

A survival guide to

Living with a partner and benefits

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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 is caused by problems with benefits. This guide will help you understand the impact of moving in with your partner or stopping living with a partner. It will also help if you are not living with your partner but the benefits office or DWP believe you are, or if you want your romantic partner to stay sometimes but you don't want to break the rules and risk losing benefits. The guide will also explain the effect on your benefits of family or friends moving in with you.

What counts as living together

What counts as living together

We know that many people come to this guide because they are worried and confused about what the DWP considers 'living with a partner' to mean. The situation is not helped by the fact that the rules are confusing and frequently misunderstood by the DWP staff themselves. We want to help by explaining this as clearly as possible. You do not count as living with a partner unless you are living together in the same home as a couple.

There is no set number of nights which mean that the DWP will see you as living together. So, if your partner stays over a

few nights a week, that doesn't mean you should be counted as a couple when it comes to benefits – it depends on lots of other factors.

If you are still living with your ex because you cannot afford to move out, you should not be counted as a couple as long as you intend the split to be permanent. You can claim benefits as single people.

If you have been told something different by the benefits office or by friends or family, don't panic. We will show you how to sort it out.

If your partner stays the night but you have not 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 they pay bills and keeps their things, and you make day to day decisions about your home and finances on your own, then they probably don't count as living with you.

If you have been contacted by the 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 they live somewhere else.

Give the benefits office evidence of any rent, mortgage, council tax, or other bills they pay at their home. If your partner has a driving licence or is the registered owner of a car, these documents are helpful as you are legally required to keep the address on them up to date. Evidence of important letters like phone bills or bank statements that are sent to their home address will also help.

When you give the benefits office the evidence, get a receipt. If you are posting it, get a certificate of posting from the post office (this is free). If you are uploading the evidence to your Universal Credit account, take a screenshot.

