UC you receive is reduced for a period of time, depending on the nature of the failure to comply and whether you have received a sanction previously.

If more than one sanction is imposed, they run one after the other. The maximum outstanding sanction period cannot exceed three years. A sanction stops once you have worked for six months and earned more than your earnings threshold, or are assessed as having LCWRA (see '*work capability*' in section 6).

Sanctions take effect from the first day of an assessment period, or the day after a previous sanction ceases, and can be imposed for a fixed or open-ended period.

A sanction normally involves the loss of an amount equal to your personal allowance (see section 6), calculated on a daily basis and deducted from the UC payable in each assessment period covered by the sanction.

For couples, 50 per cent of the couple allowance is lost if one of you is sanctioned and 100 per cent if both of you are sanctioned.

The amount of the sanction is reduced to 40 per cent of the standard allowance if you:

- become subject to work-focussed interviews only
- become subject to no conditionality because you have a child under one, you adopt a child, or you become pregnant, or
- are aged 16 or 17.

A sanction may not apply if you had '*good reason*' for not complying with a requirement. See section 5.8 for more information.

5.6 Types of sanctions

The level of sanctions depends on your conditionality group.

Higher level sanctions

These apply if you are subject to all work-related requirements and you:

- cease working or lose pay because of misconduct, or voluntarily for no good reason
- fail for no good reason to apply for a job or take up an offer of paid work
- fail for no good reason to undertake a work placement or activity.

Losing a job or failing to take up a job offer prior to claiming UC can also result in a sanction. The days between this happening and the date of claim are deducted from the length of the sanction.

The higher level sanction is the loss of the standard allowance for 91 days for a first failure, 182 days for a second failure and 1095 days (three years) for a third failure within the next year (disregarding any '*pre-claim*' failures).

Medium level sanctions

These apply if you are subject to all work-related requirements and you fail, for no good reason, to comply with:

- a work search requirement to take all reasonable action to obtain paid work
- a work availability requirement.

A medium level sanction is the loss of the standard allowance for 28 days for a first failure and 91 days for a subsequent failure within a year.

Low level sanctions

These apply if you are subject to all work-related requirements or work-focussed interviews and work preparation only, and you fail, for no good reason, to comply with:

- a specific work search requirement
- a work preparation requirement
- a requirement to take part in a work-focussed interview or a conditionality compliance interview.

A low level sanction is the loss of the standard allowance until the requirement is met, or is no longer required to be met, plus a further fixed period of seven days for a first failure, 14 days for a second failure within a year, and 28 days for a subsequent failure within a further year.

Lowest level sanctions

These apply if you are subject to work-focussed interviews only and you fail, for no good reason, to take part in an interview.

The lowest level sanction is the loss of 40 per cent of your standard allowance, or 40 per cent of half of the couple allowance, until the requirement is met or is no longer required to be met.

5.7 Sanctions from previous benefits

If you have an ongoing sanction from a previous benefit when you claim UC, the sanction continues for the amount of time remaining (minus any days between your previous benefit ending and your UC claim starting). The amount of the sanction is calculated in the same way as the other UC sanctions described above.

5.8 Avoiding and challenging sanctions

If you have '*good reason*' for why you failed to comply with a requirement, you should not be sanctioned. There is no definition of '*good reason*' in legislation but the '*Advice for decision making guide*' chapter K2 gives guidance. Existing case law on '*good cause*' may be relevant, including the test of whether a '*reasonable person*' would have acted as you did. Factors such as illness, domestic violence and caring responsibilities may be relevant.

There is a right of appeal against a sanction decision, including whether there is '*good reason*' for not complying with a requirement, but only after a revision has been requested and determined (see section 4.4).

5.9 Hardship payments

You can claim a recoverable hardship payment of 60 per cent of the sanctioned amount if you:

- cannot meet your immediate and most basic and essential needs for accommodation, heating, food and hygiene
- have made every effort to access alternative sources of support and have ceased expenditure on other needs
- have complied with all work-related requirements in previous seven days, and
- have applied for a hardship payment, providing required evidence and information (normally at a Jobcentre Plus interview).

