

# Derbyshire Welfare Rights Service

## Changes to benefits for pensioners

This is a very brief guide. Call our Helpline on 01629 531535 or email us at [welfarebenefits@derbyshire.gov.uk](mailto:welfarebenefits@derbyshire.gov.uk) for more advice.

### Pension age is changing

The age at which you can claim State Retirement Pension and Pension Credit is changing.

State Pension age for women used to be 60, but this started to increase after May 2010. State Pension age for both men and women was equalised last year at 65 – and is now going up in stages to 66.

<b>Birth date</b>	<b>Pension age date</b>
6/5/1954	6 January 2020
6/6/1954	6 March 2020
6/7/1954	6 May 2020
6/8/1954	6 July 2020
6/9/1954	6 September 2020
6/10/1954	6 October 2020

From this point, everyone retires at the age of 66

Pension age then gradually increases (from 2026) to 67 for people with birthdays from 6/4/1960

You can work out when you will become eligible for State Retirement Pension or Pension Credit by using this link: <https://www.gov.uk/calculate-state-pension>

### Mixed-age couples and changes to benefits from 15/5/19

You are a 'mixed age' couple if one of you is old enough to claim State Retirement Pension (pension age) and the other is below that age (working age)

Pension ages are changing – see above.

If you are single and of pension age you can claim Pension Credit to top up your income, and you can claim Housing Benefit under specific rules for people of pension age.

Until 14/5/19 you could also claim these 'pension age' benefits if you are a member of a couple where one of you was of pension age and the other of working age. However, from 15/5/19, the rules changed.

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## What happens if we claimed benefits on or before 14/5/19?

If you claimed as a mixed-age couple on or before 14/5/19 – including if a decision on your claim was not made until after that date – you should still be able to get Pension Credit and/or Housing Benefit under the ‘pension age’ rules.

You may also qualify for pension age benefits if you claimed after 15/5/19 but on or before 13/8/19 and you made a backdated claim – see below.

- if your circumstances don’t change after 15/5/19 you remain on ‘pension age’ benefits
- if you can’t get Pension Credit anymore but still get Housing Benefit – for instance because your income increases but it is not too high for some entitlement to ‘pension age’ Housing Benefit - you remain on HB and you could also make a new claim for Pension Credit if your income reduces at a later date
- if you continue to get Pension Credit but you no longer receive Housing Benefit – for instance you go to live with family and don’t pay rent – you can make a new claim for Housing Benefit under the pension age rules if you later move to a rented home again

*If however your circumstances change so that you no longer qualify for both Pension Credit and Housing Benefit under the pension age rules (for example one of you gets a job and your income takes you over benefit levels) then you will not be able to go back to ‘pensioner’ benefits no matter how short the break was. The new rules will apply to you and you will usually need to claim Universal Credit – but see below for different rules for some severely disabled people.*

If the younger partner has an existing claim for working age benefits (such as Income Support, Income-Based Jobseeker’s Allowance, Income-Related Employment and Support Allowance, Child Tax Credit, Working Tax Credit, Housing Benefit – all referred to by DWP as ‘legacy benefits’) with the older person as their partner on the claim, these claims may carry on also, but if you have a change of circumstances which means that a new claim for benefits is needed, you may need to claim Universal Credit – but see below for different rules for some severely disabled people.

## What happens if we claim benefits as a mixed-age couple now?

If you make a new claim – including if you were previously entitled to Pension Credit/Housing Benefit under the ‘pensioner’ rules but you lost entitlement to both of these - you will usually need to claim Universal Credit as a couple. See below for different rules for some severely disabled people.

The changed rules will also apply to someone who is single and receiving pension age benefits but who then forms a couple with a younger person – your entitlement to pension-age benefits will end, and a new claim will be needed.

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## **What happens if we are on pension age benefits and there is a change in our circumstances?**

If you have a change of circumstances at a later date and this means that you lose entitlement to both Pension Credit and Housing Benefit under the pension age rules, if you have to make a new claim at a later date this will usually be for Universal Credit as a couple – but see below for different rules for some disabled people.

## **What if we have to claim Universal Credit?**

You will need to claim as a couple. The younger partner may be required to seek work, prepare for work or seek more hours and better pay if they are working, but the partner who is of pension age will not be subject to these conditions.

