

Social security support for relatives and friends looking after someone else's child

1. About this advice sheet

1.1 What information will I find in this advice sheet?

If you have taken on the care of a child who cannot live at home with their parents, you may need financial and other support to help you care for them. This advice sheet provides information about the social security support (e.g. benefits and tax credits) that you may be entitled to and how to access them.

To find out information about the financial, and other, types of help and support that may be available from the child's parents, children's services, your local council or via the education system, please also read Advice sheet 21a – 'Support from children's services for relatives looking after someone else's child' <http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>

1.2 Using this this advice sheet

This advice sheet is divided up into sections to make it easier to understand. At the end of this advice sheet (In Appendix 1) there is a table that tells you about the benefits, tax credits that relatives/friends caring for a child can claim, and the implications of different legal arrangements and allowances on those benefits.

The references for the different legal and practice requirements mentioned throughout this advice sheet can be found in section 13 below. You may also want to ask a friend, your social worker, or your solicitor to explain anything in the advice sheet that you don't understand.

Social security law can seem very complicated and the rules change frequently. An overview of recent changes is set out at section 2. It is not possible to cover all of the benefit rules in this advice sheet so information about where you can find further help and information is included in section 11 below.

Note: “Social services” are now known as “children’s services”. This is how they are referred to throughout this advice sheet.

1.3 Important terms used in this advice sheet

The important terms used in this advice sheet include:

- **‘Looked after’** means that the child is in care due to a court order or accommodated by children’s services in agreement with the parents/someone with parental responsibility (this is sometimes known as a Section 20 arrangement)
- **‘In care’** means that the child is under an interim or full care order or an emergency protection order and is looked after by children’s services
- **Parental responsibility** means the legal right to make decisions about a child’s care. (For more information on who has parental responsibility see FRG advice sheet on ‘Parental responsibility’: <http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>)
- **Family and friends foster care** means that you are caring for the child as an approved foster carer on behalf of children’s services and the child you are caring for is ‘looked after’
- **Family and Friends Carer**, also known as kinship carer or connected persons carer, which means you are caring for someone else’s child. The child might be looked after by children’s services or they might be with you under some other arrangement.

2. What changes to the welfare system may affect me?

2.1 What changes are happening to benefits?

The changes happening include:

- Disability living allowance (DLA) for people aged 16 to 64 is stopping. It is being replaced by a Personal Independence Payment (PIP) by 2018. But DLA remains for those aged under 16.
- A new benefit called universal credit (UC) has begun to replace tax credits, income support, housing benefit and the means-tested versions of jobseekers allowance and employment and support allowance (these are all known as 'legacy benefits'). UC is being introduced in pilot areas initially and won't be fully available across the whole of the UK until 2018 for new claims. Existing claimants of the 'legacy benefits' will not be moved across to UC until the 2019-2022 period unless they have a change of circumstance (for example, losing a job; falling ill; having to register as unemployed because a child/children have left home; moving into an area where UC has been fully rolled out and any other changes that, under legacy benefits, would lead to a change of benefit). You will need to find out how UC affects you.
- UC is paid as a single monthly payment to working-age claimants by the Department for Work and Pensions, whether you are in or out of work, with the amount of benefit you get depending on what you earn (if anything), the number of children you have and your housing costs.
- There are special rules for foster carers –
 - People who foster children aged under 16 or who have a child aged under 5 will get UC without having to look for work, but if you are part of a couple, one of you *may* be expected to look for work.
 - If you are getting UC as a foster carer and the placement ends, you will be allowed an 8 week period where you will continue to get UC without having to sign-on as unemployed.
 - There will also be concessions if both partners are needed for the fostering (e.g. because of a disabled child) or a child aged 16/17 who needs additional help.

- Council tax **support** has replaced council tax **benefit** – and that means different councils have different rules about who can claim help with the cost of council tax and how much help they might get.
- There are ‘benefit caps’ and a new ‘two child policy’ that applies to some families. There are also ‘under-occupation penalties’ that apply to others. When these caps, policies and penalties apply and what effect they have is explained later in this advice sheet.
- You can no longer get community care grants and crisis loans from the Social Fund section of the Department for Work & Pensions. Your local council or devolved Government may have a local welfare scheme so you might have to contact them for help instead.

We discuss all of these changes in more detail further on in this advice sheet.

3. Understanding your child’s legal status

3.1 How does the legal status of my child affect what benefits/tax credits I may get?

Some benefits or credits you can get will depend on the legal status of the child living with you; it’s important to understand whether or not the child is looked-after, or whether they are living with you under some other court order. The benefits and tax credits that you may be entitled to may also be dependent upon how much time the child spends in your care, and what other support you receive.

There are a number of legal arrangements under which your child could be living with you, including:

- A private arrangement
- Testamentary guardianship
- Child arrangements order or residence order
- Special Guardianship
- Family and friends foster care.

Each of these different legal statuses is explained in more detail in the rest of this section of this advice sheet. If you are not sure about your child's legal status, you should ask the social worker (if you have one) to explain it to you in writing.

3.2 What is a private arrangement or private foster care?

- If you are a close relative of the child, their parent has asked you to care for them, and children's services **were not** involved in the arrangements for them to come and live with you, then this is known as a private arrangement.
- A 'close relative' means you are the child's grandparent, uncle, aunt, sibling or step-parent.

If children's services were involved in making the arrangement, or helping you make the arrangement, this is not usually a private arrangement – see paragraph 3.6 below.

If you are not a close relative, you may be a private foster carer:

- If you are looking after a child in a private arrangement, which is going to be for 28 days or more, and you are NOT the child's grandparent, uncle, aunt, sibling or step parent, you will be considered a private foster carer.
- The law says that you must tell children's services and they will then monitor the arrangement and inspect your premises.