You must re-apply for a hardship payment each month you require one. There is a right of appeal against the refusal of a payment. Recovery is by deductions from your UC of up to 40 per cent of the standard allowance. Recovery is suspended if you have earnings above your threshold and any balance is written off after 26 weeks of working.

6 Elements of UC

Your UC payment is made up of different elements. You may be entitled to one or more of these based on your circumstances. The monthly rates are below.

Standard

This element is the personal allowance and depends on your age and whether you are a single person or claiming as a couple:

Single (aged 25 or over)	£317.82
--------------------------	---------

Couple (one or both aged 25 or over)	£498.89
--------------------------------------	---------

Child

This is paid for children under 16 or 'qualifying young persons' (QYP) you are responsible for. Limited to two children if born after April 2017.

First child (if born before 6 April 2017)	£277.08
-------------------------------------------	---------

First child (if born on or after 6 April 2017) and subsequent children	£231.67
------------------------------------------------------------------------	---------

Disabled child addition

An additional amount is paid for each child or QYP if they receive:

DLA or PIP	£126.11
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DLA (higher rate care), PIP (enhanced daily living) or they are certified blind	£392.08
---------------------------------------------------------------------------------	---------

Childcare costs

This element is for 85 per cent of your eligible childcare costs, paid in arrears, up to a maximum of:

For one child	£646.35
---------------	---------

For two or more children	£1108.04
--------------------------	----------

You must be in paid work to be eligible for this element and paying for childcare provided by a registered child minder or a school out of hour's club. If you are claiming as a couple, your partner must either be in paid work or is unable to provide childcare due to caring or health issues.

Work capability

This element applies if you have '*limited capability for work*' (LCW) or '*limited capability for work-related activity*' (LCWRA). The LCW rate is not available for new UC claims made after 6 April 2017.

LCW	£126.11
-----	---------

LCW&WRA	£336.20
---------	---------

To qualify for this element, you must satisfy prescribed descriptors or be treated as having LCW or LCWRA. A couple can only qualify for one (the highest) rate.

You must normally wait three months from the date you provide a 'fit note' (or apply for this element, if working) before it can be paid from the beginning of the next assessment period. There are exceptions if you are terminally ill or already getting an ESA component on transfer.

The process involves completing a questionnaire about your ability to carry out certain activities. You can include medical evidence as part of this and you must provide a 'fit note' from your GP. The questions in the form are based on '*activities*' that are sub-divided into '*descriptors*' that describe the extent to which the activity can be carried out.

A decision about this element may be made based on information provided by you in the questionnaire. You may be asked to attend a face-to-face medical assessment, which is carried out by a healthcare professional working on behalf of the DWP.

For more information, see '*UC: Health conditions and disability guide*' on the Gov.uk website.

Carer

This element is paid if you have '*regular and substantial caring responsibilities for a severely disabled person*' and is £160.20.

You must provide care for 35 hours or more a week and the cared for person must receive either DLA (middle or higher rate care component), PIP (daily living component) or Attendance Allowance. These are the same rules as for Carer's Allowance (see section 9.3) except there is no earnings limit for this element.

If you are a couple, you can each receive this as long as you are not caring for the same person.

You cannot qualify for a Work Capability element and a Carer's element at the same time (only the highest is payable), but one partner in a couple can qualify for one element and the other partner the other element.

Housing costs

This element is for rent and housing costs on accommodation normally occupied as your home. This can cover:

- rent and similar payments (such as payments for a licence, shared ownership schemes, site fees and houseboat mooring)
- some service charges.

You must be liable to make payments on a commercial basis to qualify for housing costs. You are not treated as liable to make payments to resident family members and close relatives. You can be temporarily absent from your home for a maximum of six months and still receive housing costs.

