

Chapter F6: Carer element

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Legislation Used in Chapter F6

Abbreviation	Full Title
UC Regs (NI) 16	The Universal Credit Regulations (Northern Ireland) 2016 No. 216
WR (NI) Order 15	The Welfare Reform (Northern Ireland) Order 2015
SS C&B (NI) Act 92	Social Security Contributions and Benefits (Northern Ireland) Act 1992
SS (ICA) Regs (NI) 76	Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976 No. 99
UC, PIP, JSA & ESA (C&P) Regs (NI) 16	The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016 No. 220

Chapter F6: Carer element

Introduction

F6001 The maximum amount of Universal Credit will include a carer element for each eligible adult claimant in the benefit unit that satisfies a carer test.

F6002 Carer element is paid at one rate. If the conditions for a carer element are met, the carer element, at £156.45 per month, should be included in the claimant's maximum amount¹ of Universal Credit.

1 WR (NI) Order 15, art 13

F6003 – F6009

Conditions for award of a carer element

Carer test

F6010 The conditions for the award of a carer element are that the claimant has regular and substantial caring responsibilities for a severely disabled person¹.

Note 1: See F6020 for the meaning of regular and substantial caring.

Note 2: See F6030 for the meaning of severely disabled person.

¹ *WR (NI) Order 15, art 17(2)(c); UC Regs (NI) 16, reg 30(1)*

Caring responsibilities - joint claimants

F6011 Where the conditions for the award of a carer element are met by both joint claimants, then a carer element for each of them should be included in their maximum amount¹. But only if they are not caring for the same severely disabled person.

Note: It is possible that both members of a couple are severely disabled themselves and each one meets the criteria set out in F6010 for the care they provide for the other or another severely disabled person. In such a case a carer element should be included for each of them.

¹ *UC Regs (NI) 16, reg 30(2)*

Example

Max lives with his wife Amy and they are both entitled to Carer's Allowance. They each satisfy the conditions for the award of a carer element. At the time of the Universal Credit claim the standard allowance is £498.89 per calendar month and the rate of carer element is £156.45 per calendar month. Their maximum amount is £811.79 per calendar month (£498.89 + £156.45 + £156.45).

Two or more carers for the same person

F6012 Where two or more people are regularly and substantially caring for the same severely disabled person, only one of them will be entitled to have the carer element included in the Universal Credit award. It will be up to them to choose and elect who will be entitled to the carer element. If there is no joint election the Department should decide who should have entitlement to the carer element¹.

¹ *UC Regs (NI) 16, reg 30(3)*

Example 1

Max lives with his wife Amy and they are both providing regular and substantial care for Amy's mother. They would each satisfy the conditions for the award of a carer element. However as the care they provide is for the same severely disabled person only one of them can qualify for a carer element. The couple elect that Amy should have entitlement to the carer element.

Example 2

Conor and Ted are brothers who both provide care for their father George. Conor is in receipt of Universal Credit and provides regular and substantial care for his father. Ted also provides regular and substantial care for his father, he does not get Universal Credit, and neither brother is in receipt of Carer's Allowance for caring for George. As Conor and Ted both provide the relevant care they have to elect who should have entitlement to the carer element. They decide that as Conor is in receipt of Universal Credit he would benefit most from receipt of the extra allowance and they nominate Conor to receive the carer element.

Subsequently Ted is awarded Carer's Allowance, the consequence of this award means Conor cannot be regularly and substantially caring for George and the carer element is withdrawn from his Universal Credit entitlement (to be regularly and substantially caring Conor has to satisfy the conditions of entitlement for Carer's Allowance and he cannot do that where Carer's Allowance is awarded to somebody else).

No election as to who is entitled to the carer element

F6013 Where the relevant people have failed to make an election as to who should receive the carer element the decision maker will have to make the determination by having regard to all the circumstances. Decision makers could consider, when deciding who should receive the carer element.

1. Which carer made the first claim?
2. Has the original carer relinquished payment to Carer's Allowance?
3. Does the disabled person live with one of the carers but not the other?
4. Are the two carers married/partners but living apart and disputing the care?
5. If the disabled person is a child, which one of the carers receives the child benefit?

6. Will the decision maker's decision adversely affect one carer's financial position more than the other?
7. Could more info be obtained by arranging for a Visiting Officer to see both carers individually?