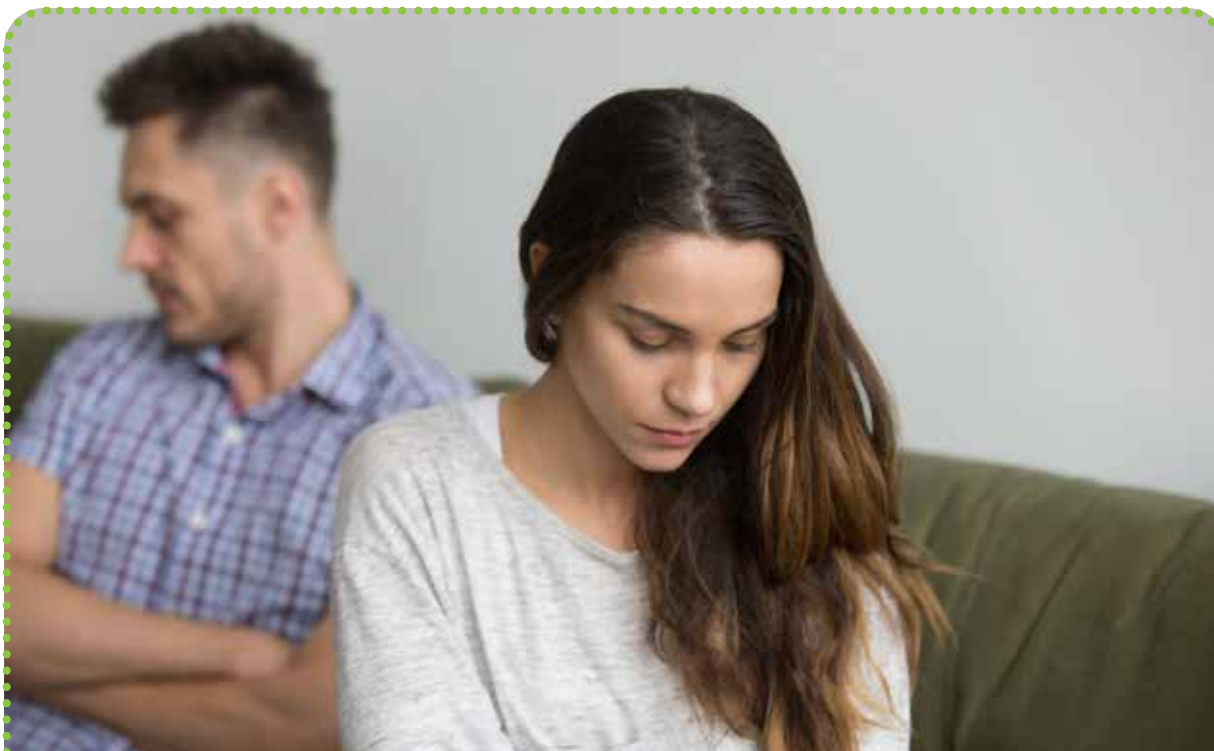


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If your benefits have been suspended, ask for them to be reinstated. Ask how long that will take and make a note of any details you get, including the name of the person and the time and date. If your benefits are not reinstated by that date, phone the benefits office or write in your Universal Credit journal to chase it up. You may need to make a complaint.

If your benefits have been stopped and a decision has been made that you are living with a partner, you will usually need to ask for a mandatory reconsideration (where you ask for the benefits office to look at the decision again). You are supposed to ask for a mandatory reconsideration within one month, but if that deadline has already past, ask for one anyway (explain that you were unable to do it until now, as you had not been able to access advice or information). Provide all the evidence you can that you are not part of the same household with a partner and that they live somewhere else. You can ask over the phone but, to give yourself the best chance of getting the decision changed at this stage, ask in writing or on the CRMR1 form. You can get details on [GOV.UK](https://www.gov.uk).

If the mandatory reconsideration is not successful, you should appeal to an Independent Tribunal. You can ask for an appeal online via [Appeal a benefit decision](https://www.gov.uk/appeal-a-benefit-decision) on GOV.UK. On the 'Your reasons for appealing' screen, explain that you disagree with the decision that you live with a partner, and explain your reasons and evidence as explained above. Unfortunately, you will probably have to wait a long time before your appeal is heard.



If you have split up but still share the same home

Depending on your circumstances, one or both of you should make a new claim in their name only. You may still need to prove that you are no longer living as a couple. It will help if you can show 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), and you are making decisions about your lives separately. If you 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 to be entitled to benefits as single people you need to show that you now live as single people. If possible, you need to show the benefits office that you are running two separate households even though you are in the same home.

It can be quite difficult to prove some of these things. It is possible that a benefits officer might come around to check on your arrangements. If you have difficulty convincing the benefits office of your situation, get help from an adviser.

Similar considerations apply if you start living with an ex-partner to save money or because of care needs. You should try to show that you are not living together as a couple. For example, even if one of you does the shopping for both of you, or does all the washing, this may be as part of a care relationship, not as a couple. Having separate financial arrangements will help.

Living with friends in a flatshare

If you are living with a friend, the DWP may sometimes say you have to claim as a couple. If you know that you are not a couple, it's best to refuse to do this. Your benefits may be suspended – if that happens, provide evidence that you are not a couple and complain.

If your benefits are stopped permanently with a decision that you are living with your friend as a couple, then ask for a mandatory reconsideration (where the benefits office looks at the decision again). You are supposed to ask for a mandatory reconsideration within one month, but if that deadline has already past, ask for one anyway (explain that you were unable to do it until now as you had been unable to access advice or information).

If the mandatory reconsideration is not successful, you should appeal to an Independent Tribunal. You can ask for an appeal online via [Appeal a benefit decision](#) on GOV.UK.

If you have to claim as a couple during this time just to have some money to live on, make it clear (in writing) that you were under pressure and had no choice – it doesn't mean you are a couple.

Evidence that will help to show you are not a couple could include:

- Separate financial arrangements – you may have to have some shared arrangements for household bills but if you do, show how you've decided how much to contribute and try to avoid having a joint fund.
- Cooking and eating separately.
- Making decisions separately.
- If you have children, being the only person who is responsible for them and making decisions about your children, or having clearly separate days where one person takes care of them.
- Showing that you have separate bedrooms.
- Showing that other people know that you are not a couple and don't think of you as a couple, for example, friends and family members.



If you start living with a partner

If you start living with a partner, it will have an impact on some of your benefits. That is because you must claim some benefits (called income-based 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 these benefits.

We've listed these income-based benefits below and explained any special rules for each of these benefits.

Do you get income-based benefits?

Income-based 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, and Universal Credit.