If you are a social housing tenant, your entitlement is reduced if you have excess bedrooms. For one excess bedroom, the amount is reduced by 14 per cent of your eligible rent and for two or more excess bedrooms, by 25 per cent. This is commonly called the '*bedroom tax*'.

Entitlement for private tenants is worked out using the Local Housing Allowance for your area. If you live in specified supported accommodation, your housing costs are met by Housing Benefit. This covers hostels, domestic violence refuges and accommodation provided by a County Council, housing association, registered charity or voluntary organisation, where residents receive care, support or supervision. See factsheet 17, *Housing Benefit*, for more information.

Owner occupiers

Housing costs can cover some service charges. However, if you or your partner have any earned income from work, you cannot receive any help with housing costs. If you have a mortgage or home improvement loan, Support for Mortgage Interest can pay towards your interest payments, up to an upper mortgage limit of £200,000. This help is in the form of a loan and has to be repaid. For more information see www.gov.uk/support-for-mortgage-interest.

Note

For more information about eligible housing costs and service charges, see www.gov.uk/housing-and-universal-credit.

Non dependants and housing cost contributions

A deduction of £73.89 a month from the housing element is made for any non-dependant living with you (someone who is not your partner or dependant child). There is no deduction if you are entitled to DLA (middle or high rate care component), PIP (daily living component) or AA, or if you are registered blind. There is no deduction for a non-dependant aged under 21; entitled to one of the benefits above or PC or Carer's Allowance; or who is responsible for a child under 5.

7 Working out amount

UC is calculated on a monthly basis by:

- adding up the elements of UC to which you are entitled, to give a '*maximum amount*' (see section 6)
- deducting some types of income and '*tariff income*' (see sections 7.1 and 7.2), and
- deducting other relevant amounts (for example, sanctions, third party payments and repayments of advance payments).

The remainder (if any) is the amount of UC payable, subject to the benefit cap (see section 7.3). If you are a couple, your joint income and capital is taken into account.

7.1 Income

This can be in the form of unearned income, earned income, '*tariff income*', and capital or savings. Income is assessed on a monthly basis and taken into account in the assessment period in which it is received. If you are a couple, your joint income counts for these purposes, even if you are claiming as a single person.

Income is converted into a monthly figure by multiplying weekly, fortnightly, four weekly or three monthly payments by 52, 26, 13 and 4 and dividing by 12. Fluctuating income is taken into account over an identifiable cycle, or over 3 months or other appropriate period.

Unearned income

All '*specified*' monthly unearned income is taken into account and reduces UC entitlement on a pound for pound basis. '*Specified*' means the type of income is set out in regulations.

Specified unearned income includes:

- JSA, ESA, Carer's Allowance, bereavement and widow's payments, maternity allowance and industrial injuries benefit
- retirement, occupational and private pensions
- annuities and trust payments (unless compensation for personal injury)
- spousal maintenance under a court order or agreement
- student grants and loans
- notional and tariff income (see below and section 7.2)
- other taxable income.

Some types of income are not specified and so are not taken into account, including AA, DLA, PIP, Child Benefit, child maintenance, personal injury payments and volunteer expenses.

Notional unearned income

Any unearned income that would be available if you claimed it is called notional unearned income. You are treated as possessing it even if you do not claim it, including the amount of any retirement pension income you have chosen not to apply for if you are over State Pension age.

Earned income

Any earnings received during an assessment period are taken into account. For every pound of earned income your UC is reduced by 63 pence (this is called the 63 per cent taper rate).

Earnings are assessed net of tax, national insurance and any pension contributions. Self-employed earnings are based on profits less allowable expenses. Any statutory pay you receive, for example, Statutory Sick Pay, counts as earnings.

If you are self-employed, you are assumed to have a minimum level of monthly earnings, normally equivalent to the national minimum wage for a 35 hour week, even if your reported earnings are less than this.

