

# Financial help for families affected by imprisonment



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Child Poverty Action Group works on behalf of the one in four children in Scotland 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.

*Financial help for families affected by imprisonment* is one of a series of Child Poverty Action Group in Scotland leaflets giving guidance to advisers and those working with families in Scotland about aspects of the tax credit system of particular concern.

## Introduction

Children growing up in families affected by imprisonment are at increased risk of poverty. Research has shown that the impacts of poverty and imprisonment have damaging effects on families' relationships as well as on children's development, physical and mental health.

This leaflet gives a brief overview of the impact of imprisonment on family benefits, and the financial help available before, during and after a family member has been in prison. It is not a full statement of the law and you should seek advice in your individual circumstances.

What benefit you can apply for depends on whether you are living in an area where universal credit has been fully introduced – see [www.cpag.org.uk/content/are-you-ready-universal-credit](http://www.cpag.org.uk/content/are-you-ready-universal-credit)

## What to do if a child or young person goes into prison or detention

### *Child benefit*

Child benefit is paid to a person responsible for a child (under 16 and up to 31<sup>st</sup> August following the 16<sup>th</sup> birthday) or a young person (aged under 20 in full-time non-advanced education or approved training). It is administered by HM Revenues & Customs (HMRC).

You can continue to receive child benefit for a period of **eight weeks** for a child or young person in prison or detention.

If your child or young person has been detained in custody for more than 8 weeks but at the end of criminal proceedings is *not* sentenced to a term of imprisonment or detention, you can get child benefit paid for the period it stopped.

You can get child benefit again if the child or young person returns home to live with you for a week or more, or if s/he ordinarily lives with you for at least two nights a week. If s/he leaves prison and does not return to live with you, you can only continue to receive child benefit for her/him if you are using the money to support the child.

You can continue to receive child benefit for a young person whose education or training has been interrupted for up to 6 months.

You must notify the Child Benefit Helpline 0300 0300 200 3100 (Textphone: 0300 200 3103) if a child or young person is in prison or another form of detention for 8 weeks or more. You should also notify when s/he returns to live with you, to make sure payment starts again.

### *Child tax credit*

Child tax credit is paid to a lone parent or couple responsible for and normally living with a child (under 16 and up to 31<sup>st</sup> August following the 16<sup>th</sup> birthday) or a young person (aged under 20 in full-time non-advanced education or approved training). The amount of tax credit depends on income, and may also include working tax credit for families in work. It is administered by HMRC.

You cannot receive child tax credit for a child or young person who has been sentenced to custody of more than four months, or to a life or unlimited sentence.

You must notify the Tax Credits Helpline 0345 300 3900 (textphone 0345 300 3909) if your child or young person is sentenced to more than four months in custody. You are no longer treated as responsible for the child or young person in this case. If you have other children, this reduces your tax credits. If you do not have any other children living with you, you are not entitled to child tax credit and your working tax credit may also end unless you are aged 60 or over, or are a disabled worker, or working at least 30 hours a week. You should notify when s/he returns home and will have to request a new claim form if your previous claim ended – a new claim can only be backdated 31 days so it is important to claim as soon as possible.

## *Housing benefit*

Housing benefit is help with rent that you can claim from your local authority. The amount of housing benefit depends on your income, the needs of your household and the type of property you live in.

A child or young person in custody is still treated as part of your household unless s/he does not intend to return to live with you or is likely to be absent for more than 52 weeks. If s/he is likely to be absent for more than 52 weeks, your housing benefit may be reduced. In this case, you can challenge the decision on the grounds that there are exceptional circumstances and the absence is unlikely to be substantially more than 52 weeks.

If the person in prison is an adult son or daughter who you no longer receive child benefit for, or another adult aged over 18 who was living with you, it may also affect your housing benefit if s/he is sentenced to more than 13 weeks, or on remand for more than 52 weeks awaiting trial or sentence. In some cases, this can mean that your housing benefit goes down because you are treated as having a spare room and may be affected by the 'bedroom tax', and in other cases it may go up because there is no deduction for another adult living with you. If you are severely disabled, you may also be entitled to an additional amount in other benefits because you do not have any other adults living with you.

You should notify the local authority that pays housing benefit if a member of your household is likely to be in prison for more than 13 weeks.

If housing benefit does not meet your rent in full because of the 'bedroom tax' or any other reason, you should apply for a discretionary housing payment from your local authority.