Income-based benefits

Tax credits

These STOP if you start living with a partner. They also stop if you are claiming as a couple and then split up (if you are married or in a civil partnership, this only applies if it's likely to be a permanent separation). Once your tax credits stop, you cannot usually get them back. You should get advice to see what is best for you to do - you may need to claim Universal Credit, especially if you have children.

Pension Credit

If you move in with a pension age partner, the amount of Pension Credit you are entitled to will be affected. Your partner's income and savings will be taken into account. You may get less money (if your partner has too much income or savings, Pension Credit may stop) or more money (if they do not have much income or savings). If you start living with a partner who is under pension age, you will not usually be able to get Pension Credit anymore. If you are in this position, get advice - you may be able to claim Universal Credit, or your partner may be on other benefits which can include you. You should make sure you tell the benefits office to avoid being overpaid.

Pension age is rising so, if you are not sure whether your partner is pension age, you can check using their date of birth on [GOV.UK](https://www.gov.uk).



Universal Credit (UC)

The calculation of Universal Credit will be affected by living with a partner and you may get less or more money (depending on their income and savings). If you have children, you will have to decide which of you is the 'responsible carer' (this affects what you have to do

If you start living with a partner

to get Universal Credit, such as looking for work). If you and your partner both have children then you may find that you do not get child elements for all of them, depending on when they were born.

If you are not on Universal Credit (UC), and you start living with a partner who is on UC, then you will be treated as claiming UC and any old income-based benefits (the ones replaced by UC) are likely to stop. It's important to report the change though, so that you get the right amount for your new circumstances and avoid overpayment of your old benefits.

Housing Benefit

The calculation of Housing Benefit will be affected by living with a partner and you may get less or more money (depending on their income and savings). As long as the person claiming Housing Benefit hasn't moved into a new local authority area and still has rent to pay, Housing Benefit can continue, but it may be wiped out by your partner's income and savings. If entitlement does stop, you won't be able to get it back unless you are in supported or temporary accommodation.

Council Tax and Council Tax Reduction

The biggest effect on Council Tax if you start living with a partner is that if you were previously the only adult in the household and you had to pay council tax, you won't usually be entitled to a 25% reduction in your Council Tax anymore (called the Single Person Discount).

If you are also claiming Council Tax Reduction or Council Tax Support (a benefit you claim from the council which reduces your Council Tax bill), you need to let the council know so they can recalculate your Council Tax, and then check whether you are still entitled to

Council Tax Reduction (which may be affected by your partner's income or savings).

Income Support

If you get Income Support, starting to live with a partner may mean this benefit stops completely. That will apply if you have been getting Income Support as a single parent of a child under 5. If you have been getting Income Support for another reason, for example, because you are the carer of a disabled person, the calculation will be affected by living with a partner and you may get more or less Income Support. It is possible that your partner's income or savings may mean your Income Support is reduced or completely wiped out. If your partner works 24 hours per week or more, your Income Support will definitely stop. If it does stop, you will not be able to get it back. This doesn't mean you have to claim Universal Credit, but you should get advice because claiming Universal Credit might help you to get some more money as a couple.

In any case, you must report the change to the benefits office to avoid being overpaid.



If you start living with a partner

Employment and Support Allowance (ESA)

If you get contributory Employment and Support Allowance based on your National Insurance, this will NOT be affected by living with a partner. However, if you get any income-related Employment and Support Allowance, it will be affected. It can be difficult to tell if you get any income-related Employment and Support Allowance (you may get it on top of your contributory ESA, or by itself). If you are not sure, try to get advice from someone who can look at your benefit letter, or ask the ESA office.

Income-related ESA doesn't necessarily stop when you move in with a partner, but the calculation changes and if your partner has income or savings, this can reduce or wipe out your benefit. If your partner works 24 hours or more per week, income-related ESA will definitely stop. If you have any contributory ESA which you have been claiming since before UC was available, you may still be able to get your income-related ESA back if your circumstances change again. Get advice before claiming anything else (such as Universal Credit), as once you claim Universal Credit you won't be able to get income-related ESA again.

Jobseeker's Allowance (JSA)

If you get contribution-based Jobseeker's Allowance, based on your National Insurance, this will NOT be affected by living with a partner. If you get Income-based Jobseeker's Allowance, it will be affected. You will know you are getting income-based Jobseeker's Allowance if you've been getting it for more than six months.

