

AN ADDITIONAL AMOUNT FOR SEVERE DISABILITY, SDP AND CARER BENEFITS

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INTRODUCTION

- 1 This memo provides guidance on the income related benefit changes announced in the [Universal Credit and Miscellaneous Amendments Regulations 2015](#) (S.I. 2015 /1754). The changes come into force on 4.11.15¹.

1 Universal Credit and Miscellaneous Amendments Regulations 2015, reg 1(1)

Background

- 2 There are two carer related benefits
 1. Carer's Allowance (CA)
 2. The Carer Element (CE) in Universal Credit (UC)
- 3 A disabled person is not entitled to SDP in IS, JSA and ESA or the additional amount for severe disability in SPC where they have a carer and that carer is entitled to and is in receipt of the carer related benefit CA. However, currently this is not the case where the carer is entitled to a UC Carer Element (CE) even though this is a carer related benefit and the qualifying conditions for CE are the same as those for CA. Entitlement to UC which includes CE does not, at present, preclude a severely disabled person from entitlement to SDP/an additional amount for severe disability.

- 4 To correct the different treatment of CE to that of CA the Income related benefit regulations are being amended.

Changes

- 5 All income related benefit regulations that make reference to entitlement and receipt of CA¹ precluding a claimant's entitlement to SDP/an additional amount for severe disability have been amended to also include the CE. The effect is that a severely disabled claimant will not be entitled to SDP/an additional amount for severe disability where another person has entitlement to UC that includes the CE in respect of the care they provide that severely disabled person.

1 ESAREgs, Sch 4, para 6(2); JSA Regs, Sch 1, para 15 & 20I: IS (Gen) Regs, Sch 2, para 13, SPC Regs, Sch 1 para 1(1);

Example

Person A is severely disabled and as a consequence receives benefit that includes the SDP. Subsequently his brother, person B, claims and is entitled to UC which, because of the regular and substantial care he provides for person A, includes the CE. A decision is also made to supersede the award of person A's benefit so as to remove entitlement to SDP.

ANNOTATIONS

Please annotate the number of this memo (DMG ~~24XX~~/~~15XX~~) against the following DMG paragraphs:

23202, 23203, 23236, 44113, 44115, 44156, 78034, 78046, 78057

CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 1S25, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in Memo DMG 3/13 - Obtaining legal advice and guidance from DMA Leeds.

DMA Leeds: October 2015

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