## What to do if your partner goes to prison

### *Tax credits*

Tax credits are claimed jointly by a couple. You are a couple if you are married/registered civil partners or living together. Your joint claim as a couple can continue if you are married/registered civil partners while your partner is in prison, unless the relationship has broken down and you believe that you have split up for good. If you were living together but are not married/registered civil partners, a couple claim can continue during a temporary absence, but there is no set length of time so it is advisable to notify the Tax Credits Helpline and explain the circumstances.

While your partner is in prison, you may become eligible for working tax credit and help with childcare costs if you are working at least 16 hours a week.

If you have separated or are no longer living together, your couple claim can be stopped and a new single claim can be started in the same telephone call. As a single claimant with children, you are eligible for working tax credit and help with childcare costs if you are working at least 16 hours a week.

### *Income Support, jobseeker's allowance, employment and support allowance and universal credit*

These benefits are administered by the Department for Work & Pensions (DWP). If you, or your partner, are getting any of these benefits, you should notify the DWP that your partner is in prison. You no longer count as a couple while your partner is in prison. If the benefit is already in your name, this is a change in your circumstances. If the benefit was in your partner's name as the main claimant, you will need to make a new claim as a single person. This will usually reduce the amount of the benefit payable.

You can claim income support as a lone parent if you have a child under the age of 5, or you are a carer for a severely disabled person, or you are pregnant within 11 weeks of the due date, and 15 weeks after the birth.

You usually have to claim jobseeker's allowance if you have a child aged 5 or over, but you can agree some restrictions on hours and type of work in your claimant commitment.

You can claim employment and support allowance if you are unable to work due to illness or disability.

In areas where universal credit has been fully introduced, you have to claim UC instead in these situations.

## What to do if you are responsible for a child or young person and you are facing a prison sentence

### *Child benefit*

You can get child benefit while you are a prisoner as long as you continue to be responsible for the child and the money is being used to support the child. If you are in prison for some time, you may want to arrange for child benefit to be paid to the person looking after your child.

If your child is taken into care by the local authority and placed with foster carers or kinship carers for 8 weeks or more, you cannot continue to receive child benefit.

### *Child tax credit*

You can continue to get child tax credit while you are a prisoner but only if it is considered a temporary absence and that the child still normally lives with you. There is no set period of time that is considered temporary, but it depends on the circumstances. If you are in prison and the child is normally living with someone else, such as an older sibling aged at least 16, or another relative who has taken on responsibility for your children, that person can claim child tax credit instead.

If your child is taken into care by the local authority and placed with foster carers or kinship carers, you cannot continue to receive child tax credit.

### *Young people in full-time non-advanced education*

Child benefit and child tax credit as described above can continue for a young person aged 16 to 19 in full-time (more than 12 hours a week) non-advanced education (up to Highers, SVQ level 3 and below)

Alternatively, if a young person aged 16 to 21 is left on their own while you are in prison, and the young person is in full-time non-advanced education, s/he can qualify for income support in their own right. Child benefit and child tax credit payable to you would stop in this case. If the young person is aged 21, they must have started the course or enrolled before reaching 21. S/he could also take over the claim for housing benefit and council tax reduction if your absence is longer than the period allowed.

## Visiting someone in prison

The Assisted Prison Visits Unit can help with travel costs if you are visiting a partner, child or close relative in prison. It can also help with the cost of someone bringing your children to visit you in prison. The visitor must be getting one of the following benefits:

- Income support
- Income-based jobseeker's allowance
- Income-related employment and support allowance
- Pension credit
- Universal credit
- Child tax credit
- Working tax credit as a disabled worker
- Health benefits on low income grounds

You can get an application form from the prison, or download from [www.gov.uk/assisted-prison-visits](http://www.gov.uk/assisted-prison-visits) or contact the Assisted Prison Visits Unit (see Further information)

Assistance is normally given towards one visit every two weeks, and up to 26 visits in a 12 month period. If you cannot travel to the prison and back home in one day, a contribution to the costs of an overnight stay will be considered. To get reimbursed, you should keep tickets and apply within 28 days of the visit. You can apply in advance for the cheapest rail tickets available. You must also get a Confirmation of Visit form stamped by the prison.

You can also get help with the costs of childcare if you have to pay a registered childcare provider to look after your child while you are visiting the prisoner.

## What to do if you are looking after someone on temporary release (licence)

### *Scottish Welfare Fund*

You can apply for a Community Care Grant towards the living expenses of a prisoner or young offender who is staying with you on temporary release. You should be on a low income and are normally expected to be getting certain benefits but this is not essential. You should apply to your local authority for a Community Care Grant from the Scottish Welfare Fund.

