

A survival guide to

Benefits and living together

advicenow

Making sense of the law and your rights

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Who is this guide for?

This guide is for you if you receive benefits or tax credits. We want to help you get what you are entitled to and avoid all the stress and upset that problems with benefits cause.

This guide will help if you are not living with your partner but a benefits office believes you are, if you moving in with your partner, or if your relationship has ended. It will also explain where couples living together are still treated differently to couples who are married or in a civil partnership.

If you are living with your partner as a couple, you must claim any benefits as a couple. The benefits office will take both of your incomes and savings into account when working out if you are entitled to benefits.

What counts as living together?

What counts as living together?

You do not count as living together unless you are living together in the same home as a couple.

People are often told that if their partner stays over 2 or 3 nights a week that it counts as living together. It does not. Others are told that if they are still living

with their ex, even though they are not a couple, that they must still claim benefits as a couple – this is also not true. If you have been told something different by the DWP, HMRC, or housing benefit office, don't panic. We will show you how to sort it out.

My partner stays the night a lot but we haven't moved in together...

Just because your partner stays the night with you, even if they stay most nights, it doesn't mean you are living together. If your partner still has a home somewhere else where he or she pays bills and keeps their things, then s/he clearly doesn't live with you.

If you have been contacted by a benefits office because they believe you are living with your partner when they haven't actually moved in, you will need to show them that your partner doesn't live with you. Usually the easiest thing to do is to prove s/he lives somewhere else. Give the benefits office evidence of any rent, mortgage, council tax, or other bills s/he pays at their home. If your partner has a driving license or is the registered owner of a car, these documents are excellent evidence as you are legally required to keep the address on them up to date. Evidence of important post like phone bills or bank statements that are sent to their home address will also help.

When you give the agency the evidence, get a receipt or if you are posting it get a certificate of posting from the post office (this is free). If your benefits have been stopped, ask for them to be reinstated. Ask how long that will take and make a note of it, along with the name of the person you spoke to and the time and date. If your benefits aren't reinstated by the date you were given, phone the agency and chase it up.





We have split up but still share the same home as we can't afford to move out...

Depending on your circumstances, one or both of you should make a new claim in their name only. You will need to prove that you are no longer living as a couple. This means that, although you are both still living in the same home, you no longer sleep in the same room, eat together, buy food together, do each other's washing or ironing, or pay for things as a couple (for example, you should be able to show that you pay your half of the rent etc, even if you are paying it to your ex). If you used to have a joint bank account, you should close it. You should let your friends and acquaintances know that you are no longer a couple.

It can feel like it makes very little sense to live like this, particularly if you have children together, but this is how you have to make it work if you are to be entitled to benefits.

It can be quite difficult to prove some of these things. You should expect a benefits officer to come round to check on your arrangements. If you have difficulty convincing the benefits office of your situation, get help from an adviser.



We have split up and moved out...

If you have split up and now live in separate accommodation, make a new claim in separate names. Use the calculator on the Turn2us website (see **More help and advice on page 7**) to work out what help you might each be entitled to.

If you were claiming any benefits as a couple, inform the relevant office you have split up and are making a new claim in your

I'm moving in with my partner – will I lose benefits?

You might do. If you are receiving means-tested benefits your partner's earnings and savings will be added to yours when they work out if you are entitled to benefit, and how much. Similarly, if your partner earns the top rate of tax you won't be entitled to Child Benefit.



I'm moving in with my partner – will I lose benefits?

Do you get means-tested benefits?

Means-tested benefits are:

