

Welfare

R I G H T S

B r i e f i n g N o t e

**Social Security Benefits
when a child is looked after
by the local authority**



**Leicestershire
County Council**

August 2008

The information contained in this booklet is intended to make you aware of some of the complex benefit issues that may arise. It is not a statement of the law on these issues. Every effort has been made to compile this booklet using information which is up to date at the time of publication. Leicestershire County Council however cannot accept responsibility for any loss arising from the use of the information contained in this guidance or any omissions therein.

You are advised to seek independent advice if you believe that any of the information in this booklet might be relevant in your particular situation.

This booklet is available in other languages. If you would like a translated copy please contact Welfare Rights Training & Information Officer, Tel: 0116 2787111.

The Social Services Department is constantly working to improve its services. If you would like to make a comment, suggestion or complaint, please contact:

Complaints & Commendations Service
Social Services Department
FREEPOST NAT 8605
COALVILLE
LE67 3RZ

Tel: 01530 513815/513816

Email: social-services-tell-us@leics.gov.uk

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Social Security Benefits when a child is looked after by the local authority

If your child is being looked after by the local authority it can affect your social security benefits. It is important to make sure you notify the organisations which pay your benefits that your child is being looked after by the local authority in good time otherwise you could be overpaid benefit and may have to pay it back.

The following is a guide to the impact that having a child looked after by the local authority can have on the most common benefits. If you are in doubt about your benefit position you should seek advice.

Child Benefit

You can continue to receive Child Benefit for 8 weeks from the date the local authority started to look after your child. You should notify HMRC (Child Benefit Helpline on Tel 0845 302 1444) that the child is now being looked after by the local authority. Child Benefit will stop being paid after 8 weeks unless, the child still 'ordinarily' lives with you i.e. stays with you for two consecutive nights a week. The Social Worker should also inform HMRC that your child is being looked after by a local authority by sending in form CH193, however you are still obliged to inform HMRC yourself.

You should reclaim Child Benefit immediately if the child returns home and stays with you for a week or more.

The Social Worker should inform HMRC on form CH193D if the child is leaving care and returning to live with you permanently. Again you should inform HMRC yourself as soon as possible to ensure payment of benefit.

Child Tax Credit

Child Tax Credit cannot be paid for a child who is looked after by the local authority including children placed with foster parents who are receiving foster payments. You should notify the HMRC (Tax Credit Helpline 0845 300 3900) immediately.

You should reclaim Child Tax Credit immediately if the child returns home to live with you.

Income Support

If you receive Income Support your claim can be affected by your child being looked after by the local authority. You should notify Jobcentre Plus immediately (tel 0845 608 8525)

If your Income Support award includes additional amounts for your child these increases will stop immediately. Therefore, there can be two adjustments to your Income Support if Child Benefit continues to be paid for 8 weeks, one for the first eight weeks and a second adjustment after 8 weeks.

If you receive Income Support as a lone parent this will stop. You should notify Jobcentre Plus immediately (tel 0845 608 8525) and either make a new claim for Income Support on the grounds of incapacity for work, you will need a sick note from your doctor, or make a claim for Income-based Job Seeker's Allowance (tel 0800 055 6688).

If you receive Income Support as a carer for your child, it can continue to be paid for 8 weeks. After 8 weeks it will stop. You should notify Jobcentre Plus immediately (tel 0845 608 8525) and either make a new claim for Income Support on the grounds of incapacity for work, you will need a sick note from your doctor, or make a claim for Income-based Job Seeker's Allowance (tel 0800 055 6688).

You can reclaim Income Support as a lone parent or as a carer for your child when your child returns home to live with you. However, if you are now claiming Income Support on the grounds of incapacity for work you may prefer to continue claiming on this basis. You should seek advice or see the Welfare Rights Briefing Note Changes to Income Support & Lone Parents, July 2008.

If you previously received Income Support for yourself and your children rather than Child Tax Credit you will need to claim Child Tax Credit for the child when he/she returns home.

Employment and Support Allowance

From October 27th 2008 Incapacity Benefit and Income Support paid because of an incapacity for work will be replaced by a new benefit, Employment and Support Allowance. You will need a sick note from your doctor and you will need to call 0800 055 66 88 to claim. You should seek advice or see the Welfare Rights Briefing Note Changes to Income Support & Lone Parents, July 2008.

Housing Benefit/Council Tax Benefit

If you were passported to Housing Benefit and/or Council Tax Benefit by claiming Income Support as a lone parent or a carer for your child make sure you claim for both benefits again when applying for Income Support on the grounds of incapacity for work or Income-based Job Seekers Allowance.

If for some reason you are not going to claim Income Support on the grounds of incapacity for work or Income-based Job Seekers Allowance you can make a separate claim for Housing Benefit and/or Council Tax Benefit direct to your local council.

If you are not on Income Support or Income-based Job Seeker's Allowance but do receive Housing Benefit and/or Council Tax Benefit you should notify your local district council immediately that your child is being looked after by the local authority and again when he/she returns home to live with you.

Carer's Allowance

If you receive Carer's Allowance for looking after your child you should notify the Disability & Carers Service immediately (tel 01253 85 61 23). If you have cared for your child for the last 22 weeks Carers Allowance can continue for 4 weeks and then will stop.

You should reclaim Carer's Allowance immediately if the child returns home to live with you.

Disability Living Allowance

If you receive Disability Living Allowance on behalf of your child, as an appointee, this will stop unless it is intended that the child will be looked after by the local authority for less than 12 weeks. You should notify the Disability & Carers Service immediately (tel 0845 7 12 34 56). If your child is placed with a foster family, the foster parents can be the appointee to receive the disability living allowance on behalf of the child until such time as the child returns home to live with you.