Note

If you are responsible for a child or have limited capability for work (see section 6), you are entitled to a '*work allowance*'. You can earn up to a set amount without it affecting your UC. Anything over the set amount is then subject to the 63 per cent taper rate.

There are two rates - £287 per month if your UC includes a housing costs element or £503 a month if it does not.

Notional earned income

If you deprive yourself of earned income for the purpose of obtaining entitlement to UC or to an increased amount of UC, you are treated as if you still possess it when calculating your entitlement.

7.2 Capital

If you have capital over £16,000, you are not entitled to UC. If you have capital between £6,000 and £16,000, you are assumed to have a '*tariff income*' of £4.35 a month for every £250 or part £250 between these amounts. This is added to your other income when determining your entitlement to UC. Any capital under £6,000 is disregarded.

Types of disregarded capital includes premises occupied as a home, personal possessions, business assets, some arrears of benefit (for 12 months), and personal injury payments in a trust fund. All other capital, including jointly owned capital and property, are relevant when determining tariff income.

Notional capital

You may be deemed to have '*notional capital*' if you deliberately deprive yourself of capital in order to increase, or become entitled to, UC, unless you repay a debt or it is reasonable in your circumstances. Seek specialist advice if this applies to you.

7.3 Benefit cap

The benefit cap limits the total amount households can receive from UC, JSA, ESA, Child Benefit, Maternity Allowance, and bereavement and widow's allowances. If your overall benefit income is over the capped amounts, the excess is deducted from your UC award after offsetting any child care costs.

The monthly cap is:

- £1,284.17 (single claimants) or £1,916.67 (lone parents and couples) if you live in Greater London
- £1,116.67 (single claimants) or £1,666.67 (lone parents and couples) if you live in another part of the UK.

The cap does not apply:

- if you or your partner have LCWRA, or receive AA, DLA, PIP, Carer's Allowance, UC carer's element, Guardian's Allowance, Industrial Injuries benefit or a war pension
- if your combined earnings are at least £542 net a month
- for 9 months after you stop working (or your earnings fall below £542 net a month), as long as you were earning at least £542 net a month in each of the previous 12 months.

7.4 Examples

Single person with a disability

Receives contributory ESA (£316.77 a month, no additional amount for the work-related activity component) and PIP standard daily living component (£254.36 a month). No other income or capital. Has eligible housing costs of £300 a month.

Maximum UC

Income

Standard element - £317.82

ESA - £316.77

Housing element - £300

PIP is disregarded

Total - £617.82

Total - £316.77

UC entitlement is £617.82 minus £316.77 = £301.05 a month.

Couple with a child

Receives Child Benefit (£89.70 a month) for a child born before April 2017. One partner earns £800 net a month from employment. No other income or capital. Have eligible housing costs of £500 a month.

Maximum UC	Income
Standard element - £498.89	Net earnings - £800
Child element - £277.08	Less £287 work allowance - £513 x 63% - £323.19
Housing element - £500	Child Benefit is disregarded
Total - £1,275.97	Total - £323.19

UC entitlement is £1,275.97 minus £323.19 = £952.78 a month.

8 Change of circumstances

UC is assessed on a monthly basis and changes of circumstances normally take effect from the first day of the assessment period in which they occur. If a change increases your entitlement but you do not report it until a later assessment period, it only takes effect from that month.

Example

Tim moves into cheaper accommodation in the fourth week of his assessment period. He receives reduced housing costs for the whole month. If he had moved a few days later, he would have received his previous higher entitlement for the whole month.

8.1 Changes you must notify the DWP about

Your decision letter has information about your responsibility to inform the DWP of any changes in your circumstances that may affect your entitlement. You can do this through your online journal or by calling the UC helpline. These include:

- Changes to your employment (changes to earnings are usually reported to the DWP by HMRC, but you are required to check these figures are correct as any overpayment is recoverable from you)
- Changes to other income or capital
- Becoming, or ceasing to be, a member of a couple
- Becoming responsible for a child
- Temporary absences from Great Britain (see next section).

