

Where to get more information

If you want to know more about the changes and how they affect you:

- phone the benefits team on **01237 428700**
- visit the benefits team at **Riverbank House, Bideford**
- look on our website **www.torridge.gov.uk**
- email us at **benefits@torridge.gov.uk**
- visit **www.gov.uk**

Riverbank House, Bideford, EX39 2QG

Monday to Friday 9.00am to 4.30pm

Phone 01237 428700

Monday to Thursday 08.45am to 5.00pm

Friday 08.45am to 4.45pm

If you would like a copy of this leaflet in large print, tape or other format, please contact the Council

Remember that this leaflet is a guide only. It is not meant to say exactly what your legal rights are. While we have tried to make sure that the information in this leaflet is correct as at November 2018. It is possible that there may be incorrect information or some ideas may be oversimplified. Also, please remember that the information in this leaflet is likely to become less accurate over time because of changes to the law.

April 2018

Housing Benefit

The benefit cap



What has changed?

From April 2013, the Government introduced a 'cap' (a maximum limit) on the total amount of benefit that people can get.

There is a total maximum amount that can be claimed in all benefits for working age customers, or those classed as working age for calculating HB. This is called a benefit cap. The threshold is set at the median net earnings for working age households. This means that the amount of benefit a household can receive will be limited to:

A maximum of £500 a week prior to 07 November 2016, £20,000 per annum (£384.62 per week) from 07 November 2016

- ◆ If your household is made up of a couple (with or without children), or
- ◆ if you are a lone parent (and the children you have responsibility for live with you).

A maximum of £350 a week if you are a single person prior to 07 November 2016, £13,400 per annum (£257.69 per week) from 07 November 2016, and:

- ◆ you have no children; or
- ◆ the children you have responsibility for don't live with you.

The benefit cap means that people should not get more in benefit payments than the average wage paid to people in work.

What's included in the benefit cap?

When added together the benefit cap will limit the total income someone can get from the following benefits:

- Bereavement Allowance
- Child Benefit
- Child Tax Credit
- Employment and Support Allowance
- Housing Benefit
- Incapacity Benefit
- Income Support
- Jobseekers Allowance
- Maternity Allowance
- Severe Disablement Allowance
- Universal Credit
- Widowed Parent's Allowance

Where to go for more information

You can get more information at www.gov.uk — This site provides information on public services in one place including up to date information on the benefit changes.

Citizens Advice provides a wide range of advice. Visit them at:

- Bridgeland Street, Bideford;
- Castle Hill, Torrington or
- Manor Offices, Holsworthy or;
- visit their website at www.citizensadvice.org.uk/

Shelter offers confidential housing, welfare benefits and debt advice through a network of advice services.

You can contact them using their freephone Housing Advice helpline on:

- **0808 800 4444** 8am - 8pm on weekdays
- 9am - 5pm on weekends
- online at england.shelter.org.uk/get advice
- visit their website at www.shelter.org.uk

What can I do to stop the benefit cap applying to me?

Finding work could mean that the cap would not apply to you as qualifying for WTC will mean that you are not affected by these rules. You can find out about WTC online at:

www.gov.uk/working-tax-credit

How can I get help and support to return to work?

For help in preparing and looking for work contact your Jobcentre on **0845 6043719** to make an appointment to see a Personal Adviser.

You can also find help online at:

www.gov.uk/moving-from-benefits-to-work/overview

I have a question, who do I ask?

If you have a question about the benefit cap you can contact Torridge District Council. Our address and phone number is at the end of this leaflet.

If you think the weekly amount of any of the benefits or allowances included in your benefit cap calculation (excluding housing benefit) is wrong you should phone the office that pays you the relevant benefit.

If you have a question about the benefits that have been taken into account to decide the level of the benefit cap that applies to you, you can phone the benefit cap helpline (see above for details).

- Widowed Mothers Allowance
- Widows Pension and widows pension age-related

The cap will not apply to you if you, or your partner, qualify for Working Tax Credit (WTC), or you, your partner or any children you are responsible for when working out your housing benefit receive any of the following:

- Attendance Allowance
- Carers Allowance
- Disability Living Allowance
- Guardians Allowance
- Personal Independence Payment
- the support component of Employment and Support Allowance
- Industrial Injuries Benefits
- Armed Forces Compensation Scheme or war disablement pension
- Armed Forces Independence Payment
- War Widow's or War Widower's Pension

The Department for Work and Pensions (DWP) will decide if a customer's housing benefit needs to be capped, but the local authority is responsible for administering the cap as it will be applied to the housing benefit.

This means that when processing a HB claim details of the total value of the *all benefits* will need to be known so the cap can be applied. If a cap applies, customers affected will have less income.

The amount used in the calculation is the *full award* of benefit before any reductions are made for repayment of overpayments and/or payments to third parties, the exception to this is child tax credit.

Where a customer is subject to a benefit sanction, then the amount included in the cap calculation is the full award *before* any sanction reductions.

If the cap applies to you and your housing benefit is paid direct to your landlord there will be a shortfall in your rent that you will have to make up out of your other money. You will need to contact your landlord to discuss the matter.

Grace Periods

The 'Grace Period' is when the benefit cap is deferred for up to 39 weeks. It starts on the day after you were last employed, if you or your partner (or recent ex-partner):

- Has ceased work and
- For at least 50 of the 52 weeks before the last day of work, that person was engaged in work for which payment was made or expected, and was not entitled to
 - * Jobseeker's Allowance
 - * Employment and Support Allowance
 - * Income Support

If a Grace Period is applied it will provide you time to find another job, find more affordable accommodation or a combination of these activities.

When will this affect me?

The benefit cap rules started to take effect from April 2013 in certain areas, and were implemented in the rest of the country from 15 July 2013. The Cap amounts reduced from 07th November 2016

It is important that you consider what your options might be and, where necessary, talk to your landlord or Torridge District Council's housing options team.

If you think the cap should not apply because you, your partner or any children you are treated as responsible for when working out your housing benefit, receive one or more of the benefits on the previous pages you can report this to the benefit cap helpline.

The helpline number is **0845 605 7064** or textphone **0845 608 8551** for people with hearing or speech impairments.

The helpline is open Monday to Friday 8am to 6pm.

If I am capped, what can I do if I disagree with the decision?

If your housing benefit is capped and you want to know more about the decision or if you think the decision is wrong, please get in touch with us, by phone or in writing, within one month of the date of the letter. If you contact us later we may not be able to help you.

You, or someone else who has the authority to act on your behalf, can

- ◆ ask for an explanation
- ◆ ask for a written statement of reasons for our decision
- ◆ ask us to look again at the decision to see if it can be changed. There may be some facts you think we have overlooked or you may have more information which affects the decision
- ◆ appeal against the decision.

You can do any of the actions listed above, or you can do all of them.

What happens if you ask us to look at the decision again?

If we can change the decision, we will send you a new decision.

If we cannot change the decision, we will send you a letter telling you why. You will have one month from the date of that letter to appeal if you still disagree with the decision.

Please see our Appeal leaflet for further information regarding the appeals process.

What happens if I think I may be affected but have not received any confirmation?

Customers can use the ben cap calculator on:

www.gov.uk/benefit-cap-calculator

to carry out their own calculation giving an estimate of how the cap may affect the household