

Couples and Benefit Claims

Universal Credit and Housing
Benefit

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Introduction

This guidance provides a baseline overview of Universal Credit and Housing Benefit as it applies to couples, to help services plan and shape their support. It is aimed at staff working with people who live in hostels and other supported accommodation.

Please note that this information is not intended to replace specialist advice and training, or to be relied on for individual case work.

General definition of a couple in the benefit system

It might help to be clear as to what the benefit system defines a 'couple'.

If a couple is living together – including in a hostel – the general rules on claiming as a couple would apply to them. For Universal Credit, The Department of Work and Pensions¹ counts 2 people as being in a couple if they live in the same household and are:

- Married to each other
- Civil partners of each other
- Living together as if they were married

If people in a relationship are living together in the same home, they must claim any benefits as a couple. Individuals within a couple who have to work away or are 'temporarily' away can still be deemed as a couple. If a couple is unsure whether to make a claim jointly, they should speak with their work coach or local authority housing benefit team.

Claiming separately even if still living under the same roof

There are rules (albeit rarely used) for dividing claims should the couple have split up but continue to reside under the same roof. In this situation, one or both of the former couple should make a new claim in their name only. They will need to prove that they are no longer living as a couple. This means that, although they are both still living in the same property, they:

¹ <https://www.gov.uk/government/publications/universal-credit-and-couples-an-introduction/universal-credit-further-information-for-couples#:~:text=To%20claim%20Universal%20Credit%20as,as%20if%20you%20were%20married>

- No longer sleep in the same room,
- Cook separately and no longer have meals together and/or buy food together,
- Have separate finances
- Do not spend time together as a couple

One of the couple will be able to continue with the existing Universal Credit claim after separation, and one of them will have to make a new claim. The first person to contact Universal Credit to tell them of the separation will have to make the new claim. The remaining ex-partner will continue with the 'old' claim.

Claims for Universal Credit where there's a couple

Couples will usually have to make a joint claim for Universal Credit. This means signing a Claimant Commitment and agreeing to comply with certain work-related requirements about looking for work. Universal Credit can stop or be reduced if these responsibilities are not met (see the Sanctions section below).

This applies to couples who are in work as well as those who are out of work – including people who were previously entitled to Working Tax Credit. If in work, the couple would need to produce evidence that they are looking for work with better pay or more hours to continue getting Universal Credit. However, it is important to be aware that easements can be applied to Claimant Commitments in certain situations which reduces or removes work-related requirements. Homeless Link's [Universal Credit Easements Briefing](#) provides further guidance surrounding this.

Couples can only apply for a joint Universal Credit claim if both are [eligible](#). However, if only one of them is eligible, there are situations when someone can claim as an individual, even if they are part of a couple (see below).

In order to be treated as a joint claim and continue to receive Universal Credit on an on-going basis, the couple must:

- apply together at the same time – although one of them can apply on behalf of both of them
- give details of their joint income and savings
- go to an interview separately at a Jobcentre
- both of them sign their own Claimant Commitment and go to regular meetings at the Jobcentre
- get a single payment into one bank account to cover both of them (although it can be requested that the payments are split into two separate accounts, see below).

When to claim as a single person even when the claimant is part of a couple

Even when someone is a member of a couple, if one of them does not satisfy the conditions for Universal Credit, it is sometimes possible to claim as a single person. In this situation, the amounts received are for a single person but the couple's income and capital are still assessed jointly.

Situations where the above applies are where one of the couple is:

- aged 16 or 17 and not eligible for Universal Credit as an under-18 year old
- not in Great Britain and not treated as in Great Britain during a temporary absence
- treated as not being in Great Britain, for example, because they've failed the 'habitual residence test' or 'right to reside' test
- a prisoner
- a member of a religious order and that order pays for all their housing and living costs
- temporarily not living with the claimant and they have been or are likely to be living apart for more than 6 months
- subject to immigration control

It is important to note here that even if the above applies, and an individual in a couple applies as a single person, they must still declare that they have a partner.

Who can claim?

In addition to the rules for couples claiming Universal Credit set out above, there are also general rules for claiming Universal Credit. The claimants must:

- be living in England, Scotland or Wales
- be 18 or over
- be under [State Pension age](#)
- not be in full-time education
- not have savings or capital over £16,000.

