

Chapter L4: Universal Credit - Social Fund - Cold Weather Payments

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Legislation Used in Chapter L4

Abbreviation	Full title
SS A (NI) Act 92	Social Security Administration (Northern Ireland) Act 1992
SS C&B (NI) Act 92	Social Security Contributions and Benefits (Northern Ireland) Act 1992
SS (NI) Order 98	Social Security (Northern Ireland) Order 1998 No. 1506
SS (Misc Amdts) Regs (NI)	Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2017 No. 116
SF (CWP) (Gen) Regs (NI)	Social Fund (Cold Weather Payments) (General) Regulations (Northern Ireland) 1988 No. 368
SF (CWP) (Gen) (Amdt No.2) Regs (NI)	Social Fund (Cold Weather Payments) (General) (Amendment No.2) Regulations (Northern Ireland) 1991 No.464
WR (NI) Order 15	Welfare Reform (Northern Ireland) Order 2015 No. 2006
SF (Amdt) Regs (NI) 2017	Social Fund (Amendment) Regulations (Northern Ireland) 2017 No. 55
SS & CS (D&A) Regs (NI)	Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 No. 162
UC Regs (NI) 16	Universal Credit Regulations (Northern Ireland) 2016 No. 216

Chapter L4: Universal Credit - Social Fund - Cold Weather Payments

Introduction

L4000 A Social Fund cold weather payment involves a payment of £25¹ for each cold weather period experienced by qualifying persons, in order to help provide for heating expenses. It is normally paid automatically by the relevant computer system.

1 SF (CWP) (Gen) Regs (NI), reg 3

Conditions of entitlement

L4001 **[See ADM Memo 3/21]** A cold weather payment will be made where

1. a cold weather period (see L4005) is recorded or forecasted at an authorised Met Office (see L4028) site¹ (see L4011) and
 2. the claimant's home²
 - 2.1 is situated in a Post Office postcode district covered by the designated Met Office site **or**
 - 2.2 is treated as situated in a Post Office postcode district covered by the nearest designated Met Office site where no alternative site is specified (see L4012 et seq) **and**
 3. the claimant has been awarded for at least one day during the recorded or forecasted cold weather period
 - 3.1 State Pension Credit³
 - 3.2 Income Support⁴
 - 3.3 income-based Jobseeker's Allowance⁵
 - 3.4 income-related Employment and Support Allowance⁶
 - 3.5 owner-occupier loan payments⁷ and is treated as entitled to a benefit specified in **3.1 - 3.4**⁷ **or**
 - 3.6 Universal Credit⁸ **and**
 4. for **3.2 to 3.6** either
 - 4.1 the family includes a child under age five⁹ **or**
 - 4.2 the Income Support or income-based Jobseeker's Allowance applicable amount includes one or more of the following premiums - a pensioner premium, an enhanced pensioner premium, a higher pensioner

- premium, a disability premium, a severe disability premium, a disabled child premium or an enhanced disability premium¹⁰ **or**
- 4.3** they receive Child Tax Credit which includes a disability element¹¹ **or**
- 4.4** the income-related Employment and Support Allowance applicable amount includes one of the following premiums - a pensioner premium, a severe disability premium or an enhanced disability premium¹² **or**
- 4.5** they receive income-related Employment and Support Allowance and the claimant is a member of the work-related activity group (see L4027) or a member of the support group (see L4026)¹³ **or**
- 4.6** they receive owner-occupier loan payments **and**
- 4.6.a** the Income Support or income-based Jobseeker's Allowance applicable amount would include one or more of the following premiums - a pensioner premium, an enhanced pensioner premium, a higher pensioner premium, a disability premium, a severe disability premium or an enhanced disability premium **or**
- 4.6.b** the income-related Employment and Support Allowance applicable amount would include one or more of the following premiums - a pensioner premium, a severe disability premium or an enhanced disability premium¹⁴
- 4.7** the award of Universal Credit includes an amount for a child or qualifying young person who is disabled¹⁵ **or**
- 4.8** the Universal Credit claimant has limited capability for work or limited capability for work and work-related activity¹⁶
- Note:** In relation to **4.8** where the claimant would qualify for the carer element and the limited capability for work and work-related activity element, only one of those elements may be included in the award. The element to be included is the limited capability for work and work-related activity element if the claimant qualifies for it, or if not, the carer element.
- 5.** for Universal Credit claimants there is a further condition - unless the award includes an amount for a child or qualifying young person who is disabled then a cold weather payment is not payable if the claimant was in employment (see L4024) or gainful self-employment (see L4025) on
- 5.1** any day during a recorded period of cold weather
- 5.2** the day of the forecast in relation to a forecasted period of cold weather¹⁷

6. there shall not be a cold weather payment if the person resides in a care home (see L4023), nursing home, independent hospital (see L3161) or Abbeyfield Home, except in the circumstances where **4.1** or **4.3** applies¹⁸.