There is no limit to the number of Community Care Grants you can get in a year. If it is refused or you are unhappy with the award, you should seek a review within 20 working days, and you have a right to a further independent review if still unhappy.

## What to do when someone is released from prison

### *Scottish Welfare Fund*

An adult who has been released from prison can apply for a Community Care Grant to help settle in the community. S/he should apply to the local authority where s/he will be living (not the area where the prison is located). S/he should be on a low income and expected to be getting certain benefits but this is not essential. A grant can be given for essential household items. S/he can also apply for a Crisis Grant for living expenses if s/he has no other support, but should also claim any benefits s/he is eligible for and request a short term benefit advance.

### *Child benefit*

If your child or young person has returned to live with you, you should notify the Child Benefit Helpline and ask for payment to be reinstated. A young person under 20 should intend to return to full-time non-advanced education or approved training for child benefit to be payable.

### *Child tax credit*

If your child or young person has returned to live with you, you should notify the Tax Credits Helpline and ask for payment to be reinstated. A young person under 20 should intend to return to full-time non-advanced education or approved training for child tax credit to be payable.

If you were getting tax credits as a single person while your partner was in prison, you must make a new claim as a couple if s/he returns to live with you.

### *Other benefits*

If you are receiving other benefits as a single person, you should notify that a partner or other member of your household has returned to live with you.

If the person who was in prison was receiving any other benefits before going into prison, s/he should notify the sections that were paying these benefits and request payment to be reinstated or to make a new claim. Some benefits can be claimed in advance if the release date is known.

## *Universal credit*

Universal credit is a new means-tested benefit, payable in or out of work, including amounts for children, childcare costs and housing. It replaces income support, income-based JSA, income-related ESA, housing benefit and tax credits. Universal credit is being introduced gradually, depending where you live. It is administered by the Department for Work & Pensions (DWP).

A person released from prison may have to claim universal credit instead of jobseeker's allowance and housing benefit.

If you cannot claim universal credit, you can still claim the old benefits instead; income support, income-based JSA, income-related ESA, housing benefit and tax credits. If you start claiming universal credit, and then your circumstances change, you stay on universal credit.

Universal credit must currently be claimed online. Advance claims can be accepted from prisoners within one month of release.

The first payment is usually made up to 7 days after the end of the first monthly assessment period but an advance payment can be requested for people in financial hardship.

Universal credit is usually paid in one monthly payment into a bank or similar account, including amounts for rent, but where this may cause difficulties or put people at risk, an alternative payment arrangement can be requested for vulnerable groups, including ex-offenders. This can be requested by a claimant, their representative (e.g. support worker) or a landlord.

Universal credit cannot be paid to people detained in custody or in prison, except for the housing costs element (for rent or mortgage interest) which can continue to be paid for up to six months, if it was paid immediately before the claimant went into prison. However, the housing costs element can only be paid following a sentence of imprisonment if the time in prison is not expected to be more than six months since first detained in custody.

## Further information and advice

### Child Poverty Action Group in Scotland

0141 552 0552 advice line for advisers on benefits and tax credits,  
Monday to Thursday 10am to 4pm, Friday 10am to 12 noon

**Email:** [advice@cpagscotland.org.uk](mailto:advice@cpagscotland.org.uk)

*email advice for advisers on benefits and tax credits*

**Website:** [www.cpag.org.uk/scotland/taxcredits](http://www.cpag.org.uk/scotland/taxcredits)

*for more tax credit leaflets from CPAG in Scotland*

CPAG publishes the *Welfare Benefits and Tax Credits Handbook*, a comprehensive guide to benefits and tax credits for claimants and advisers.

CPAG in Scotland's advice line is only for advisers. If you are having problems with your own tax credit or benefit claim and are in need of advice you should contact your citizens advice bureau or other local welfare rights service.

### Families Outside

Families Outside is the only national charity in Scotland that works solely to support the families of people affected by imprisonment and to mitigate the effects of imprisonment on children and families – and consequently to reduce the likelihood of reoffending – through support and information for families and for the people who work with them.

Support & Information Helpline Freephone: 0500 83 93 83

**Email:** [support@familiesoutside.org.uk](mailto:support@familiesoutside.org.uk)

**Texting Service:** 60777 Text FAMOUT then your message

### Assisted Prison Visits Unit

PO Box 2152

Birmingham

B15 1SD

[assisted.prison.visits@noms.gsi.gov.uk](mailto:assisted.prison.visits@noms.gsi.gov.uk)

Telephone: 0300 063 2100, Monday to Friday, 9am to 5pm



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