Impact of Universal Credit on tax credits

If the claimant or their partner/spouse are getting tax credits, their tax credit claim will end when a claim is made for Universal Credit.

Claiming Universal Credit

A claim can be made [online](#) or, if that is not possible, face-to-face and telephone support will be available at their local council or their local Jobcentre.

If the individual is unsure about their eligibility, they should complete an online application form anyway. Any issues with the claim can be sorted out afterwards.

How is the payment made up?

Universal Credit payments will be made up of different amounts depending on the circumstances of the household. It can include support for the cost of housing, children and childcare, as well as support for disabled people and carers.

Support in finding a job

Universal Credit aims to provide greater support in helping people back to work by helping to identifying skills and a clear job search plan to help the claimant get back to work more quickly.

Change of circumstances

Couples making a joint claim to Universal Credit are both responsible for meeting the entitlement conditions, reporting any changes in their circumstances and ensuring that all information relating to their claim is current and correct.

If one of the couple gets a job

If one of the couple finds a job, it is essential they tell the DWP. This gives the DWP the opportunity to amend the Claimant Commitments and stop/rearrange appointments to avoid clashing with their employment contract. In addition, based on the way Universal Credit, is calculated, it is possible that couple's total income will increase.

There are no 'hours' rules within Universal Credit. A claimant can continue to receive Universal Credit regardless of hours worked, but the amount of Universal Credit is reduced as earnings rise. Working hours may be relevant, however, if the claimant is required to look for work up to a certain level of earnings (the minimum wage multiplied by a number of hours the DWP thinks should apply to them).

Universal Credit Payments

To receive Universal Credit payments, the couple will need to have a bank, building society or credit union account. The couple will be asked to nominate which account to have their money paid into and this can be either:

- A single account in either of the couple's name
- A joint account in both of their names

Split Payments

Managing money together might be difficult for some couples e.g. if one of the couple is worried about their partner/spouse unreasonably taking control of the money and leaving them with no access to cash.

In some circumstances, payment of Universal Credit can be divided between two members of the household which is known as a 'Split Payment'. Split payments should be considered in situations where there are concerns over financial or domestic abuse and a claimant is concerned that they will not be able to access their money.

Either claimant can request a Split Payment, either via their Universal Credit account, during meetings/conversations with their work coach or by phoning Universal Credit.²

[St Mungo's Homeless Couples and Relationships Toolkit](#) provides some useful guidance on recommendations for supporting individuals' who are in a couple where domestic abuse is suspected/has occurred.

Sanctions

What are benefit sanctions and how do they affect couples?

Sanctions are a feature of Universal Credit. They are used to reduce entitlement for claimants who fail to complete their work-related requirements.

If the claimant is single, the whole of their Universal Credit payment is sanctioned and they will receive no benefit. However, if they are a joint-claim couple and their partner/spouse has not been sanctioned, they can receive Universal Credit at the rate paid to a single person.

Levels of sanctions

There are four levels of sanctions: higher, medium, lower and lowest level sanctions. Where claimants incur more than one sanction when claiming UC, they run 'end to end', rather than concurrently, and will resume on a reclaim for Universal Credit (less the number of days benefit was not in payment). Fixed period sanctions incurred in a 'compliance period' cannot exceed 3 years.

Hardship payments may have to be paid back to the DWP from ongoing future Universal Credit entitlements. Recovery is suspended if the claimant moves into work at or above their conditionality earnings threshold and, if the claimant remains in such work for at least six months out of a year, the outstanding balance will be written off.

Higher level sanctions

These apply to claimants subject to all work-related requirements who:

² <https://www.gov.uk/government/publications/universal-credit-alternative-payment-arrangements/alternative-payment-arrangements#split-payments>

- cease working, lose pay permanently (of more than a set amount), or fall below their conditionality threshold, because of misconduct, or voluntarily for no good reason;
- fail for no good reason to apply for a specified vacancy or take up an offer of paid work;
- fail for no good reason to undertake required Mandatory Work Activity (4 weeks unpaid work placement).

Losing a job or pay and failing to take up a job offer in the 6 months before claiming Universal Credit can also result in a sanction.

The higher level sanction is normally the loss of the standard allowance for 3 months for a first failure, 6 months for a second higher level failure within a year, and 3 years for a subsequent failure within a further year.

Medium level sanctions

These apply to claimants subject to all the work-related requirements who fail, for no good reason, to look, or be available for, work.