1 SF (CWP) (Gen) Regs (NI), reg 2(1)(a); 2 reg 2(1)(b); 3 reg 1A(2)(a); 4 reg 1A(2)(b); 5 reg 1A(2)(c); 6 reg 1A(2)(d); 7 reg 1A(2)(f); 8 reg 1A(2)(e); 9 reg 1A(3)(a); 10 reg 1A(3)(b), (c); 11 reg 1A(3)(d); 12 reg 1A(3)(e)(i); 13 reg 1A(3)(e)(ii); 14 reg 1A(3)(g); 15 reg 1A(3)(f)(i); 16 reg 1A(2)(f)(ii); 17 reg 1A(6), (7); 18 reg 1A(4)

Making a claim

- L4002 If a cold weather payment has not been paid automatically or clerically by the relevant computer systems, the decision maker should treat any representations about entitlement as a claim and decide whether there is any entitlement¹. The claimant has a right of appeal against the decision maker's decision to a Social Security Appeal Tribunal².

1 SS (NI) Order 98, art 9(1)(a); 2 art 13(1)(a) & (2); SS & CS (D&A) Regs (NI), reg 26(b)

Time limits for claiming

- L4003 A cold weather payment cannot be made more than 26 weeks from and including the last day of the 'winter period' (see L4004) in which the relevant period of cold weather falls¹. This allows time for a claimant to report a change if they feel they may have qualified after receiving their winter fuel bills in association with the winter season for which help with heating expenses is provided.

1 SF (CWP) (Gen) Regs (NI), reg 2(6)

Winter period

- L4004 Winter period is defined as 1 November to 31 March of the following year¹.

1 SF (CWP) (Gen) Regs (NI), reg 1(2)

Example

The claimant has been in receipt of Income Support since September 2010. In April 2020 he applies for a backdated payment of a cold weather payment stating his child was born on 2.1.20 (but he did not notify the Department of the birth at the time). A cold weather period is recorded at the designated Met Office site for the claimant's postcode for the period 10.1.20 to 16.1.20. The decision maker decides the claimant is entitled to a cold weather payment as he meets the entitlement criteria -there was a cold weather period recorded for the claimant's postcode, he was entitled to Income Support, he had a child in his family younger than 5 and the claim was made within the time limits.

Cold weather period

L4005 A cold weather period is a period of seven consecutive days during which the average mean daily temperature is recorded as, or is forecast to be, zero degrees celsius or below¹ by the designated Met Office site (see L4011).

1 SF (CWP) (Gen) Regs (NI), reg 1(2)

L4006 Any day included in one cold weather period cannot be included in any other cold weather period.

Overlaps of recorded and forecast periods of cold weather

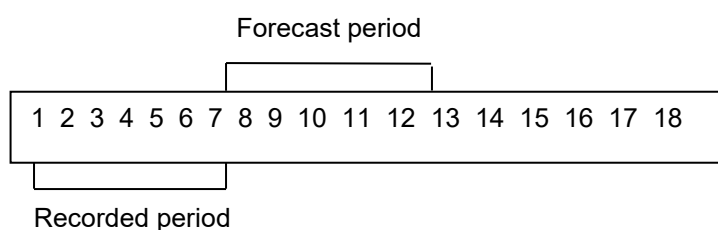
L4007 When a forecasted period shares one or more days with a recorded period, the shared days will form an overlap period¹.

1 SF (CWP) (Gen) Regs (NI), reg 1(2)

L4008 If both a recorded and forecast period of cold weather are linked by an overlap period, the decision maker should only make payment for the forecast period¹.