Note that being a private foster carer is not the same as providing fostering through a private fostering agency. In those circumstances, the child will be looked-after and your financial and benefit position is no different to any other foster carer. For further information contact FRG advice line – contact details are in section 11 of this advice sheet.

3.3 What is testamentary guardianship?

You are a testamentary guardian if:

- You have been appointed by the parents/special guardians in writing (often, but not always, in a Will) to look after their child after they die, and
- The parents/special guardians have now died, and
- The appointment has taken effect.

Note: There are particular rules that apply about when a guardianship appointment takes effect. For more information see FRG Advice Sheet 4 on 'Parental responsibility' <http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>

3.4 What is a child arrangement order/residence order?

These are court orders that say where a child will live:

- Courts can no longer make a residence order. They have been replaced by child arrangements orders
- A child arrangements order can be made in favour of someone who is not a parent of the child
- A residence order or a child arrangements order that says where a child will live gives the person(s) named in the order parental responsibility for the child.

3.5 What is special guardianship?

A special guardianship order is a court order which:

- Says where a child will live until they are 18 (unless the order is ended by the court before then)
- Gives the person(s) named in the order parental responsibility for the child, which they can exercise to the exclusion of anyone else with parental responsibility such as the parents
- Is often applied for by family members who are taking on the permanent care of the child.

3.6 What is family and friends foster care?

This is when:

- A child is in care (either with the parents agreement or under a care order or emergency protection order)
- They are placed with you by the social worker and
- You have been formally assessed and approved by children's services as a foster carer for the child, either temporarily or permanently.

This usually arises when the social worker is worried about the child's safety at home with their parents, or where there have been child protection enquiries or care proceedings. If a child has been placed with you by children's services but you have

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not been assessed as a foster carer you may wish to seek advice from a solicitor or Family Rights Group advice line (contact details at section 11). Family and friends foster carers have better access to support than those caring for children under a private arrangement.

For further information see:

- Advice sheet on 'Relatives and friends taking on the care of a vulnerable child in an emergency'
- Advice sheet on 'Being assessed as a foster carer' both available at <http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>

Tip

If children's services ask you to look after the child in an emergency because they have concerns about the child's safety and well-being, **it is really important that you ask them to tell you the legal basis on which they are placing the child with you** as this will affect your access to support, help and finance.

4. Non means tested benefits

4.1 Child benefit

Child benefit is not dependent on you declaring your income before you receive it. There are other rules about when you can claim these benefits depending on your child's legal status and when you might have to pay tax on them as income. Child benefit is:

- Paid to people with children aged under 16, or aged under 20 if in full-time education (up to and including A levels and NVQ level 3) or approved training (e.g. in England, Foundation Learning). It can also be paid for a young person aged 19, if they started or were accepted on the course before they were 19.
- Not means tested so it is paid whether or not you are working and whatever your savings are.¹
- Subject to tax for higher earners, so if either you or your partner individually earn over £50,000 a year tax will be payable. Child benefit will still be paid but some or all of it will be claimed back by HMRC at a later date and you will have

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to complete a self-assessment tax form - See www.gov.uk/child-benefit-tax-calculator.

4.2 Can I claim child benefit?

- If you are an approved foster carer and the child you are caring for is looked-after, you can't claim child benefit
- If you are caring for a child under a child arrangements order, residence order or special guardianship order, or are in a private arrangement, you can claim child benefit.
- If the child's parents are still claiming child benefit but their child is living with you, you can ask for the child benefit to be transferred to you. In the event of a dispute, HMRC will decide on the competing claims.

To claim child benefit, you will need to complete form CH2. You can do this online at www.gov.uk/browse/benefits/child or you can phone 0300 200 3100 and ask for the paper form.

Getting child benefit, if you already get other benefits and tax credits, might mean you become subject to the benefit cap, but child benefit is not affected by the two-child policy. For information about the 'benefit cap' and about the 'two child policy' see the information boxes below at section 5.

4.3 Guardian's allowance

Like child benefit, guardian's allowance is not dependent on you declaring your income before you receive it. You may be able to get guardian's allowance as well as child benefit if you are caring for a child or young person (same age limits as child benefit), and at least one of their parents is dead and:

- The other parent's whereabouts are not known or
- Where the surviving parent is the father, paternity is not established; or
- The other parent is in prison serving a sentence of two years or more; or
- The other parent has been detained by the courts in a psychiatric hospital.

If you are a step-parent, you do not count as a parent for this benefit and so you may be entitled to claim guardian's allowance for your stepchild if the above criteria are met. But note:

- Foster carers cannot claim guardian's allowance for children they are fostering
- Guardians allowance stops if you adopt the child
- Despite the similarity in name, a guardians allowance is not the same as a special guardians order allowance from children's services
- You are exempt from the benefit cap if you are entitled to guardians allowance.²

Guardians Allowance is not taxable and does not count as income when you claim universal credit or any of the legacy benefits that UC replaces.

To claim guardians allowance you will need to complete form BG1. You can download a form from the website: <https://www.gov.uk/guardians-allowance> or you can phone 0300 200 3101 to ask for the paper form.

5. Benefits and tax credits if you are on a low income

5.1 Child tax credit (CTC)

CTC is paid to families with one or more children with a household income of less than about £25,000 per year gross:

- This rate will be higher if there is more than one child or if a child has a disability, where you might qualify with gross earnings up to around £35,000
- The lower your income, the more child tax credit you should get
- You can get CTC whether or not you are working
- You can't claim CTC for a looked-after child if you are a foster carer.
- CTC counts towards the benefit cap - see information box below.
- CTC is subject to the two child policy – see information box below
- CTC is being phased out so in some parts of the country, no new claims are possible and you will have to claim universal credit instead. However, you can add a child to an existing CTC claim, until such time as all CTC claims are transferred to universal credit in the 2019-2022 period.