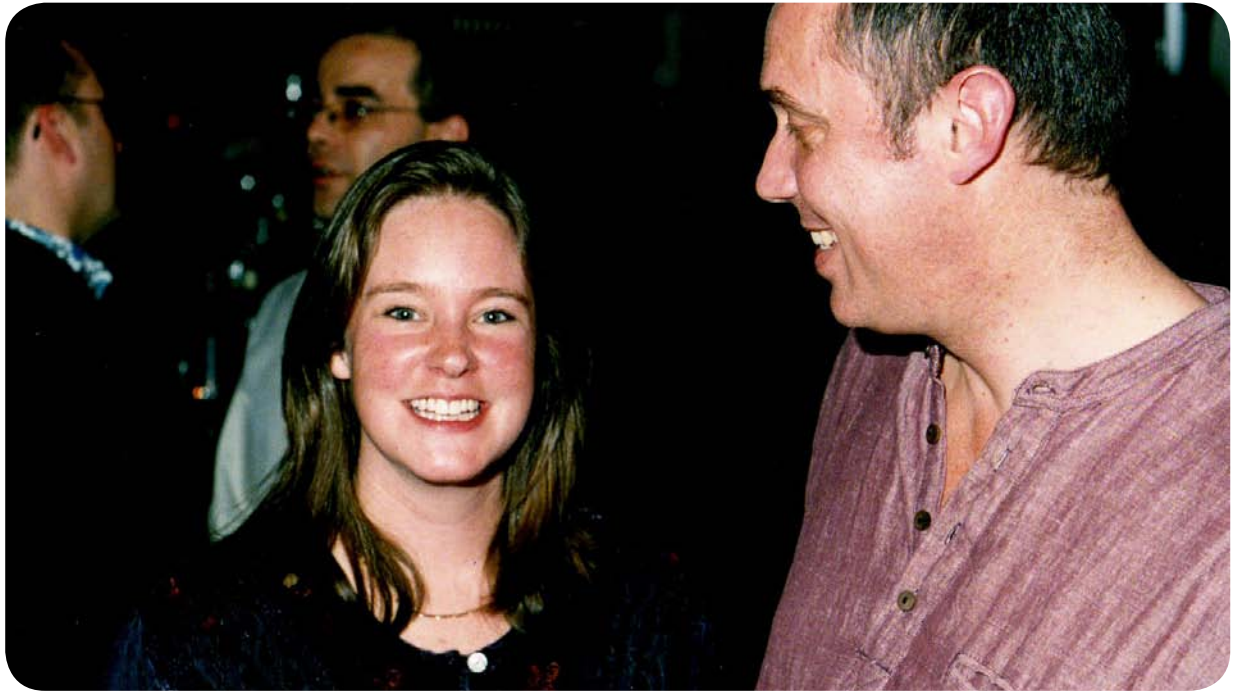
- Income Support
- Income-related Employment and Support Allowance
- Income-based Jobseekers Allowance
- Housing Benefit
- Council Tax Reduction
- Pension Credit
- Child Tax Credit
- Working Tax Credit
- Universal Credit.

If each of you brings children from a previous relationship to the new family, only one child can count as the eldest for child benefit purposes. This is important because you receive an extra amount (£6.90 in 2013–14) for the eldest child.

If you have been receiving Bereavement Allowance following the death of your husband, wife or civil partner, your payments will stop when you move in with a new partner. If your relationship ends however, your claim can be re-instated. Bereavement Allowance stops when you reach State Pension age anyway.

If you are unsure what effect moving in with your partner might have on your benefits see an adviser or use the calculator on the Turn2us website and answer the questions as if you have moved in.

Would I be better off being married or in a civil partnership rather than living with my partner?



Would I be better off being married or in a civil partnership rather than living with my partner?

There are some circumstances when you may be entitled to less help than if you were married or in a civil partnership. This is because benefits based on National Insurance contributions treat unmarried couples differently from married couples. For most people however it makes little or no difference. Whether it will make a difference to you depends on how good your state pensions are and the unknowable – whether you will die before or after you reach state pension age.

If one of you has a low state pension entitlement because you haven't/didn't work for many years (and it wasn't because you were looking after children) you may be better off if you married/formed a civil partnership. If you are worried by this issue, see an adviser (see **More help and advice** on **page 7** for details of how to find one).

More help and advice

Find an adviser

Look to see if there is an independent advice centre or Citizen's Advice Bureau that helps with benefits problems near you. Look in your Yellow Pages, or find your local CAB by going to: www.citizensadvice.org.uk/index/getadvice

Next, check if your local council has a welfare rights service. In some cases they will be able to represent you. Phone the council and ask for 'welfare rights' or check in your local library.

There are sometimes services that you can access through your GP, social worker, or community centre. There's no harm in asking – so call your GP, and your social worker or community centre if you have one, and ask if there is a service for you.

Failing that, you may be able to get help from an adviser over the phone.

Citizens Advice can now provide advice over the phone to people in Wales (call **03444 77 20 20**). They are in the process of rolling this out over different areas of England (call **03444 111 444** or check your local bureau's contact details using the search box on their website. If they can't give you advice you will hear a recorded message.) TextRelay users should call **03444 111 445**.

Age UK has a network of local services across the country that can provide help and information to older people. Find your local Age UK on the website or by calling the helpline.

www.ageuk.org.uk/about-us/local-partners

Helpline: **0800 169 6565**. 7 days a week from 8am–7pm.



Turn 2 us Benefit calculator

Use the Benefits search on Turn 2 us website to check that you are receiving all the help you are entitled to or to see what you would be entitled to if your circumstances changed.

www.turn2us.org.uk/benefits_search.aspx

More help
and advice

The information in this guide applies to England and Wales only. The law may be different if you live in Scotland or Northern Ireland.

The law is complicated. We have simplified things in this guide. Please don't rely on this guide as a complete statement of the law. We recommend you try and get advice from the sources we have suggested.

advicenow.org.uk

If you would like this guide in another format please email guides@lawforlife.org.uk

This guide was written by Mary Marvel. Advicenow would like to thank all those who provided feedback on this guide and took part in the pilot.

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