



Universal credit and ‘relevant benefits’

A briefing from CPAG’s Early Warning System

February 2024

Introduction

Universal credit (UC) is higher if you get it alongside certain other benefits, often called **relevant benefits**.

If you get UC alongside carer’s allowance, for example, then you generally have a ‘carer element’ added to your UC. If you get UC and your child qualifies for disability living allowance (DLA), you’re usually entitled to a UC ‘disabled child element’.

Unfortunately, these extra UC amounts are not paid automatically when the relevant benefit is awarded, and the onus is placed on claimants to notify the DWP that they are entitled to these additional elements. Evidence collected by CPAG suggests that families are missing out on much-needed financial support as a result of this failure to share information within the DWP.

[Research on UC](#) conducted by CPAG in 2023 explained the impact this had on carers. This follow-up briefing focuses specifically on the impact for parents of disabled children.

Throughout the briefing we quote from case studies shared with [CPAG’s Early Warning System](#) (see *Appendix 1*).

Lack of data sharing within DWP

Sam (not her real name) is a working parent with a daughter, Rose, who has a developmental disorder. Sam has been getting UC since 2020 and Rose was awarded DLA in 2021. When she got the DLA decision, Sam did not mention it to the DWP in her UC journal or at the job centre. She knows that both UC and DLA are DWP benefits and assumed that if anything needed to change in her UC, this would happen automatically.

Unfortunately, this was not the case. The DWP considers it a claimant’s responsibility to inform the UC department about changes in their other DWP benefits.

Sam’s UC award was not updated to add a disabled child element and Sam did not realise that she was being underpaid.

Poor application of the law

In 2023, Sam spoke to a benefits advice charity. The adviser identified that Sam was not getting a UC disabled child element when she should be. Sam put a message in her UC journal asking to have the disabled child element added to her UC award. She got a response from the DWP directing her to use the Report a change function on her UC account instead, which she did.

At this point, the missing element should have been added to Sam's UC as requested and she should have been paid arrears going back to the start date of the DLA award. These rules are laid out in legislation specifically to protect claimants like Sam.¹

Instead,

Sam got a response saying that she would have the disabled child element added to her UC award from her next payment onwards. However, there was no mention of arrears ('back pay').

Unfortunately, this is all too common (see *Appendix 1*). At the time of writing, Sam is in the process of challenging this decision with help from her benefits adviser. Another case example from CPAG's Early Warning System shows what often happens next.

Misleading decision letter

Like Sam, Gina (not her real name) had a missing disabled child element added to her UC award quite promptly when she asked for it, but did not receive any back pay. With a benefits adviser's help, Gina posted a message in her UC journal asking the DWP to reconsider its decision and pay her arrears of the disabled child element starting from 2019 when her son Isaac's DLA began. A few weeks later she received a positive response from the DWP – she would be paid arrears of the disabled child element going back to the start date of Isaac's DLA award, her full legal entitlement.

However, the decision letter said the following:

'One of the conditions for claiming [UC] following a change of circumstances is that it is reported within a prescribed period. You must tell us about your change of circumstances before the end of the assessment period in which the change occurred. You reported a change that happened on [date]. This declaration was made outside the assessment period in which the change happened. The decision maker has reviewed the reasons for the delay in notifying us of the change. On this occasion it has been decided that special circumstances apply and your [UC] will be adjusted from the date of the change... You must tell [UC division of the DWP] straightaway if there is a change in your circumstances. If you give wrong or incomplete information or you do not report changes straightaway you may:

- be prosecuted*
- need to pay a financial penalty*
- have your [UC] payments reduced or stopped.'*

¹ Regulation 23 and Schedule 1, paragraph 31 of the [UC etc \(Decisions and Appeals\) Regulations 2013](#)

The wording of this standard letter is problematic for several reasons. It does not correctly explain the basis of legal entitlement in Gina's case. It also suggests that 'late notification' rules apply to cases like Gina's, when they categorically do not. These issues put the letter at odds with rule of law principles which public bodies like the DWP must follow.²

Why are these errors made? It may be because the UC system, or members of UC staff, do not identify the difference between the usual late notification rules and the special rules around relevant benefits. Specifically, it seems UC's *Report a change* function has been built to cater for some changes of circumstances but not others.

The letter also warns readers about prosecution and penalties in a way that is unnecessary in the context. The letter tells recipients (a) that they have notified a change late, and (b) that notifying a change late can lead to prosecution, a penalty or having their benefit stopped. A claimant is hardly jumping to conclusions if, after being told that (a) applies to them, they believe that (b) is aimed at them. CPAG's Early Warning System has heard that this letter leaves some claimants, who are acting entirely within their rights, feeling they have done something wrong and are under threat.

Falling through the cracks

Many parents will never identify that there is a disabled child element missing from their UC award because they will not have known that they were entitled to it. And parents who do manage to get the element added late but receive no 'back pay' will often simply accept this. In both cases, parents are losing out on months' or years' worth of income that they should have received to support their disabled child. For reference, the higher rate of the disabled child element is worth £456.89 a month in 2023/24.