8.2 Temporary absence

Your entitlement to UC continues for a maximum of one month if you leave Great Britain, but only if the absence is not expected to exceed that period. This can be extended by a further month if the absence is in connection with the death of a partner or close relative and it would be unreasonable to return to Great Britain within the first month.

An absence from Great Britain can also be ignored for up to six months if it is for the purpose of receiving medical treatment or care for an illness or a physical or mental impairment.

8.3 If you start work or your income increases

The amount of UC you receive depends on your individual circumstances. For example, if you move into work, increase your hours, or your other income or capital increases, your UC is affected. Speak to your work coach about what effect this will have.

Note, if you are an owner-occupier and receiving housing costs, payment of these stops as soon as you do any work, regardless of your earnings.

8.4 Overpayments

If you have been overpaid UC, this can be recovered regardless of the cause of it. Overpayment decisions can only be challenged on the following grounds:

- whether an overpayment has happened
- the amount of the overpayment, or
- the period of the overpayment.

Overpayments are recovered at set statutory amounts from on-going UC payments, other benefit payments, deductions from earnings or by court order.

A civil penalty of £50 can be imposed if an overpayment arises because you negligently give incorrect information or fail to notify a change of circumstances without reasonable excuse.

For more information about this, see factsheet 74, *Challenging welfare benefit decisions* or seek specialist advice.

9 UC and other benefits

There are other benefits that working age people can claim depending on their circumstances. We use the term '*working age*' for anyone who is below State Pension age. For more information about these benefits, see factsheet 56, *Benefits for people under Pension Credit age* or contact Age UK Advice or a local advice service for a benefit check.

9.1 Passporting to other benefits

If you receive UC, you may be automatically entitled ('*passported*') to help with health costs, housing grants and free school meals and may be entitled to Social Fund payments or Local Welfare Provision. See '*DWP other financial support*' in the Useful resources section for more.

9.2 Contribution based benefits

These benefits depend on you or your spouse's National Insurance (NI) record. Your entitlement is not normally affected by any capital you have, although earnings or pensions can affect the amount paid.

Jobseeker's Allowance and Employment and Support Allowance

If you lose your job or become too sick to work and have paid sufficient NI contributions, you may be entitled to contribution-based Jobseeker's Allowance or contributory Employment and Support Allowance.

You can call the UC helpline and ask to claim '*New Style Jobseeker's Allowance*' or '*New Style Employment and Support Allowance*'. You can claim online (JSA only) or at the first interview with your work coach. These can be claimed on their own or together with UC.

Bereavement benefits

If your husband, wife, or civil partner dies, you may be able to claim Bereavement Support Payment. Entitlement is based on your partner's NI record although there is no NI requirement if they died as a result of an industrial accident or prescribed industrial disease.

9.3 Non-contribution based benefits

These benefits depend on your circumstances, rather than a National Insurance record or how much income or capital you have, although they can be affected by certain types of income.

Statutory Sick Pay

If you are an employee and off work due to sickness, you are entitled to Statutory Sick Pay for up to the first 28 weeks. This is administered and paid by your employer. You may also be entitled contractual sick pay under the terms of your contract. This counts as earned income for UC.

Carer's Allowance

You can claim Carer's Allowance (CA) if you look after someone who receives a disability benefit such as Attendance Allowance or Personal Independence Payment daily living component. You must spend at least 35 hours a week caring for them. If you work, you cannot earn more than £123 a week (net earnings or profit if self-employed).

This counts as unearned income for UC. The person you care for may lose money if you claim CA, so seek advice first. See factsheet 55, *Carer's Allowance*, for more information. See also the UC carer's element at section 6.

Disability benefits

Personal Independence Payment is a benefit for people aged 16 to State Pension age who have a disability. A similar benefit, Disability Living Allowance, may be in payment due to an earlier award. For more information, see factsheet 87, *Personal Independence Payment and Disability Living Allowance*. These are disregarded as income.

