

Housing Benefit Modified Scheme policy

February 2024

Introduction

1.1 The Housing Benefit Regulations 2006 and The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 make provision for the first £10 of weekly income from War Widows or Widowers Pension, the War Disablement Scheme or the Armed Forces Compensation Scheme to be disregarded in any benefit assessment. The cost of this disregard is fully reimbursed to the Council.

1.2 The Social Security Administration Act 1992 gives the Council discretion to disregard any further amount of specified incomes as it chooses by way of an approved Modified Scheme

Policy objective

2.1 The continued 100% disregard of permitted incomes is intended to:

- Support the Council's commitment to the Armed Forces Covenant.
- Ensure that members of the armed forces who have been disabled during service or the widows, widowers or surviving civil partner of those who died in the service of their country, should not have specified payments made in relation to their service, taken into account in the calculation of their Housing Benefit entitlement.
- Retain current alignment of the treatment of these incomes between the Housing Benefit scheme and the Council's Local Council Tax Support scheme.

Statutory disregard

3.1 A statutory disregard of £10 is given from specified war pensioner income under the Housing Benefit Regulations 2006 and The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.

3.2 The cost of this disregard is met in full by DWP through Housing Benefit Subsidy. This disregard is given before the locally agreed Modified Scheme disregard is applied.

3.3 The statutory disregard applies to the following incomes:

(a) a War Disablement Pension

(b) a war widow's pension or war widower's pension

(c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown

(d) a guaranteed income payment and, if the amount of that payment has been abated to less than £10 by a pension or payment falling within article 31(1)(a) or (b) of the Armed Forces and Reserve

Forces (Compensation Scheme) Order 2005, so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10

(e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs

(f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above

(g) a pension paid by a government to victims of National Socialist persecution

Modified scheme disregard

4.1 Section 134(8) of the Social Security Administration Act 1992 provides the Council with the discretion to modify the Housing Benefit scheme by disregarding a further amount, or all, of specified war disablement pensions and payments. Since 2007 The Housing Benefit and Council Tax Benefit (War Pension Disregards) Regulations 2007 (as amended) contain the detail of which pensions and payments are in scope.

4.2 Disregarding these incomes increases the amount of Housing Benefit awarded under the means test. The cost of this additional Housing Benefit is not covered in full by DWP through Housing Benefit subsidy. Up to 75% of the additional cost is covered by subsidy with the remaining cost met by the Council.

Modified Scheme Policy

5.1 The Council will continue to disregard all permitted incomes in full.

5.2 The prescribed incomes are found in the schedule to The Housing Benefit and Council Tax Benefit (War Pension Disregards) Regulations 2007:

1. The war disablement pensions prescribed are—

(a) any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions)

Act 2003(a);

(b) any retired pay or pension payable, to a member of the armed forces of the Crown in respect of a disablement which is attributable to service, under—

(i) an Order in Council made under section 3 of the Naval and Marine Pay and Pensions Act 1865(b),

(ii) the Army Pensions Warrant 1977(c),

(iii) any order or regulations made under section 2 of the Air Force (Constitution) Act 1917(d),

(iv) any order or regulations made under section 4 of the Reserve Forces Act 1996(e),

(v) any instrument amending or replacing any of the instruments referred to in

paragraphs (i) to (iv), or

(vi) any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown; and

(c) a payment made under article 14(1)(b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005(f).

2. The war widow's pensions prescribed are—

(a) any pension or allowance payable to a widow, widower or surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

(b) a pension payable, to a widow, widower or surviving civil partner of a member of the armed forces of the Crown in respect of death which is attributable to service, under—

(i) an Order in Council made under section 3 of the Naval and Marine Pay and Pensions Act 1865,

(ii) the Army Pensions Warrant 1977,

(iia) the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010

(iii) any order or regulations made under section 2 of the Air Force (Constitution) Act 1917,

(iv) any order or regulations made under section 4 of the Reserve Forces Act 1996,

(v) any instrument amending or replacing any of the instruments referred to in paragraphs (i) to (iv), or

(vi) any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown; and

(c) a payment made under article 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005.”