Only some parents will challenge the decision further, often after seeking independent benefits advice.

Recommendations

The DWP should take the following steps to avoid systematically underpaying UC claimants who are in receipt of relevant benefits, including parents of disabled children.

Data sharing/claimant prompts

1. The DWP should improve data-sharing between UC and DLA departments, so that a UC decision-maker is notified automatically when a new DLA award is made to a child named in a UC award.
2. Until (1) is implemented, the DWP should introduce regular *To-dos* to prompt UC claimants to disclose a new DLA award. For example, these could be *To-dos* that appear on the UC account every six months for every family with children. The *To-dos* would need to be non-mandatory.

Ensuring that full arrears are paid

3. Within the system for reporting changes of circumstances to UC, the DWP should introduce a distinct option for cases where the change is the award of a 'relevant benefit' like child DLA. Within this option, the DWP should tailor the information it collects and provides:

² For more on rule of law principles in DWP decision-making, see CPAG, [You reap what you code](#), 2023.

- a. The claimant should always be asked for the decision *effective* date (ie, the date when entitlement to the relevant benefit begins), not just the decision date.
- b. The claimant should not be asked about reasons for lateness.
- c. Once the report is submitted, the case should automatically go to a decision-maker who is knowledgeable about the supersession rules in 'relevant benefit' cases.

The reporting option must not be treated as a substitute for adequate data-sharing (see (1) above).

The decision notice

4. We understand that the DWP has only one decision letter template for change of circumstances cases.³ A new template decision letter should be introduced which is specific to 'relevant benefit' cases.

It must:

- a. cite the relevant law (Regulation 23 and Schedule 1, paragraph 31 of the [UC etc \(Decisions and Appeals\) Regulations 2013](#)).

It must not:

- b. incorrectly mention late reporting of a change,
- c. suggest that the decision to pay arrears has been made as an exception, because '*special circumstances apply*,' or
- d. say that the claimant is at risk of a fine or prosecution for not reporting the change earlier.

Falling through the cracks

5. The DWP should conduct a legal entitlements and administrative practices (LEAP) exercise to identify underpaid claimants (ie, UC claimants who have been in receipt of child DLA but not the child disability element of UC). The DWP should correct these claimants' ongoing UC awards and pay arrears as appropriate.⁴

³ Freedom of information request, [Template UC letter for supersession due to a new or different rate of another relevant benefit](#), answered 16 August 2023, available at whatdotheyknow.com/request/template_uc_letter_for_supersess

⁴ We note that one local authority's welfare rights team has undertaken its own small-scale exercise to identify local parents in receipt of UC and child DLA who have been underpaid the UC disabled child element. It has done so by reviewing council tax support records, which confirm a household's receipt of both UC and DLA. So far this campaign has supported 67 UC claimants since June 2023.

Appendix 1: Case studies from CPAG's Early Warning System

Example 1 – Gina

Gina works and her husband is a full-time carer for their disabled son Isaac. DLA was awarded in November 2019.

In July 2023, Gina received benefits advice which identified that the disabled child element was missing from her UC award. She was advised to use the *Report a change* function on her online UC account to report the disabled child element missing. She could not manage this on her own so went to the job centre for help.

The member of job centre staff who she spoke to wrongly advised that DLA is the only form of benefit for a disabled child and there were no elements missing from her UC award: 'she is getting everything she is supposed to and her UC is right'.

Gina sought further independent benefits advice. She posted in her UC journal with help from her adviser, asking the DWP to add a disabled child element to her award and pay the arrears she was owed beginning from the start of the DLA award.

In August 2023, the DWP wrote to Gina confirming that the disabled child element would be added to her UC, but the letter did not mention any arrears. Again, Gina sought independent benefits advice and, with help, put a message in her UC journal asking that the DWP look at its decision again. She was told this request had been passed to a decision-maker.

In October 2023, Gina finally received the full sum of arrears due from UC. However, the decision letter used the problematic wording quoted on pp2-3.

Example 2 – Charlotte

Charlotte and her partner moved to UC in early 2019. One of their children was awarded DLA later in 2019, with the DLA award ending in spring 2023.

Charlotte received benefits advice in summer 2023 and it was identified that she had never received the disabled child element of UC, meaning she had been underpaid UC by several thousand pounds over four years.

With her adviser's help, Charlotte posted a message in her UC journal asking for arrears of the disabled child element, for the period during which the child received DLA. Thanks to the adviser, Charlotte was able to cite the relevant legal provisions.

Charlotte then received a reply in her UC journal asking why she didn't report the DLA award earlier. After providing a response (including screenshots of earlier journal messages when she had in fact mentioned DLA) Charlotte was told that she must now use the *Report a change* function to confirm the DLA award. Charlotte did so and was told that her case would be passed to a DWP decision-maker.

Shortly after this, Charlotte was informed that her child had been completely removed from her UC award and that she needed to attend a job centre appointment to re-verify all the child's details, including details of the DLA award. Charlotte was very worried.