Income-based Jobseeker's Allowance will stop if your partner works 24 hours or more per week. Even if that is not the case, the calculation will change and if your partner has income or savings, this may reduce or wipe out your benefit.

If income-based Jobseeker's Allowance stops, you cannot get it back. You may need to claim Universal Credit to avoid missing out but try to get advice first. In any case, make sure you report the change to the benefits office to avoid being overpaid.

If your partner cannot claim income-based benefits

There are some differences to the income-based benefit rules if you start living with someone who can't claim benefits themselves, for example because of their immigration status. You should get advice to check what you can claim and to make sure it doesn't put your partner's immigration status at risk. If your partner's immigration status changes so that they can claim benefits, then you should get advice again, as this may mean your benefits have to change.

If you start living with a partner

REMEMBER – in any situation, if you start to live with someone on Universal Credit then you are treated as claiming Universal Credit and your tax credits, Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance, and usually your Housing Benefit will stop.

Tax credits always stop if your relationship status changes (you split up with someone or start living with a partner), regardless of what other benefits you or your partner claim.

Your Pension Credit will usually stop if you start living with someone under pension age. If you get Housing Benefit, it will usually also stop in this situation.

You must still report these changes to the benefits office to avoid being overpaid.

Other benefits which may be affected

Usually, benefits which are not income-based are not affected, but there can be some effects which we have explained below.

Child Benefit

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 (£7.35 a week in 2022-2023) for the eldest child. However, there's no limit on the number of children you can claim for.

If your partner has taxable income of over £50,000 and you receive Child Benefit, your partner has to pay a tax charge. They will have to complete a Self-assessment Tax Return to pay what they owe. If they have taxable income over £60,000, the charge will be the same as the amount of Child Benefit. You can choose to claim Child Benefit but not receive it to avoid the tax charge. That's a good idea if you have children under 12 and don't earn very much or nothing at all, because it gives you a National Insurance credit which could help you get State Pension later in life.

Benefit cap

The benefit cap sets a maximum limit on the amount of benefit that some working-age people can get. Even if the benefit cap does not affect you now, this could change when you live with a partner (especially if you and/or your partner have children). When you live with a partner, you will be assessed together, and your Housing Benefit or Universal Credit may be reduced to reach the level of the cap (the benefit cap doesn't affect any other benefits).

If you or your partner, or a child under 18, receive a disability benefit or carer's allowance, the benefit cap won't apply to you. There are other situations when the cap doesn't apply, which you can check on [GOV.UK](https://www.gov.uk). If you are not sure whether the cap would affect you, get advice.

Bereavement benefit

Bereavement Support Payment is not affected by living with a new partner.

If you have been receiving Widowed Parent's Allowance, your payments will stop when you move in with a new partner. If that relationship ends however, your claim can be re-instated. Widowed Parent's Allowance stops when you reach State Pension age anyway.

Benefits which are never affected

Some benefits are never affected by living with someone. You claim these benefits as an individual and your partner's income, savings or other property, and their hours of work, do not affect your entitlement.

Benefits which are never affected include:

Contributory benefits including Bereavement Support Allowance, State Retirement Pension, contribution-based Jobseeker's Allowance and contributory Employment and Support Allowance.

Non-contributory benefits including Carer's Allowance, Personal Independent Payment, Disability Living Allowance, Attendance Allowance, and Industrial Injuries Disablement Benefit.



If you start living with a partner

If you are unsure

If you are unsure what effect moving in with your partner might have on your benefits, consult an adviser if you possibly can. See [How to find an adviser](#).

If you cannot find advice, use a [benefits calculator](#). Read the questions carefully and answer the questions as if the change has happened.

If you have split up and no longer live together

If you have split up and now live in separate accommodation, make a new claim in separate names. If you possibly can, get advice. If you cannot see an adviser, use a [benefits calculator](#). Read the questions carefully.

If you were claiming any benefits or tax credits as a couple, inform all the relevant offices that you have split up and are making a new claim which doesn't include your ex. If you have children living with you, you may also need to inform the Child Benefit office.

Remember that if you were claiming tax credits as a couple and you split up, your tax credits stop, and you cannot reclaim them. The sooner you tell the tax credits office, the less you will be overpaid.



If you have split up and no longer live together

If you marry or enter a civil partnership

Most benefits no longer pay different amounts if you are married or in a civil partnership – what matters is whether you are living together as a couple.