Standard Letters

You can use the standard letters below to notify the organisations which pay your benefits that your child is being looked after by the local authority. Your Social Worker should be able to advise you about the letters if needed.

Overpayment of benefit due to failure to notify

If you are notified that you have been overpaid benefits because you did not tell the relevant benefit authority that your child was being looked after by the local authority you should ask your Social Worker to refer you to the County Council's Welfare Rights Service.

The Welfare Rights Service may be able to assist you by checking that the overpayment decision is for the correct time period and amount. If the overpayment decision is incorrect a Welfare Rights Service can assist with negotiating with the benefit authority or with an appeal if necessary. Even if the overpayment decision is correct the Welfare Rights Service can assist in negotiating for a manageable rate of repayment.

Further Advice

If you need further advice about the effect on your benefits of your child being looked after by the local authority, you should ask your Social Worker for assistance. If your situation is very complicated your Social Worker can seek advice from or refer you to the Welfare Rights Service.

Letter to HMRC for Child Benefit

Your Name & Address

.....
.....
.....

Date:

Your Child Benefit Reference No.

Child Benefit Office
PO Box 1
Newcastle upon Tyne
NE88 1AA

Dear Sir/Madam,

I am writing to inform you that my child/children

Child's nameDate of birth.....

Child's name.....Date of birth.....

Child's name.....Date of birth.....

is/are now being looked after by Leicestershire County Council from

The Social Worker dealing with my case is
and they can be contacted at Children & Young People's Service,
Leicestershire County Council

.....

..... Tel:

Yours faithfully

Your signature

Keep a copy of this completed letter for your records

Letter to HMRC for Child Tax Credit

Your Name & Address

.....
.....
.....

Date:

Your National Insurance No.

Tax Credit Office
HMRC
PO Box 178
Preston
PR1 0YY

Dear Sir/Madam,

I am writing to inform you that my child/children

Child's nameDate of birth.....

Child's name.....Date of birth.....

Child's name.....Date of birth.....

is/are now being looked after by Leicestershire County Council from

The Social Worker dealing with my case is
and they can be contacted at Children & Young People's Service,
Leicestershire County Council

.....

..... Tel:

Yours faithfully

Your signature

Keep a copy of this completed letter for your records

Letter to DCS for Carer's Allowance

Your Name & Address

.....
.....
.....

Date:

Your National Insurance No.

Carer's Allowance Unit
Palatine House
Lancaster Road
Preston
PR1 1HB

Dear Sir/Madam,

I am writing to inform you that my child/children

Child's nameDate of birth.....

Child's name.....Date of birth.....

Child's name.....Date of birth.....

is/are now being looked after by Leicestershire County Council from

The Social Worker dealing with my case is
and they can be contacted at Children & Young People's Service,
Leicestershire County Council

.....

..... Tel:

Yours faithfully

Your signature

Keep a copy of this completed letter for your records

Letter to DCS for appointeeship for DLA

Your Name & Address

.....
.....
.....

Date:

Your National Insurance No.

Disability Living Allowance Unit
Warbreck House
Warbreck Hill
Blackpool
FY2 0YE

Dear Sir/Madam,

I am writing to inform you that my child/children

Child's nameDate of birth.....

Child's name.....Date of birth.....

Child's name.....Date of birth.....

is/are now being looked after by Leicestershire County Council from

The Social Worker dealing with my case is
and they can be contacted at Children & Young People's Service,
Leicestershire County Council

.....

..... Tel:

Yours faithfully

Your signature

Keep a copy of this completed letter for your records

Letter to local council for Housing & Council Tax Benefit

Your Name & Address

.....
.....
.....

Date:

Your Reference No(s).

Your local council's address

.....
.....
.....

Dear Sir/Madam,

I am writing to inform you that my child/children

Child's nameDate of birth.....

Child's name.....Date of birth.....

Child's name.....Date of birth.....

is/are now being looked after by Leicestershire County Council from

The Social Worker dealing with my case is
and they can be contacted at Children & Young People's Service,
Leicestershire County Council

.....

..... Tel:

Yours faithfully

Your signature

Keep a copy of this completed letter for your records

Letter to Jobcentre Plus

Your Name & Address

.....
.....
.....

Date:

Your National Insurance No.

Jobcentre Plus
Income Support Section
60 Wellington Street
Leicester
LE1 6WG

Dear Sir/Madam,

I am writing to inform you that my child/children

Child's nameDate of birth.....

Child's name.....Date of birth.....

Child's name.....Date of birth.....

is/are now being looked after by Leicestershire County Council from

The Social Worker dealing with my case is
and they can be contacted at Children & Young People's Service,
Leicestershire County Council

.....

..... Tel:

Yours faithfully

Your signature

Keep a copy of this completed letter for your records

Letter to Jobcentre Plus

Your Name & Address

.....
.....
.....

Date:

Your National Insurance No.

Jobcentre Plus
Leicester BDC
Income Support Section
St Stephen's Road
Birmingham
B99 1AA

Dear Sir/Madam,

I am writing to inform you that my child/children

Child's nameDate of birth.....

Child's name.....Date of birth.....

Child's name.....Date of birth.....

is/are now being looked after by Leicestershire County Council from

The Social Worker dealing with my case is
and they can be contacted at Children & Young People's Service,
Leicestershire County Council

.....

..... Tel:

Yours faithfully

Your signature

Keep a copy of this completed letter for your records