Charlotte attended the appointment and took the child's birth certificate, child benefit award letter and DLA award letters as instructed. She was then told by a member of job centre staff that the child has been taken off the UC award 'because of fraud' – because Charlotte had declared DLA but DLA was no longer in payment. The job centre staff member also said, wrongly, that Charlotte could not get arrears of the disabled child element because DLA is no longer in payment.

Charlotte was alarmed and upset but managed to challenge the decision via a message in her UC journal with help from her benefits adviser. She soon received a further journal message asking again why the DLA award was not reported immediately.

After responding to this message and waiting more than a month, Charlotte's child element was restored to her UC award and she started getting a disabled child element. She also received a sum of arrears, but this did not go all the way back to the start of the DLA award and the decision letter did not explain why not. Charlotte again posted a message in her journal asking the DWP to reconsider its decision, with help from her adviser.

In October 2023, while waiting for a response to the latest message, Charlotte told her adviser that she wanted to give up on the challenge. Fortunately her adviser convinced her to persevere, and they composed a last message to the DWP chasing a new decision. At the end of November 2023, Charlotte finally received the full sum of UC arrears that she was entitled to for the period 2019-2023. The whole process had taken five months.

Example 3 – Bea

Bea and her partner have four children aged between 12 and 18. One of the children is disabled and was awarded the middle rate of the care component of DLA in October 2022.

Bea sought benefits advice in autumn 2023 and her adviser identified that she was not receiving the disabled child element of UC when she should have been.

With her adviser's help, Bea posted a message in her UC journal asking for the disabled child element to be added to her UC and for arrears going back to the start of the DLA award. Thanks to the adviser, Bea was able to cite the relevant legal provisions.

However, although the element was quickly added to the award, it was only 'backdated' by two months. Bea has written to the DWP asking it to reconsider this decision, again with help from her benefits adviser. She is still waiting for a decision.

Example 4 – Sam

Sam is a single parent who has been receiving UC since 2020. She has two children, one of whom (Rose) was awarded the highest rate of the care component and lower rate of the mobility component of DLA in 2021. Sam received benefits advice in 2023 and it was identified that she was not getting the disabled child element of UC. She should have been getting the higher rate of this element, worth £456.89 a month in 2023/24.

With her adviser's help, Sam contacted the DWP asking for the disabled child element to be added to her UC. This was done promptly but Sam was not paid arrears for the period during which the element was missing, as she should have been. At the time of writing, Sam is in the process of challenging this decision.

Example 5 – Sabrina

Sabrina is a lone parent with three disabled children, one aged 9 and twins aged 6, who started receiving DLA in 2020, 2021 and 2022. Two of her children receive the highest rate of DLA for care and one gets the middle rate. She has never received any disabled child elements in her UC award, although she has been awarded the UC carer element since 2020.

She was referred for independent benefits advice in connection with a different UC issue and her adviser spotted the missing disabled child elements. The adviser helped Sabrina to write a message in her UC journal asking for disabled child elements to be added to her award from the start date of each of her children's DLA awards. The DWP started paying the missing elements, but only from the start of Sabrina's next UC assessment period. The DWP did not pay or mention arrears. At the time of writing, Sabrina is in the process of challenging this decision.

Example 6 – Joanne

Joanne has two children and has been getting UC since 2020. Both of her children are disabled, with the older child awarded DLA in 2021 (highest rate of the care component and lower rate of the mobility component) and the younger child awarded DLA in early 2023 (middle rate of the care component).

Joanne received independent benefits advice in 2023 and contacted the DWP to ask that two disabled child elements were added to her UC. However, this only happened from the start of her next UC assessment period. The DWP did not pay or mention arrears. At the time of writing, Joanne is in the process of challenging this decision.

Example 7 – Tom

Tom is a single parent with two children aged 9 and 16. The 9-year-old child is disabled and was awarded the highest rate of the DLA care component in October 2018.

Tom received benefits advice in summer 2023 and it was identified that he was not getting the disabled child element of UC. He should have been getting the higher rate of this element, worth £456.89 a month in 2023/24.

With his adviser's help, Tom posted a message in his UC journal asking for the disabled child element to be added to his UC and for arrears going back to the start of the DLA award. Thanks to the adviser, Tom was able to cite the relevant legal provisions.

In July 2023 Tom received a decision letter – the disabled child element had been added to his UC award, effective from the start of his child's DLA award, and he received the full £22,532 of arrears. However, the decision letter used the problematic wording quoted on pp2-3.

About CPAG

CPAG works on behalf of the more than one in four children in the UK growing up in poverty. It doesn't have to be like this. We use our understanding of what causes poverty and the impact it has on children's lives to campaign for policies that will prevent and solve poverty – for good. We provide training, advice and information to make sure hard-up families get the financial support they need. We also carry out high profile legal work to establish and protect families' rights.

About the Early Warning System

Our Early Warning System helps us get a better understanding of how changes to the social security system are affecting the lives of children and families. The information we gather from frontline advisers informs much of our policy, research and campaigning work, and also feeds into our advice services.

Thank you to everyone who has contributed to our Early Warning System – to every adviser who has submitted a case and to rightsnet which hosts invaluable benefit forums for advisers.