Entitled to a carer element and limited capability for work or limited capability for work and work-related activity element

One claimant entitled to both

F6014 Where a claimant would qualify for

1. the carer element **and**
2. the limited capability for work or limited capability for work and work-related activity element

only one of those elements may be included in the award.

Note : Where it is determined that a Universal Credit claimant has, or is treated as having, Limited Capability for Work, their award cannot include the Limited Capability for Work element¹. But see Appendix to ADM Chapter F5 (The limited capability for work and work-related activity element) for exceptions where the removal of the removal of the Limited Capability for Work element does not apply.

¹ WR (NI) Order 15, Art 17(2)

F6015 The element to be included is the limited capability for work and work-related activity if the claimant qualifies for it or, if not, the carer element¹. See ADM Chapter F5 for guidance on limited capability for work and limited capability for work and work-related activity.

¹ UC Regs (NI) 16, reg 30(4)

Example

Joe and Brenda are entitled to Universal Credit. Joe cares for their severely disabled son Sean and in doing so would qualify for the carer element. Joe also has limited capability for work and work-related activity. Joe and Brenda's award of Universal Credit includes the limited capability for work and work-related activity element but not the carer element.

Joint claimants each entitled

F6016 Where each of a joint claim couple qualifies for a different element, either

1. the carer element **or**
2. the limited capability for work or limited capability for work and work-related activity element

then both of those elements may be included in the award.

Example

Joe and Brenda are entitled to Universal Credit. Brenda cares for their severely disabled son Sean and in doing so would qualify for the carer element. Joe has limited capability for work and work-related activity. Joe and Brenda's award of Universal Credit includes the limited capability for work and work-related activity element and the carer element.

F6017 The table below gives details of which additional amount or amounts can be paid in situations where there are combinations of the additional amounts. This includes single claims (claimant 1) or joint claims (claimant 1 and 2).

Additional amount awarded to Claimant 1	and	Additional amount awarded to Claimant 2	and	Additional amount to be paid to Claimant 1	Additional amount to be paid to Claimant 2
Carer				Carer	
LCWRA				LCWRA	
Carer	LCWRA			LCWRA	
Carer		Carer		Carer	Carer
LCWRA		LCWRA		LCWRA	
		Carer			Carer
Carer		LCWRA		Carer	LCWRA
		LCWRA			LCWRA
Carer				Carer	

Carer	LCWRA	Carer		LCWRA	Carer
Carer	LCWRA	LCWRA		Carer	LCWRA
Carer		Carer	LCWRA	Carer	LCWRA
Carer	LCWRA	Carer	LCWRA	Carer	LCWRA

F6018 – F6019

Regularly and substantially

General test

F6020 A Universal Credit claimant will have regular and substantial caring responsibilities¹ where they

1. satisfy the conditions of entitlement for Carer's Allowance² **or**
2. would satisfy the conditions of entitlement for Carer's Allowance if their earnings did not exceed the prescribed limit for Carer's Allowance³.

1 UC Regs (NI) 16, reg 31; 2 SS C&B (NI) Act 92, sec 70; 3 sec 70(1)(b)

No claim for Carer's Allowance

F6021 The test at F6020 can be satisfied whether or not the claimant has made a claim for Carer's Allowance¹. Where no claim for Carer's Allowance has been made the Universal Credit decision maker will have to consider whether the claimant could satisfy the conditions for entitlement to Carer's Allowance.

1 UC Regs (NI) 16, reg 31(2)

Example

Tim receives Disability Living Allowance at the middle rate and confirmed that he is cared for by Mary, who is on Universal Credit, for at least 35 hours per week. Mary has not made a claim to Carer's Allowance but still receives the carer element as part of her Universal Credit award.

Earned income from caring

F6022 A carer element is not appropriate where the claimant derives earned income from their caring responsibilities¹. See ADM Chapters H3 and H4 for the meaning of earned income.