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The benefit cap

The benefit cap was introduced in July 2013 and was substantially altered in winter 2016/2017. The amount of benefit income you can receive from housing benefit, universal credit, child benefit, tax credits, income support is now limited to £385 a week outside London or £442 a week inside London.

- If you receive a fostering allowance or any other payments from children's services, these won't count as income when the benefit cap is applied
- If you receive a section 17 (child in need) payment, special guardianship allowance, or a child arrangements order or residence order allowance, these won't count as income when the benefits cap is applied.
- If you, your partner or any of the children you care for are getting Carers Allowance, Guardians Allowance, the Support Group payment of ESA, Disability Living Allowance or Personal Independence Payment, the cap doesn't apply to you at all.

The two-child policy

The two-child policy was introduced in April 2017.

If a family on child tax credit, housing benefit or universal credit has a 3rd or subsequent child after April 5th 2017, they will not receive any additional payment for that child except for child benefit.

There are however complicated exemptions to the policy for children who are adopted or placed by children's services as an alternative to care, where those children are the 3rd or subsequent children in the family. See <https://www.gov.uk/government/publications/universal-credit-and-families-with-more-than-2-children-information-for-stakeholders>

See also

Non parental caring arrangements guidance
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/609792/ic1.pdf

Non-parental caring arrangements form
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/609792/ic1.pdf

To claim CTC:

- You will need to complete form TC600
- You can order a form and find out more about tax credits by ringing the tax credits help line on 0345 300 3900 or Textphone: 0345 300 3909 or go to <https://www.gov.uk/childcare-parenting/tax-credits-if-you-have-children>.

5.2 Working tax credit (WTC)

If you are working, you may also be entitled to working tax credit

- The income cut off point for WTC is much lower than it is for CTC, although if you have child care costs this increases the limit. See www.entitledto.co.uk to

get an estimate, as there are a number of factors that influence WTC. The same calculator will also indicate entitlement to CTC and other benefits

- Working tax credit can also help with up to 70% of child care costs if there is only one adult in the household and they are working, or if there are two adults but one is unable to work due to ill-health or responsibility for caring for a disabled person.

If you are a family and friends carer who is approved as a foster carer for a looked-after child in your care:

- You are treated by HMRC as being self-employed. This means you may be able to get working tax credit
- Your fostering allowances will not be counted as earnings when your tax credit is calculated, unless they are above certain limits for further information see <https://www.gov.uk/government/publications/qualifying-care-relief-foster-carers-adult-placement-carers-kinship-carers-and-staying-put-carers-hs236-self-assessment-helpsheet/>
- You should get advice as to whether you would be better off claiming working tax credit or income support (for contact details of other advice services see section 11).

WTC is being phased out and replaced by universal credit, in the same way as CTC.

To claim WTC:

- You will need to complete form TC600
- You can order a form and find out more about tax credits by ringing the tax credits help line on 0345 300 3900 or textphone 0345 300 3909 or go to <https://www.gov.uk/childcare-parenting/tax-credits-if-you-have-children>

5.3 Childcare element of working tax credit

- If you are a lone parent working at least 16 hours a week, or you have a partner and between you, you work 24 hours a week or more (with one of you working at least 16 hours a week), then you may also qualify for the childcare element of working tax credit.

- You will get up to 70% of your childcare paid for, but the lower your income the more help you will get.
- To qualify for this help, the childcare you are using must be registered.
- If you are an approved foster carer, you cannot claim WTC childcare costs for the children you are fostering.

How to claim: To claim the childcare element of working tax credit you will need to complete form TC600, which you can order by phoning the helpline if you have not already made a tax credits application. If you are already getting tax credits ring the help line and tell them you now want to claim for childcare costs. To find out more ring the tax credits help line on 0345 300 3900 or go to <https://www.gov.uk/childcare-parenting/tax-credits-if-you-have-children>

5.4 Pension credit

- Pension credit is the means-tested ‘top-up’ to retirement pensions. If you or your partner are over women’s pension age (which is now around 64 and is going up in stages to 66 by 2020) then all fostering allowances, special guardianship allowances or child arrangement order (residence order) allowances are completely ignored when your pension credit is worked out
- Pensioners with dependent children (who are not foster children) can claim child benefit and child tax credit in the same way as other carers can
- Pension credit is not directly affected by the introduction of universal credit, except that older carers who would have got child tax credit before, will in future get extra pension credit for the children instead. This will not be until after 2022 at earliest
- Pension credit does not count towards the benefits cap.

5.5 Housing benefit and council tax support

You may be able to get housing benefit and council tax support if you pay rent and/or council tax. These benefits are paid to people who have a low income whether or not they are working. You claim these benefits from your local council.

- Housing benefit and council tax support are calculated to include an amount for any child living with you

- Housing benefit and council tax support are not reduced if you receive a section 17 payment, child arrangement order (residence order) allowance, or a special guardianship allowance (for further information on these allowances see FRG advice sheet 21a, 'Support for relatives and friends looking after children' <http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>)
- Housing benefit is subject to the benefit cap – see the information box about the benefit cap in section 5 above
- Since April 2013, council tax support has been 'localised' so each council can set its own rules about what help is available to people of a working age. This may mean changes to the help you had in the past.
- Housing benefit (but not council tax support) is being phased out for people of a working age and replaced by universal credit (UC). UC includes similar help with housing costs, including mortgages, which housing benefit doesn't cover. If you are in receipt of a section 17 payment, a child arrangements order allowance or a special guardianship allowance this will not affect the amount of help you get with your housing costs under UC.

UNDER-OCCUPATION PENALTY (' the Bedroom Tax')

Tenants who claim housing benefit and are living in social housing are affected by a 'bedroom tax'. Housing benefit is reduced or restricted if you have more bedrooms than the council says you need. A similar principle applies to tenants who rent privately, who have their housing benefit limited to what is called the Local Housing Allowance figure.