If both of the couple are unemployed and able to work, both must engage in the process of looking for a job. Each would usually be expected to look or prepare for work for 35 hours a week unless, for example, one of them is looking after children or has other caring commitments.

Various job-related activities can count towards making up the 35 hours. These include:

- searching and applying for jobs
- attending interviews and visiting potential employers
- meeting with their work coach
- taking part in activities and training courses to improve their job seeking

The sanction is the loss of the standard allowance (50% of the couple allowance) for 4 weeks for a first failure, and 3 months for subsequent medium level failures within a year of a previous failure.

Lower level sanctions

These apply to a failure, for no good reason, to undertake a specific work search requirement, a work preparation requirement, or attend a compliance interview (or provide evidence or information) or a work-focused interview. The sanction is normally the loss of the standard allowance (or 50% of the couple allowance) until the requirement is met, plus a further fixed period of 7 days for a first failure, 14 days for a second lower level failure within a year, and 28 days for a subsequent failure within a further year.

Lowest level sanctions

These apply where claimants subject to work-focused interview requirements only fail to participate in a work-focused interview or connected requirement without good reason. The sanction is made at 40% of the standard allowance and is open ended until the claimant meets the requirement.

Housing Benefit

Housing benefit can be claimed by individuals/couples who are living in:

- temporary accommodation (such as a B&B provided by your council)
- a refuge
- sheltered or supporting housing (such as a hostel) which provides you with 'care, support or supervision'.³

To claim Housing Benefit someone must:

- be normally resident in the accommodation for which they are making a claim
- be liable for rent
- not have savings and capital that are over £16,000

If a couple share a room in their accommodation, they will need a joint Housing Benefit claim. Applications for housing benefit are via the [local council](#).

Couples and service charges

Determining the levels of charges should be relatively straightforward if the couple are sharing a room.

It is clear from the case law that landlords should only charge for something that benefits the occupant, and that most eligible charges for housing benefit purposes relate to the upkeep of the building and communal areas.

So, in setting charges, this should not have anything to do with the number of occupants in a particular property or room. This also checks out with the fact that service charges are usually apportioned by the number of units and not by size of properties or number of people who live in each unit.

It would appear that there is no guidance on this issue but if there is doubt over charges levied on couples, advice should be sought – perhaps on a local basis.

³ <https://www.gov.uk/housing-benefit>

Moving out of supported accommodation

Effect on a Housing Benefit claim

If the couple are due to move from one supported accommodation to another, and are claiming housing benefit as a couple, the rules are quite straight forward. They will need to inform their local authority about this change in their circumstance so that their benefit can be recalculated. They will only need to complete a change of circumstance address form and provide proof of their new tenancy. This needs to be done within one month of the move to avoid being overpaid.

If the couple move from supported accommodation, into, for example, PRS, then the claim cannot be transferred and a claim for the housing element of Universal Credit must be made.

Resource List

Advice Now: www.advicenow.org.uk

Independent advice service: topics include housing, homelessness and benefits.

Shelter: www.shelter.org.uk

Advice on housing issues – including repossession, publications and news about housing issues. There is a comprehensive section on [Housing Benefit](#) and [Universal Credit](#).

Welfare Benefits & Tax Credits:

www.dwp.gov.uk

Information on what benefits are available for claimants and how to claim them. For specific information about claiming Universal Credit as a couple, visit [here](#).

www.hmrc.gov.uk

The Revenue website for Tax credits – includes the legislation & Code of Practice for Overpayments.

CPAG Welfare Benefit and Tax Credits Handbook – An essential resource for advisers and also contains links to legislation/case law. Also produces a range of reference books and bi-monthly Welfare Rights Bulletins. See www.cpag.org.uk

St Mungo's Homeless Couples and Relationship Toolkit – this [Toolkit](#) provides recommendations on requirements for a clear housing pathway for couples, as well as

guidance for client-facing staff on how to support homeless couples and their relationships.

Universal Credit and Supported Accommodation Training – One-day course provided by Homeless Link, for more information, visit [here](#).

What We Do

Homeless Link is the national membership charity for frontline homelessness services. We work to improve services through research, guidance and learning, and campaign for policy change that will ensure everyone has a place to call home and the support they need to keep it.

Homeless Link

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**Let's End Homelessness
Together**