¹ UC Regs (NI) 16, reg 31(3)

Conditions for entitlement to Carer's Allowance

- F6023 The conditions for entitlement to Carer's Allowance are that the claimant
1. is engaged in caring for a severely disabled person for any day (see DMG 60035 - 60042) **and**
 2. is regularly and substantially engaged in caring for that person for at least 35 hours a week (see DMG 60035 - 60042) **and**
 3. is not gainfully employed (see DMG 60051 - 60052) **and**
 4. is aged 16 or over (see DMG 60058) **and**
 5. is not in full time education (see DMG 60068 - 60077) **and**
 6. satisfies prescribed conditions of residence or presence in Northern Ireland (see DMG Chapter 07 Part 2)
 7. no-one else is already entitled to Carer's Allowance.

Breaks in the regular and substantial caring

F6024 A temporary break or series of temporary breaks in care may be ignored, in certain circumstances, enabling a person who does not satisfy the "caring condition" at F6023 2. to be treated as satisfying that condition. DMG 60045 provides guidance on the circumstances where temporary breaks still amount to regular and substantial caring.

- F6025 A carer is allowed 12 weeks off from caring in a 26 week rolling period of which only 4 weeks can be for the carer to take a holiday or for respite care for the disabled person. The additional amount for carers will stop if either of the following applies
1. hospital breaks and other temporary breaks add up to more than 12 weeks
 2. other temporary breaks add up to more than 4 weeks.

Temporary hospital breaks

F6026 If the disabled person is in hospital and in receipt of one of the following.

1. Attendance Allowance
2. Constant Attendance Allowance
3. Disability Living Allowance
4. Personal Independent Payment
5. Armed Forces Independence Payment

the additional amount for carers will continue for as long as the benefit listed at **1.** to **5.** remains payable.

Run on after death of disabled person

F6027 Where

1. a claimant, who is providing regular and substantial care, is awarded a carer element **and**
 2. the severely disabled person, in respect of whom that care is provided, dies
- the carer element award will continue in payment until the end of the second assessment period following the assessment period in which the death occurred¹.

¹ UC Regs (NI) 16, reg 39

Example 1

Amy is entitled to Universal Credit, which includes the carer element, for an assessment period that runs from the 10th of each month. The person she is caring for dies on 12.8.18. The carer element is included in the Universal Credit award up to and including 9.11.18.

Example 2

Max lives with his wife Emily and they are both entitled to Carer's Allowance. They each satisfy the conditions for the award of a carer element. At the time of the Universal Credit claim, on 5.11.17, the standard allowance is £498.89 per calendar month and the rate of carer element is £156.45 per calendar month. Their maximum amount in respect of each assessment period is £811.79 per calendar month (£498.89 + £156.45 + £156.45). Max dies on 10.1.18, Emily continues to receive the couple standard allowance and two carer elements, £811.79, until 4.4.18 when the Universal Credit claim terminates. Emily will be entitled to Universal Credit as a single person without having to submit a claim¹.

¹ UC, PIP, JSA & ESA (C&P) Regs (NI) 16, reg 8(10)

Note: Carer element will only run on following death if there is no run on for any other reason (such as following admission to hospital or residential care - temporary break rules would apply in these instances).

F6028 – F6029

Meaning of severely disabled person

F6030 “Severely disabled person” is not defined for this aspect of the Universal Credit regulations but it should be taken to mean a person for whom

1. Attendance Allowance¹ **or**
2. the care component of Disability Living Allowance at the highest or middle rate² **or**
3. Constant Attendance Allowance payable as
 - 3.1 an increase of Industrial Injuries Disablement Benefit³ **or**
 - 3.2 an increase of an old scheme allowance⁴ **or**
 - 3.3 an increase of Workmen’s Compensation⁵ **or**
 - 3.4 a War Disablement Pension⁶ **or**
4. Armed Forces Independence Payment **or**
5. the daily living component of Personal Independence Payment at the standard or enhanced rate

is payable provided that it is payable at a weekly rate of at least that specified in legislation⁷.

Note: The meaning of War Disablement Pension is prescribed⁸.

1 SS C&B (NI) Act 92, sec 70(2); 2 sec 70(2); 3 SS (ICA) Regs (NI) 76, reg 3(1)(a); 4 reg 3(1)(b); 5 reg 3(1)(c); 6 reg 3(1)(d); 7 reg 3(1); SS C&B (NI) Act 92, Sch 4, Part V, para 2(a); 8 SS (ICA) Regs (NI) 76, reg 3(2)

F6031 – F6999

The content of the examples in this document (including use of imagery) is for illustrative purposes only