Two children of different genders are expected to share until age 10 and two young people of the same gender who are under 16 are also expected to share a bedroom. There are special rules for disabled children who need a room of their own at night-time. If your child is living with someone else, this may affect the number of bedrooms that you 'need' under these rules. You must notify your landlord immediately of any changes to the number of people living in your home. However if you are a family and friends approved foster carer you are allowed to include one bedroom in the calculation

for children under 16 that you are caring for (but not more than one, no matter how many children you foster).

If you are badly affected by these rules, ask your local council for a payment from their discretionary housing payment (DHP) scheme. You can also ask children's services to make a payment under section 17 to help you meet your rental payments until a decision has been made about where your child is going to live (see FRG advice sheet 21a section 3).

5.6 Income support

This is a means-tested benefit. Your income and capital is taken into account in calculating how much you will get. The main ways to qualify for income support are if you are:

- A foster carer of a child aged under 16, or
- A lone parent of a child under five, or
- Are caring for a disabled person.

If you do not fall into one of these categories, you will either have to:

- Sign on as unemployed, be available for work and actively seek work and claim jobseeker's allowance (JSA), or,
- If you cannot work because of sickness or disability, claim employment and support allowance (ESA). For more information about ESA and JSA, see <https://www.gov.uk/employment-support-allowance> <https://www.gov.uk/jobseekers-allowance>
- Income support, ESA and JSA all count towards the benefits cap

If you are over women's pension age, you should claim pension credit instead of these benefits. If you have a mortgage, you may be able to get extra income support, employment and support allowance, jobseekers' allowance or pension credit to help with the cost of your mortgage. From April 2018, this support will only be by way of a loan from the DWP however. For more information about pension credit see <https://www.gov.uk/pension-credit>

If you receive any of the following allowances from children's services they are ignored when your income support, jobseekers allowance or employment and support allowance is worked-out:

- adoption allowance
- fostering allowance
- child arrangement (residence order) allowance or special guardianship allowance
- any help you receive for a child in need under Section 17 (for more information, see section 2 above).

Also, if you are fostering a child privately, any money you get from the child's parents will be treated as 'maintenance'. These payments do not affect your income support, ESA or jobseekers' allowance either.

To claim Income Support you need to complete form A1, which you can get via 0800 0556688 or Textphone: 0800 023 4888.

6. Help with early education

6.1 Free early education

All 3 and 4-year-olds in England are entitled to 570 hours of free early education or childcare a year. This is often taken as 15 hours each week for 38 weeks of the year. Some 2-year-olds are also eligible if you receive certain benefits or if the child is looked-after.

You can usually get 30 hours free early education or childcare (1,140 hours per year) for 3-4 year olds if you (and your partner, if you have one) are:

- In work, or getting parental leave, sick leave or annual leave AND
- Each earning at least the national minimum wage for 16 hours a week (note that this earnings limit doesn't apply if you're self-employed and started your business less than 12 months ago).

You are not eligible for if the child doesn't usually live with you or is your foster child or if either you or your partner has a taxable income over £100,000.

See www.gov.uk/free-early-education. This free early education can be at:

- nursery schools
- children's centres
- day nurseries
- playgroups and pre-school
- childminders

For more information about free early education in your area, contact your local [Family Information Service](#). To find your local service, telephone 0800 2346346, and to search for childcare online log on to www.gov.uk/find-registered-childminder

6.2 Free school meals

You may be able to qualify for free school meals for the child or children you are caring for if:

- You are getting income support, income-related employment and support allowance, the guaranteed credit of pension credit or income-based jobseeker's allowance or universal credit; or
- You are claiming child tax credit (but not working tax credit) and your annual income is below £16,190
- All state-school children in England in Reception, Years 1 or 2 get free school meals automatically.

7. Are there any other sources of help for one off items?

7.1 Child Trust Fund:

Every child born between 1 September 2002 and 2nd January 2011 will have a child trust fund account.

- If the child was in the care of children's services when the child trust fund voucher was awarded, then HMRC will have opened an account for them and invested £500.

- In any other case, whoever was claiming child benefit on their behalf will have been sent the voucher – for either £250 or £500 depending on the carer's financial situation.
- This person should have invested the money but if they didn't, HMRC will have done it on the child's behalf. The child trust fund can be added to, but cannot be accessed until the child reaches 18.
- Between September 2009 and August 2010, additional payments were also made by the Government when the child reached their 7th birthday. Extra payments were made to disabled children. No new payments are now being made.

In November 2011, the Government launched Junior ISA's (individual savings accounts) but these do not include any public funds:

- The scheme provides a junior ISA for every child who is looked-after for 12 months or more and who could not benefit from a child trust fund (CTF).
- This includes those born after January 2nd 2011, as well as those born before September 2nd 2002.
- However, all looked-after children will get an initial payment of £200 from the Government into their ISA account.
- The £200 can be 'topped-up' by relatives, local councils etc up to the ISA limit. See www.sharefound.org for details.

7.2 The Family Fund

The Family Fund is a charity that helps families with severely disabled children and young people. It gives help with things like washing machines, driving lessons, computers and holidays. To qualify, you have to be getting any one of these benefits:

- Universal credit
- Child tax credit
- Working tax credit
- Income-based jobseeker's allowance
- Income support
- Incapacity benefit*

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- Employment support allowance*
- Housing benefit and
- Pension credit.

* depending on overall family income

If you do not receive any of the above, you can still apply, but they will need some extra information about your household income. Families must still however meet all their other eligibility criteria in order to get payment.

To make a claim to the Family Fund :

- You can get an application form from their website at www.familyfund.org.uk, or
- Phone the Family Fund on 01904 550055.

