



Department  
for Work &  
Pensions

DWP Central Freedom of  
Information Team  
Caxton House  
6-12 Tothill Street  
London  
SW1H 9NA

Cheryl Moy  
request-795862-adcc1214@whatdotheyknow.com

[freedom-of-information-  
request@dwp.gov.uk](mailto:freedom-of-information-request@dwp.gov.uk)

[DWP Website](#)

Our Ref: FOI2021/79130

12 October 2021

Dear Cheryl Moy,

Thank you for your Freedom of Information (Fol) request received on 29 September. You wrote:

“There has been a recent change to child benefit, tax credit and universal credit eligibility. The change now states 'home education - if it started before your child turned 16 or after 16 if they have special needs'.

We have previously asked for and received clarification on how to claim for those continuing home education post 16.

This request is to ask for clarification about 'after 16 if they have special needs'.

Could you confirm what evidence/status of their special need is required for those starting home education post 16.

Not all young people will have an EHCP for their special need and not all will have a formal diagnosis.

What constitutes a special need in this instance?

Are there specific forms that need to be completed?”

## DWP Response

We confirm that we hold the recorded information to answer your request regarding Universal Credit.

### **Entitlement to Child Element of Universal Credit for a child over the age of 16**

UC Reg 5 provides the definition of a Qualifying Young Person (QYP) and this regulation does not prescribe that a person must have special needs.

Reg 5 of Universal Credit Regulations 2013 defines a QYP as:

5.— (1) A person who has reached the age of 16 but not the age of 20 is a qualifying young person for the purposes of Part 1 of the Act and these Regulations:

(a) up to, but not including, the 1st September following their 16th birthday; and

(b) up to, but not including, the 1st September following their 19th birthday, if they are enrolled on, or accepted for, approved training or a course of education:

(i) which is not a course of advanced education,

- (ii) which is provided at a school or college or provided elsewhere but approved by the Secretary of State, and
- (iii) where the average time spent during term time in receiving tuition, engaging in practical work or supervised study or taking examinations exceeds 12 hours per week.

(2) Where the young person is aged 19, they must have started the education or training or been enrolled on or accepted for it before reaching that age.

(3) The education or training referred to in paragraph (1) does not include education or training provided by means of a contract of employment.

(4) "Approved training" means training in pursuance of arrangements made under section 2(1) of the Employment and Training Act 1973(1) or section 2(3) of the Enterprise and New Towns (Scotland) Act 1990(2) which is approved by the Secretary of State for the purposes of this regulation.

(5) A person who is receiving universal credit, an employment and support allowance or a jobseeker's allowance is not a qualifying young person.

### **Course of education**

UC Reg 5(1)(b) requires that the course is non-advanced and of over 12 hours per week on average during term time. For example, if they working towards A-levels and studying a recognised A-level syllabus or doing a life skills course. Courses provided elsewhere other than at a school or college which are approved by the Secretary of State are also included. The legislation does not refer to special needs.

We can confirm that we do not hold the information regarding child benefit and tax credits as this is administered through HMRC.

Information on how to submit a Freedom of Information (Fol) request to the HMRC can be found on the below link.

[foi.request@hmrc.gov.uk](mailto:foi.request@hmrc.gov.uk)

If you have any queries about this letter, please contact us quoting the reference number above.

Yours sincerely,

DWP Central Freedom of Information Team  
Department for Work and Pensions

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### **Your right to complain under the Freedom of Information Act**

If you are not happy with this response you may request an internal review by e-mailing [freedom-of-information-request@dwp.gov.uk](mailto:freedom-of-information-request@dwp.gov.uk) or by writing to: DWP Central Fol Team, Caxton House, 6-12 Tothill Street, London, SW1H 9NA.

Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Website: [ICO Contact Information](#) or telephone 0303 123 1113.