1 SF (CWP) (Gen) Regs (NI), reg 2(3)

Example

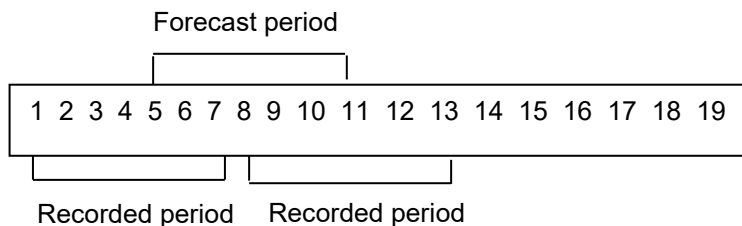


The eligible period is days 1-13 inclusive. A cold weather payment is made for the period of days 7-13.

L4009 Payment may be made for the last recorded period of cold weather¹ if

1. there is a continuous period of recorded and forecasted periods **and**
2. each of those periods is linked by an overlap period **and**
3. the total number of recorded periods exceeds the total number of forecasted periods.

1 SF (CWP) (Gen) Regs (NI), reg 2(4)

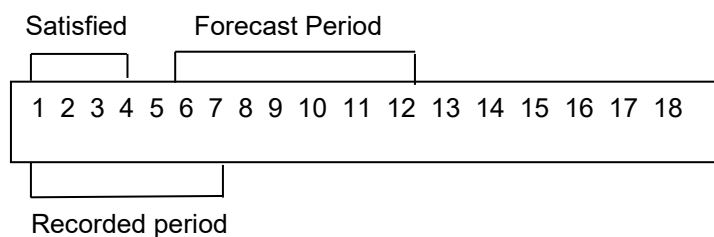
Example

1. The eligible period is from days 1-14 inclusive.
2. A cold weather payment is made for the forecast period of days 5-11.
3. A cold weather payment is made for the last recorded period of days 8-14.

L4010 A payment can be made for the recorded period where the claimant

1. would have been entitled to a cold weather payment but for the fact that a forecasted period takes priority **and**
2. is unable to satisfy the qualifying conditions for at least one day of the forecasted period¹.

1 SF (CWP) (Gen) Regs (NI), reg 2(5)

Example

1. The qualifying conditions are satisfied in the recorded period up to day 4.
2. The qualifying conditions are not satisfied in the forecasted period.
3. The eligible period is days 1-12.
4. A cold weather payment is made for the period of days 1-7.

The designated Met Office site

L4011 Post Office postcode districts¹ are linked to designated weather sites. Post Office postcodes have four parts to them

1. area example **LS14** 1NX
2. district example **LS14** 1NX
3. sector example **LS14** 1NX

4. group of houses/building example LS14 1NX.

A postcode district may also include a letter at the end example SW1A.

The decision maker should ignore the letter at the end of the postcode district when deciding which weather site covers the claimant's home.

Note: When a forecast or recorded period of cold weather occurs the Met Office notify the Department.

Note: From 22.7.20 all designated Met Office recording 'stations' are now referred to as 'sites'.

1 SF (CWP) (Gen) Regs (NI), reg 1(2) ; reg 2(1)

Primary, secondary and alternative sites

L4012 Primary site¹ means a site designated by the Department as a primary site for a postcode district².

Note: A list of the primary sites can be found at the end of this chapter.

1 SF (CWP) (Gen) Regs (NI), reg 2(7); 2 reg 2A(1)

L4013 Secondary site¹ means a site designated by the Department as a secondary site for a postcode district². A secondary site would be used in circumstances where

1. a primary site was unable to provide temperature information in respect of a particular day **or**
2. the Met Office is unable to produce a forecast in respect of a particular period at a primary site.

1 SF (CWP) (Gen) Regs (NI), reg 2(7); 2 reg 2A(2)

L4014 Alternative site¹ means a site which

1. in the opinion of the Met Office, is the most geographically and climatologically representative for the postcode district in which the home of the claimant is situated **and**
2. is able to provide the temperature information for the relevant recorded or forecasted period of cold weather.

Note: An alternative site would be used to determine whether there is a recorded or forecasted period of cold weather in circumstances where

1. the primary and secondary site is unable produce the requisite information **or**
2. the primary site is unable to produce the requisite information and there is no secondary site specified.

1 SF (CWP) (Gen) Regs (NI), reg 2(7)

L4015 Where a primary site is unable to provide temperature information in respect of a particular day, the mean daily temperature of that day at

1. the secondary site **or**
2. an alternative site, where
 - 2.1 there is no secondary site designated **or**
 - 2.2 the secondary site is unable to provide temperature information in respect of that day

is to be used to determine whether or not there is a recorded period of cold weather at a primary site¹.