7.3 Social fund

There are different payments available from the Social fund. These are:

- Sure start maternity grant,
- Budgeting loans
- short-term benefit advances

Sure start maternity grant: This is a £500 payment available to help buy things for a baby.

- The grant can be claimed up to three months after a baby's birth, or
- For a child less than 12 months old if the baby has been adopted or is looked after or is under a child arrangement (residence) order, within three months of those orders
- To qualify you have to be getting income support, income-based jobseeker's allowance, income-related employment and support allowance, pension credit, child tax credit, working tax credit that includes a disability or severe disability element or universal credit
- It is not paid if there is another child aged under 16 in the household.

How to claim: Claim on form SF100 (Sure Start) from your local Jobcentre Plus.

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Budgeting loans: These are interest-free loans available from Job Centre Plus to help you buy things that you have not been able to save for while on benefits.

- To qualify you must have been getting pension credit, income support, income-related employment and support allowance or income-based jobseekers' allowance for at least 26 weeks.
- If on universal credit, you can apply for a budgeting advance instead.

How to claim: Claim on form SF500 from your local Jobcentre Plus.

Short-term benefit advances: These can be claimed from Job Centre Plus if you are waiting for benefits to be paid or calculated.

- They replace crisis loans, which ended in March 2013.
- If you are on universal credit, the help is simply called an advance payment, available on 0345 600 0723

8. What financial help can I get if the child I am raising is disabled?

8.1 Disability Living Allowance (DLA)

DLA is the main benefit paid to people with disabilities who need help to look after themselves and/or get around. New claims can now only be made by or on behalf of people aged under 16. People aged 16 or over claim PIP (see below). DLA is made up of two parts: mobility and care.

- i. The mobility component is paid at two rates for two different levels of need. The higher rate may be paid to children who are aged at least three if they are unable (or are virtually unable) to walk; the lower rate is not payable until a child is aged at least five.
- ii. The care component is paid at three rates for three different levels of need. To get DLA care component for a child, you must be able to show that the child needs more care than other children of the same age.

If the child you are looking after is awarded DLA, you may be able to get extra child tax credit, universal credit and housing/council tax benefit. To get this extra money

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you should let children's services and the tax credit office know about the DLA award.

You can get DLA for any child who lives with you, whether they are looked-after or not. If the child is already getting DLA, you can ask the DLA office that you take-over the payment from the parent or whoever had it before.

To claim DLA for a child:

- You need to complete form DLA1A child, available from 0345 712 3456 or download it from www.gov.uk/government/uploads/system/uploads/attachment_data/file/307913/dla1a_child.pdf

The form is long, and you may find it useful to get help with filling it in from somewhere like a welfare rights worker or Citizens Advice.

8.2 Personal Independence Payment (PIP)

- This benefit has begun to replace DLA for people aged 16 or over
- DLA will remain for children under 16
- PIP has two elements – for daily living and mobility. It shares many similarities with DLA but the assessment process is different, as are the aspects of a person's life that will be looked at.
- Looked-after young people can get PIP in their own right from age 16 or it can be paid to an appointee.

8.3 Carer's Allowance

If you are caring for a child or young person who is getting the middle or higher rate care component of DLA (or either rate of PIP for daily living) and you are not working (or earning below £116 a week), you may be able to get carer's allowance:

- If you qualify for carer's allowance and you (and your partner) are not working (or working part-time under a certain number of hours), you may also be able to get income support or universal credit if in a full service area.

- If you are already getting income support, housing benefit, council tax support, income-based ESA or JSA, pension credit or universal credit, you may be able to get an extra amount in these benefits, a carers premium, because you are a carer.
- Benefits for carers are complicated and you should get specialist advice. You could visit your local advice centre or you could contact Carers UK on 0808 808 777 or log on to <http://www.carersuk.org/>

9. Will my right to receive benefits be different if I have come from abroad?

If you have come from abroad to live in the UK, you should check that your immigration status does not prevent you from applying for benefit – and that any claim for benefit will not harm any application you are making to the Home Office to vary your immigration status.

You should get specialist advice from your immigration solicitor, if you have one, or an advice centre like a Citizens Advice – contact details in section 11 of this advice sheet.

10. What benefits can young people get in their own right?

A young person may be able to claim benefits in their own right from age 16 (in fact, child benefit can be claimed by young parents at any age).

For young people in care or who are care-leavers,

- If the young person is aged 16-17 and is looked-after, all they can claim is either employment and support allowance if unfit for work (even if still in education in some cases) or income support if they are looking after a child
- Once they are 18, have come out of care and are unemployed, ill or in non-advanced education, they may be able to claim ESA, JSA, income support, housing benefit or, in some areas, universal credit, to meet their living expenses and rent. There are restrictions on housing costs met by universal credit if you are under 21, but these don't apply to care-leavers.
- Low-paid workers may also be eligible to claim housing benefit or universal credit.

- For more information go to <https://www.turn2us.org.uk/Benefit-guides/Young-People-and-benefits/Care-leavers>

If the young person is 16 or 17 and is not looked-after then they may be able to claim ESA or income support themselves (as explained above). If they are in education, you will need to check that the amount of benefit they claim is enough to make-up for the fact that you will lose any child benefit, child tax credit etc. that you get for them.

11. Where can I get further help?

Citizens Advice is an independent organisation providing free, confidential and impartial advice. Their goal is to help everyone find a way forward, whatever problem they face. This may be money, benefits, housing or employment problems. You may be facing a crisis, or just considering your options. Online advice is available on the Citizens Advice website. They also have a national phone service called Adviceline. This is available in Wales for people who live or work there and is being rolled out in England:

- For England telephone: 03444 111 444
- For Wales telephone: 03444 77 2020
- TextRelay users should telephone: 03444 111 445
- Website: citizensadvice.org.uk.