Industrial injuries benefits

If you have been injured in an accident at work or have contracted an industrial disease, you may be able to claim industrial injuries benefits. The level of disability caused by your accident or industrial disease is assessed as a percentage by a DWP doctor. You usually have to be assessed at least 14 per cent disabled to receive a payment. This counts as unearned income for UC.

9.4 Other benefits

Council Tax Support

Council Tax Support or Council Tax Reduction gives financial help towards Council Tax if you claim UC, other means-tested benefits or are on a low income. You must be liable to pay Council Tax but it does not matter if you are a tenant, home owner or other kind of resident.

If you live alone as a single person, or your home has certain adaptations for you as a disabled person, or you have a severe mental impairment, you may receive a 25 per cent discount from your Council Tax bill. For more information, see factsheet 21, *Council Tax*, or in Wales, see Age Cymru factsheet 21w *Council Tax in Wales*.

Healthcare costs

Depending on your income and savings, you may be entitled to help with healthcare costs through the '*NHS low income scheme*'. For example NHS prescriptions, dental care and glasses. For more information, see factsheet 61, *Help with health costs*, or in Wales, see Age Cymru factsheet 61w, *Help with NHS health costs in Wales*.

Social fund and local welfare provision

The social fund provides lump sum cash payments for extra expenses that are difficult to meet from your weekly income. These include funeral payments to help with funeral costs, Cold Weather Payments during periods of very cold weather, and Winter Fuel Payments to help with heating costs.

Local welfare provision schemes are run by local authorities or national governments and may be able to help if you face a crisis or unavoidable financial needs. For more information see factsheets 1, *Help with heating costs* (or in Wales, see Age Cymru version), and 49, *The Social Fund, Advances of Benefit and Local Welfare Provision*.

10 Housing issues

10.1 Rent arrears

If you receive housing costs as part of your UC claim, these are normally paid to you and you have to pay your landlord yourself. If you struggle with this, or other issues with your UC payment, you can apply for alternative payment arrangements, see section 4.3.

There is an online guide to budgeting when on UC available at www.gov.uk/government/publications/help-with-budgeting-your-universal-credit/universal-credit-help-with-managing-your-money.

10.2 Discretionary housing payments (DHP)

If there is a shortfall between your rent and the amount of housing costs you receive, you can apply to your local authority for a DHP to make up the difference in the short term. You may be able to get a DHP if your UC is reduced because of:

- size criteria restrictions if you have spare bedrooms
- rent officer restrictions such as local housing allowance
- non-dependant deductions
- benefit cap reductions.

You must apply by requesting a form or by writing to the authority. It is important to describe your circumstances fully and explain why you are in financial difficulty. The local authority has discretion in whether to award a DHP and even if they do, they are usually only for a period of up to one year. There is no right of appeal if your application is refused, although you can ask for the decision to be looked at again.

10.3 Supported housing

If you live in supported or sheltered accommodation, your housing costs cannot be paid under UC. You must claim Housing Benefit.

Useful resources

Age UK benefit calculator

www.ageuk.org.uk/information-advice/money-legal/benefits-entitlements/benefits-calculator

Online tool to check benefit entitlement.

Citizens Advice sanctions information

www.citizensadvice.org.uk/benefits/universal-credit/sanctions/challenging-a-sanction

Provides information about sanctions, good reasons for not complying and challenges.

DWP decision makers' guides

www.gov.uk/government/collections/decision-makers-guide-staff-guide
www.gov.uk/government/publications/advice-for-decision-making-staff-guide

Provides guidance for DWP staff who make benefit decisions.

DWP guidance documents

www.gov.uk/guidance/universal-credit-toolkit-for-partner-organisations

Provides information and guidance for claimants and advice organisations.