1 SF (CWP) (Gen) Regs (NI), reg 2(1A)

L4016 Where the Met Office is unable to produce a forecast in respect of a particular day at a primary site, the forecast in respect of that period produced at

1. the secondary site **or**
2. the alternative site, where
 - 2.1 there is no secondary site designated **or**
 - 2.2 the secondary site is unable to produce a forecast in respect of that period

is to be used to determine whether or not there is a forecasted period of cold weather at the primary site¹.

1 SF (CWP) (Gen) Regs (NI), reg 2(1B)

L4017 Where the home of the claimant is not situated within a postcode district for which a primary site is designated, the home is to be treated as if it were situated within a postcode district

1. which, in the opinion of the Met Office, is the most geographically and climatologically representative of that postcode district **and**
2. for which a primary site is designated¹.

1 SF (CWP) (Gen) Regs (NI), reg 2(2)

Publication and review of sites

L4018 A primary site must be designated for each postcode district. A secondary site may be designated for each postcode district¹.

1 SF (CWP) (Gen) Regs (NI), reg 2A(1) and (2)

L4019 Details of designated primary (and where appropriate, secondary) sites must be published. They are found at the end of this chapter.

A Cold Weather Payment Postcode Tool is available at:

<https://www.nidirect.gov.uk/services/cold-weather-payment-checker>

L4020 Each designation must be reviewed every 12 months, in the period beginning 1st November and ending 31st October¹.

1 SF (CWP) (Gen) Regs (NI), reg 2C(2)

L4021 If, on review or at any other time, a designation is no longer appropriate, the Department must

1. vary the designation expediently **and**
2. publish details of the varied designation¹, in an appropriate manner².

Note: When determining whether to vary a designation, regard must be given to any recommendation made by the Met Office³.

1 SF (CWP) (Gen) Regs (NI), reg 2C(3); 2 reg 2C(4); 3 reg 2C(5)

L4022 For the purposes of a review or a variation¹, whether a designation is appropriate includes in particular, whether the site designated

1. is geographically and climatologically representative for the relevant postcode district **and**
2. provides accurate temperature information.

1 SF (CWP) (Gen) Regs (NI), reg 2C(6)

Definitions

Nursing home and residential care home

L4023 For the purposes of L4001 6., nursing home¹ or residential care home² means an establishment which provides accommodation, together with nursing or personal care for people who

1. are or have been ill
2. have or who have had a mental disorder
3. are disabled or infirm
4. are or have been dependent on alcohol or drugs

other than a hospital, independent clinic, children's home or other establishment excepted by regulations.

1 SF (CWP) (Gen) Regs (NI), reg 1A(5); HPSS (QI & R) (NI) Order 2003, art 11;

2 SF (CWP) (Gen) Regs (NI), reg 1A(5); HPSS (QI & R) (NI) Order 2003, art 10

Employment

L4024 Means employment under a contract of service, or in an office, including an elective office.

Gainful self-employment

L4025 A person is in gainful self-employment where

1. they are carrying on a trade, profession or vocation as their main employment
2. their earnings from that trade, profession or vocation are treated as self-employed earnings for the purpose of regulations made under article 13(3) of the Welfare Reform (Northern Ireland) Order 2015 **and**
3. the trade, profession or vocation is organised, developed, regular and carried on in expectation of profit.

Member of the support group

L4026 'Member of the support group' means¹ a claimant who has or is treated as having limited capability for work-related activity and their assessment phase has ended.

1 SF (CWP) (Gen) Regs (NI), reg 1(2)

Member of the work-related activity group

L4027 'Member of the work-related activity group' means¹ a claimant who has or is treated as having limited capability for work and their assessment phase has ended.

1 SF (CWP) (Gen) Regs (NI), reg 1(2)

Met Office

L4028 Met Office¹ means the Met Office of the Department for Business, Energy and Industrial Strategy.

1 SF (CWP) (Gen) Regs (NI), reg 1(2)

L4029 – L4999

Appendix 1

Identification of sites and postcode districts

Column (1)	Column (2)
Met Office	Postcode districts
1. Aldergrove	BT27-29, BT39-46, BT80
2. Castleberg	BT78-79, BT81-82
3. Glenanne	BT35, BT60-71
4. Katesbridge	BT24-26, BT30-34.
5. Magilligan	BT47-49, BT51-57
6. Thomastown	BT74-77, BT92-94
7. Stormont Castle	BT1-23, BT36-38

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