Civil Legal Advice is a free and confidential advice service run on behalf of the government. It provides information directly to the public on a range of common legal issues; helps people find out if they are eligible for free legal advice from a solicitor; and helps them find a solicitor. It can also help you find legal advisors and find out if you are eligible for publicly funded free legal help. Check to see if you're eligible for advice on www.gov.uk/check-legal-aid or apply online:

- Telephone: 0345 345 4345 Mondays to Friday, 9am to 8pm and Saturday 9am to 12.30pm
- Minicom: 0345 609 6677
- Text 'legalaid' and your name to 80010 to ask CLA to call you back. This costs the same as a normal text message.-
- Website: gov.uk/civil-legal-advice.

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Coram Children's Legal Centre provides independent legal advice to children, parents, carers and professionals. Its Child Law Advice Service provides legal advice and information on areas of child, family and education law. To access this advice and information please visit www.childrenslegalcentre.com and follow the link to the Child Law Advice Service where you will be able to view a range of factsheets and 'how to' guides. Should you have clarifying questions following your visit to their website, their helpline number is available at the end of each factsheet. The helpline is available Monday to Friday 8am to 6pm.

Family Rights Group is an organisation which provides free telephone and email advice to family members who are involved with children's services about the care and protection of their children:

- Contact FRG's advice line for specific advice about your case on 0808 801 0366. It is open Monday-Friday 9.30am-3pm
- You can also visit http://www.frg.org.uk/advice_sheets.html where you can download other relevant advice sheets
- Join the FRG parents' or family and friends carers' discussion boards.

Fostering Network is an organisation which provides advice to foster carers who are approved by children's services. They produce detailed pamphlets on benefits and tax as they affect foster carers, available at <https://www.thefosteringnetwork.org.uk/advice-information/finances>

Shelter helps people struggling with bad housing or homelessness. They provide advice, support and legal services.

Online advice is available at https://england.shelter.org.uk/get_help

Telephone 0808 8004444 (if you can't find what you are looking for online)

- 8am - 8pm on weekdays
- 9am - 5pm on weekends

Specialist child welfare solicitor:

To find a solicitor who specialises in childcare law, you can contact:

1. Solicitors Regulation Authority, Ipsley Court, Redditch, Worcestershire B98 0TD
Telephone: 0870 606 2555 <http://www.sra.org.uk/consumers/find-use-instruct-solicitor.page>;
2. The Law Society of England and Wales, 113 Chancery Lane, London WC2A 1PL
Tel: 020 7242 1222 Minicom: 0870 600 1560 Fax: 020 7831 0344
E-mail: info.services@lawsociety.org.uk www.lawsociety.org.uk
You can search their website for details of local solicitors who are members of the Children Panel:
<http://www.lawsociety.org.uk/choosingandusing/findasolicitor.law>
3. Civil Legal Advice (CLA) See details above.
4. Citizens Advice may be able to recommend a local solicitor specialising in child care law. Citizens Advice is an independent organisation providing free, confidential and impartial advice on all subjects to anyone. The address and telephone number of your local CAB can be found in the telephone directory. There is also advice on line on their website.
Website www.citizensadvice.org.uk
Advice on line Website www.adviceguide.org.uk

Student Finance England provides information on finance available for students going to university or higher education in England can be found at the following website : www.studentfinanceengland.co.uk

12. Benefit enquiry lines:

Child Benefit

PO Box 1, Newcastle-upon Tyne, NE88 1AA

Tel : 0300 200 3100

www.gov.uk/browse/benefits/child

Working Tax Credit/Child Tax Credit: Tel 0345 300 3900

Child Maintenance Service and Child Support Agency Tel: 0345 7133 133

Disability Living Allowance Tel: 0345 605 6055

Personal Independence Payment: Tel - 0345 850 3322

Universal Credit Helpline : Tel 0345 600 0723

"Entitled To": Calculator to help you work out your entitlement to benefits and tax credits - www.entitledto.co.uk/benefits-calculator

13. References

ACA	Adoption and Children Act 2002 http://www.legislation.gov.uk/ukpga/2002/38/contents
ASS(LA)(E)R	The Adoption Support Services (Local Authorities) (England) Regulations 2003 SI 1348 http://www.legislation.gov.uk/uksi/2003/1348/body/made
ASS(LA)(W)R	The Adoption Support Services (Local Authorities) (Wales) Regulations 2004 WSI 1011 http://www.legislation.gov.uk/wsi/2005/1512/contents/made
CA	Children Act 1989 http://www.legislation.gov.uk/ukpga/1989/41/contents
CBA	Child Benefit Act 2005 Child Benefit Act 2005
CBR	The Child Benefit (General) Regulations 2006 SI 223 http://www.legislation.gov.uk/uksi/2006/223/contents/made
ChA	Childcare Act 2006 http://www.legislation.gov.uk/ukpga/2006/21/contents
CPPCRR	Care Planning, Placement and Case Review Regulations 2010 http://www.legislation.gov.uk/uksi/2010/959/contents/made
CTBR	The Council Tax Benefit Regulations 2006 SI 215 http://www.legislation.gov.uk/uksi/2006/215/contents/made
CT(PC)BR	The Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 SI 216 http://www.legislation.gov.uk/uksi/2006/216/contents/made
CTCR	The Child Tax Credit Regulations 2002 SI 2007 http://www.hmrc.gov.uk/manuals/tctmanual/attachments/tctm11000_daci_req.pdf
CTFA	The Child Trust Fund Act 2004 http://www.legislation.gov.uk/ukpga/2004/6/contents
CYPA	Children and Young Persons Act 2008 http://www.legislation.gov.uk/ukpga/2008/23/contents
ERA	The Employment Rights Act 1996 http://www.legislation.gov.uk/ukpga/1996/18/contents
ESAR	The Employment and Support Allowance Regulations 2008 SI 794 http://www.legislation.gov.uk/uksi/2008/794/contents/made
Framework	Framework for Assessment of Children in Need and their Families, Department of Health, 2000 http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4003256 ,
FSR	The Foster Services Regulations, 2011