Tax credits are a bit different as you can continue to get tax credits as a couple if you are married or in a civil partnership, even if you don't live together, as long as the separation is temporary. But if you are separating permanently, tax credits stop, and you cannot reclaim them even if you are still married or civilly partnered.

You cannot get extra State Pension, or help your partner get extra State Pension, because you are married or civilly partnered unless the marriage or civil partnership started before 6 April 2016.



You may be able to get Bereavement Support Payment if your partner dies, you are under State Pension Age, and you and your partner were married or in a civil partnership. If you have children, it will help if you were married or in a civil partnership, but it may not be necessary (a court case means the rules are likely to change in 2022, allowing unmarried bereaved parents to claim).

If you marry or enter a civil partnership

Living with a family member, friend, lodger, joint tenant or subtenant

If you are living with someone as a lodger or joint tenant/sub-tenant, then this may affect what you get for your housing costs. For some of the income-based benefits you also have to let the benefits office know if you get income from rent. If you are not sure, it's best to tell them about the situation. You may also lose a 25% Council Tax discount, if you were previously the only adult in your home.

If someone starts to live with you who isn't a lodger or joint tenant, and they are not a dependent child you are responsible for, then they may be what's called a 'Non-dependant'. A Non-dependant can include someone like your sister, aunty, mother or father, a grown-up child, or could even be a friend. They are not someone you can claim benefits for, and they are also not someone who has to pay rent to you or to your landlord.

Nevertheless, they can still affect some of your benefits. If you are disabled, a Non-dependant living with you may mean a reduction in the amount of money you get because of your disability (this won't happen if you are on Universal Credit). A Non-dependant living with you can sometimes reduce your Housing Benefit or the housing element of Universal Credit. You should tell the benefits office about your Non-dependant and their situation (their earnings, age, whether they get any benefits etc) to avoid being overpaid and get advice if you can.

Living with a family member, friend, lodger, joint tenant or subtenant

If you are claiming with a partner but they won't give you any money

This may be financial abuse (which is a form of domestic abuse). Try to get advice if you can. You can get more information on how to do that safely from [Money Helper](#).

If you have a joint claim for tax credits, and you are the main carer, you can get Child Tax Credit and the childcare element of Working Tax Credit paid to you. You will need your own bank account to do this. You will have to be nominated as the main carer, so if this is going to put you at risk, try to get advice first.

If you are getting Universal Credit, then payments can be split with some of the money going just to you. This is something you can ask Universal Credit

to do, but the decision is up to them and they will consider all the factors. You'll need your own bank account to do this. If this is going to put you at risk, try to get advice first.

If your partner is the person getting Child Benefit, it can be difficult to get that changed whilst living with them. You can make what is called a Competing claim. If you are a woman, your claim will have priority over your male spouse or civil partner, or if you are a parent of the children, not married or civilly partnered to your partner and they are not a parent of the children, your claim will have priority over theirs. This can take time though and if it is going to put you at risk, try to get advice first.

You could also have a look at the benefits which are not claimed as individual (the contributory and non-contributory) benefits, to see if there's anything you can claim as an individual.



If you are claiming with a partner but they won't give you any money

How to find an adviser

Use [Advice Local](#) to find the best options near you. Enter your postcode and select 'welfare benefits' from the drop down menu and search. This will tell you about any Citizens Advice, law centres, or independent advice agencies in your county. (Beware - it misses out ones in your area but in another council area. If you live near a council border, check there isn't a closer option by looking for a Citizens Advice or Law Centre). If you are contacting a service outside your council area and it isn't a national organisation, they may say they cannot help you for funding reasons.

If that doesn't bring up a service that you can get to, check if there is a [Citizens Advice](#) that helps with benefits problems near you. Many now offer advice over the telephone.

Check if there is a [Law Centre](#) near you.

If you are a single parent, see if [Gingerbread](#) can help you.

If you are disabled, see if [Disability Law Service](#) can help you.

If you are a carer, see if [Carers UK](#) can help you.

If you are an older person, see if [Age UK](#) can help you.

Disclaimer

The information in this guide applies in England and Wales.

The law may be different if you live in Scotland or Northern Ireland.

The law is detailed and complicated. We've simplified things in this guide to give you a basic idea of how benefits deal with couples living together. Get expert advice where you can.

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Making sense of the law and your rights

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

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