DWP other financial support

www.gov.uk/universal-credit/other-financial-support

Details of other financial assistance you can get whilst claiming Universal Credit.

NHS Help with health costs for people getting Universal Credit

www.nhs.uk/using-the-nhs/help-with-health-costs/help-with-health-costs-for-people-getting-universal-credit

Wales: www.healthcosts.wales.nhs.uk/income-groups

Rightsnet mythbuster tool

<https://benefitmythbuster.net>

Common myths and misconceptions about UC.

Useful organisations

Carers UK

www.carersuk.org (England)
www.carersuk.org/scotland (Scotland)
www.carerswales.org (Wales)
Telephone Helpline 0808 808 7777

Provides information and support for carers, including benefits.

Citizens Advice

England or Wales go to www.citizensadvice.org.uk
Scotland go to www.cas.org.uk
In England telephone 03444 111 444
In Wales telephone 03444 77 2020
In Scotland telephone 0808 800 9060

Help to claim service – telephone 0800 144 8 444 (England), 08000 241 220 (Wales) or 0800 023 2581 (Scotland)

National network of advice centres offering free, confidential, independent advice, face to face or by telephone.

Civil Legal Advice (CLA)

www.gov.uk/civil-legal-advice
Telephone 0345 345 4 345

People on a low income or benefits, who are eligible for legal aid can get specialist legal advice on benefits appeals, debt, education, housing, discrimination and family problems. Not available in Scotland.

Disability Benefits Helpline

www.gov.uk/disability-benefits-helpline

DWP helpline providing advice or information about any claim for Disability Living Allowance, Personal Independence Payment or Attendance Allowance that you have already made.

Disability Law Service

www.dls.org.uk
Telephone 020 7791 9800

Provides free, confidential legal advice to disabled adults, their families and carers.

Disability Rights UK

www.disabilityrightsuk.org

Provide information and advice about claiming disability benefits.

Discretionary Assistance Fund for Wales (The)

www.beta.gov.wales/discretionary-assistance-fund-daf

Telephone 0800 859 5924 (free from landlines) or 033 0101 5000 (local rate number for calls from mobiles)

Apply for an Individual Assistance Payment (IAP) or Emergency Assistance Payment (EAP) via the website.

Gov.uk

www.gov.uk

Official government website, includes information about pensions planning, the State Pension, and various pensions.

Jobcentre Plus

www.gov.uk/contact-jobcentre-plus

Telephone 0800 055 6688

Administers most benefit claims for working age people.

Money Advice Service

www.moneyadviceservice.org.uk

Telephone 0800 138 7777

Free, unbiased money advice to everyone across the UK.

Pension Service (The)

www.gov.uk/browse/working/state-pension

Telephone 0800 731 0469

State Pension Forecasting Team 0800 731 0176

Details of state pensions including forecasts and claiming your pension.

Tax Credits

www.gov.uk/browse/benefits/tax-credits

Telephone 0345 300 3900

Administer Child Tax Credit and Working Tax Credit.

Universal Credit

Claiming www.gov.uk/apply-universal-credit

Online account www.gov.uk/sign-in-universal-credit

Helpline 0800 328 5644

Veterans UK

www.gov.uk/government/organisations/veterans-uk

Telephone 0800 1914 218

Administers the armed forces pension schemes and compensation payments for those injured or bereaved through service.

Age UK

Age UK provides advice and information for people in later life through our Age UK Advice line, publications and online. Call Age UK Advice to find out whether there is a local Age UK near you, and to order free copies of our information guides and factsheets.

Age UK Advice

www.ageuk.org.uk

0800 169 65 65

Lines are open seven days a week from 8.00am to 7.00pm

In Wales contact

Age Cymru Advice

www.agecymru.org.uk

0800 022 3444

In Northern Ireland contact

Age NI

www.ageni.org

0808 808 7575

In Scotland contact

Age Scotland

www.agescotland.org.uk

0800 124 4222

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Next update April 2020

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