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	http://www.legislation.gov.uk/uksi/2011/581/contents/made
FFSG	Statutory Guidance: Family and Friends Care 2010 https://www.education.gov.uk/publications/eOrderingDownload/Family%20and%20Friends%20Care.pdf
GAR	The Guardian's Allowance (General) Regulations 2003 SI 495 http://www.legislation.gov.uk/uksi/2003/495/made
G & R	Children Act 1989, Guidance and Regulations, 2010 Department of Education https://www.education.gov.uk/publications/standard/Childrenandfamilies/Page1
HBR	The Housing Benefit Regulations 2006 SI 213 http://www.legislation.gov.uk/uksi/2006/213/contents/made
HB(PC)R	The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 SI 214 http://www.legislation.gov.uk/uksi/2006/214/contents/made
HRA	Human Rights Act 1998 http://www.legislation.gov.uk/ukpga/1998/42/contents
ISR	The Income Support (General) Regulations 1987 SI 1967 http://www.legislation.gov.uk/uksi/1987/1967/contents/made
JSAR	The Jobseeker's Allowance (General) Regulations 1996 SI 207 http://www.legislation.gov.uk/uksi/1996/207/contents/made
LA(EY)R	Children's Services (Duty to Secure Early Years Provision Free of Charge) Regulations 2008 SI 1724 http://lexisweb.co.uk/si/2008/1701-1800/local-authority-duty-to-secure-early-years-provision-free-of-charge-regulations-2008
LASSA	Local authority Social Services Act 1970 http://www.legislation.gov.uk/ukpga/1970/42
PALR	The Paternity and Adoption Leave Regulations 2002 SI 2788 http://www.legislation.gov.uk/uksi/2002/2788/contents/made
SFMFER	The Social Fund Maternity and Funeral Expenses (General) Regulations 2005 SI 3061 http://www.legislation.gov.uk/uksi/2005/3061/contents/made
SGR	Special Guardianship Regulations 2005 http://www.legislation.gov.uk/uksi/2005/1109/contents/made
SSCBA	Social Security Contributions and Benefits Act 1992 http://www.legislation.gov.uk/ukpga/1992/4/contents/enacted
SSB(CE)R	The Social Security Benefit (Computation of Earnings) Regulations 1996 SI 2745 http://www.legislation.gov.uk/uksi/1996/2745/contents/made
TCA	The Tax Credits Act 2002 http://www.hmrc.gov.uk/manuals/tctmanual/attachments/tctm11000thetaxcreditact2002.pdf
TC(DCI)R	The Tax Credits (Definition and Calculation of Income) Regulations 2002 SI 2006 http://www.legislation.gov.uk/uksi/2002/2006/contents/made
WT	Working Together to Safeguard Children, 2015 HM Government https://www.gov.uk/government/publications/working-together-to-safeguard-children--2

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**WTC(EMR)
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The Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002
SI 2005 <http://www.legislation.gov.uk/uksi/2002/2005/contents/made>

Last updated 18th December 2017

Appendix : Benefits, tax credits and the implications of different legal arrangements and allowances

Type of care arrangement	Child Benefit (CB)	Child Tax Credit (CT) or Universal Credit	Housing and Council Tax (HB and CTB)	Will any allowance I get be taken into account when any of my benefits are calculated
<p>Private arrangement and testamentary guardians</p>	<p>You should be able to claim CB if the child you are looking after normally lives with you. Only one person can claim CB for the same child, so you will need to ensure that no one else is claiming CB for the child you are looking after.</p>	<p>You should be able to get CTC but the amount will depend on your income.</p> <ul style="list-style-type: none"> • The child counts as part of your claim for universal credit. This also means they count as part of the family for housing costs purposes. <hr/> <ul style="list-style-type: none"> • However, being part of the family means that the child tax credit, child benefit, universal credit and housing benefit can all count towards the benefit cap that applies to non-working people of working age. • The child should not count towards the two-child limit however, if a social worker has approved the arrangement as an alternative to the child coming into care. 	<p>The child you are looking after is treated as part of your family or household. This means that you may be ‘allowed’ an extra bedroom (depending on age and sex of the child) when the council decide what size property they will pay HB for. The child is also included in the calculation of the HB/CTB itself but any CB or child support you receive for the child is ignored (CTC counts as income).</p>	<p>Any Section 17 Children Act 1989 payment you get from children’s services will be ignored when your benefits and tax credits are worked out. (Ref: TC(DCI)R Reg 3; ISR Schedule 9 para 28(1)(a); JSAR Schedule 7 para 29(1)(a); ESAR Schedule 8 para 30(1)(a); HBR Schedule 5 para 28; CBTR Schedule 4 para.</p>

Type of care arrangement	Child Benefit (CB)	Child Tax Credit (CT) or Universal Credit	Housing and Council Tax (HB and CTB)	Will any allowance I get be taken into account when any of my benefits are calculated
Residence Order/ Child arrangement order	You should be able to claim CB. Only one person can claim CB for the same child so you will need to make sure that no one else is claiming CB for the child you are looking after.	You should be able to get CTC but the amount of any CTC you get will depend on your income. The child counts as part of your claim for universal credit purposes. This also means they count as part of the family for housing costs purposes. However, being part of the family means that the child tax credit, child benefit, universal credit and housing benefit can all count towards the benefit cap that applies to non-working people of working age. The child may not count towards the two-child limit however.	As above – and any allowance you receive from the local authority is ignored as income.	Any allowance you get is ignored when your CTC or other allowances or benefits are worked out but if you still get IS or income-based JSA which includes amounts for children, this could be affected (Ref: TC(DCI)R Reg 3; ISR Schedule 9 para 25(1)(c); JSAR Schedule 7 para 26(1)(c); ESAR Schedule 8 para 26(1)(b))
Temporary Arrangement	In order to get CB, a child must 'normally reside' with you. You are therefore unlikely to qualify if the stay is a temporary arrangement.	You can only get CTC or UC for a child who 'normally lives with you'. You are therefore unlikely to qualify if the stay is a Temporary arrangement.	You will not be able to include the child in HB and CTB claims unless the child can be described as normally living with you. Any Section 17 money you receive from the local authority is ignored .	Any Section 17 Children Act 1989 payment you get from Children's Services will be ignored when your benefits are worked out. (Ref: TC(DCI)R Reg 3; ISR Schedule 9 para 28(1)(a); JSAR Schedule 7 para 29(1)(a); ESAR Schedule 8 para 30(1)(a); HBR Schedule 5 para 28; CBTR Schedule 4 para 29).

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Type of care arrangement	Child Benefit (CB)	Child Tax Credit (CT) or Universal Credit	Housing and Council Tax (HB and CTB)	Will any allowance I get be taken into account when any of my benefits are calculated
Special Guardianship Arrangement	You should be able to claim CB. Only one person can claim CB for the same child, so you will need to ensure that no one else is claiming CB for the child you are looking after.	<p>You should be able to get CTC - but the amount of CTC you get will depend on your income.</p> <ul style="list-style-type: none"> • The child counts as part of your claim for universal credit purposes. This also means they count as part of the family for housing costs purposes. • However, being part of the family means that the child tax credit, child benefit, universal credit and housing benefit can all count towards the benefit cap that applies to non-working people of working age. • The child may not count towards the two-child limit however. 	As above – and any special guardianship order allowance you receive from children’s services is ignored as income.	Any special guardianship payment you get is ignored when your CTC or other allowances or benefits are worked out but if you still get IS or income-based JSA which includes amounts for children, this could be affected. (Ref: TC(DCI)R Reg 3; ISR Schedule 9 para 25(1)(e); JSAR Schedule 7 para 26(1)(e); ESAR Schedule 8 para 26(1)(d)). HBR Schedule 5 para 25; CBTR Schedule 4 para 2.

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Type of care arrangement	Child Benefit (CB)	Child Tax Credit (CT) or Universal Credit	Housing and Council Tax (HB and CTB)	Will any allowance I get be taken into account when any of my benefits are calculated
Fostering	You will not be able to claim CB for any child you are fostering. (Ref: CBR Reg 16(3)) You can claim CB for your own children who live with you.	You will not be able to get CTC or UC for any child you are fostering. You can claim CTC for your own children who live with you. (Foster care counts as self-employed work for WTC, so you may qualify for this, especially if you have no or little other income.) However, some foster carers are better-off getting income support instead of WTC – get advice if you are not otherwise employed and are also foster caring. <ul style="list-style-type: none"> If on Universal Credit, your status as a foster carer means that you don't have to look for work (although your partner might) and your earnings from foster care are ignored. 	A fostered child does not count as part of your family or household. This may mean that your HB could be restricted because only one bedroom you need for foster children 'counts' when the HB Service decide how many rooms you need for a family of your size. A room used solely by a second foster child would be deemed to be a 'spare bedroom'	Any fostering allowance you get is ignored for child tax credits. For working tax credits, it will only be your 'profit' from fostering that counts – and you don't have a profit if your income from fostering is less than £10,000 a year, plus £200 a week for each child under 11, and £250 a week for each child aged 11 and over. (Ref: TC(DCI)R Reg 19 Table 6 para 9). Fostering allowance is also ignored when claiming income support, pension credit, jobseeker's allowance, employment and support allowance or carers' allowance (Ref: ISR Schedule 9 para 26; SPCR Reg 15; JSAR Schedule 7 para 27; ESAR Schedule 8 para 28; SSB(CE)R Schedule 1 para 6.)

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Type of care arrangement	Child Benefit (CB)	Child Tax Credit (CT) or Universal Credit	Housing and Council Tax (HB and CTB)	Will any allowance I get be taken into account when any of my benefits are calculated
<p>Adoption placement The child you are raising has been placed with you for adoption</p>	<p>You can get CB if you are a prospective adopter and you are not getting any fostering allowance from the local authority. (Ref: CBR Reg 16(3). You can still get child benefit if children's services are paying you an adoption allowance. Only one person can claim CB for the same child, so you will need to ensure that no one else is claiming CB for the child you are looking after.</p>	<p>You may get CTC or UC from the time of the adoption placement if you are not getting an allowance from the local authority for looking after the child. The amount of CTC or UC you get will depend on your income.</p> <ul style="list-style-type: none"> The addition of a child to the household may mean that your benefit income goes above the benefit cap level. An adopted child is generally disregarded from the two-child policy but there are exceptions. 	<p>The child you are adopting or have adopted is treated as part of your family or household. This means that you may be 'allowed' an extra bedroom (depending on age and sex of the child) when the council decide what size property they will pay HB for. The child is also included in the calculation of the HB/CTB itself but any adoption allowance, CB or child support you receive for the child is ignored (CTC counts as income)</p>	<p>Any adoption allowance you get is ignored when any tax credits you get are worked out. If you still get IS or income-based JSA which includes amounts for children, this could be affected. (Ref: TC(DCI)R Reg 19 Table 6 para 11(a); ISR Schedule 9 para 25(1)(a) and (1A); JSAR Schedule 7 para 26(1)(a) and (1A); ESAR Schedule 8 para 26(1)(a) and (2); HBR Schedule para 25(1)(a), (2) and (3); CBTR Schedule 4 para 26(1)(a), (2) and (3).</p>

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¹ CBA

² HB Reg 75F(1)(i) and UC Reg 83(1)(k)