For more information about Universal Credit, see our range of UC leaflets on the Derbyshire County Council website.

## **What different rules are there for some disabled claimants?**

You can't claim Universal Credit after 16/1/19 if you receive a 'severe disability premium' (SDP) as part of a claim for:

- Income Support
- Income-Based Jobseeker's Allowance
- Income-Related Employment and Support Allowance
- Housing Benefit

This also applies if you were entitled to benefit with an SDP up to one month before you make a new claim and your old benefit award has stopped but you still satisfy the SDP rules.

## **What is the severe disability premium?**

For a couple, SDP is payable where all of these conditions are met:

Where you both receive a 'qualifying' (disability) benefit such as:

- Attendance Allowance
- Disability Living Allowance (at the middle or higher rate for personal care)
- Personal Independence Payment (at the 'standard' or 'enhanced' rate for daily living)
- Armed Forces Independence Payment
- Constant Attendance Allowance (part of the Industrial Injuries benefits scheme)
- Exceptionally Severe Disablement Allowance (part of the industrial injuries scheme) - or the equivalent war pension

or one of you gets a qualifying benefit and the other is certified – or treated as certified – as severely sight-impaired or blind

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**and** you don't have a 'non-dependant' (a grown-up member of your family) living with you – but that person won't affect your claim if they too are disabled and on a qualifying benefit, or if they are separately liable to pay for the accommodation (they are joint tenants with you, for instance)

**and** nobody is paid a Carer's Allowance or the 'carer element' of Universal Credit for looking after either of you

**or** someone is paid a Carer's Allowance or the 'carer element' of Universal Credit for looking after only one of you

## How can I tell if I get an SDP in my benefit?

Any letters from the DWP which show how your benefit is made up will include a sum of £66.95 a week (one SDP) or £133.90 a week (two SDPs) as part of your benefit assessment. Next to the figures it will usually say 'because you/your partner are severely disabled'. If you are not sure, seek advice.

## Which benefit should I claim if I can't claim UC or pension age benefits?

This will depend upon your circumstances. The claim will need to be made by the younger partner, who is of 'working age'. Possible claims are:

- Income Support – if they are a carer for a disabled person
- Income-Based Jobseeker's Allowance – if they are fully fit for work and looking for work
- Income-Related Employment and Support Allowance – if they are ill or disabled and unable to work
- Working Tax Credit – if they are working (minimum 16 hours a week)
- Child Tax Credit – if responsible for a child or children. This benefit can be paid alongside any of the others.

NB – the 'SDP gateway' as it is known ends on 27/1/21. After this date, claims for severely disabled people will need to be for Universal Credit.

## Claiming Pension Credit for children

Before 1/2/19, if you were responsible for a child /children (or a young person) and your claim PC, you could claim Child Tax Credit.

From 1/2/19, you can claim financial help with the costs relating to children through additional Pension Credit instead of through Child Tax Credit. For details, see our Guide to Pension Credit. Entitlement to Child Benefit is unchanged.

If you are already getting Child Tax Credit, this will continue until there is a change in your circumstances, and then you can claim additional PC.

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## **Previous changes to Pension Credit (from April 2016)**

If you reached pension age on or after 6th April 2016, the Savings Credit part of Pension Credit is no longer available.

You may still get Savings Credit if you (and your partner if you have one) are at least 65 years old and you reached the age to receive your State Retirement Pension on or before 6th April 2016.

You may also still be able to claim if you are part of a couple and one of you has reached State Pension age before 6 April 2016 and you were getting Savings Credit on or before 6th April 2016.

## **Previous changes to State Retirement Pension**

A new scheme for the State Retirement Pension came in from 6th April 2016. The changes will affect you if you are:

- a man born on or after 6 April 1951
- a woman born on or after 6 April 1953
- you reach retirement age on or after 6th April 2016.

If you reach State Pension age before 6 April 2016, you'll get the State Pension under the existing scheme and you are not affected by these changes.

The new scheme pays a 'flat-rate' pension based upon your own National Insurance contributions over your working life (and if you have received NI 'credits' at times when you were not working)

- the rate of the full pension is £175.20 a week and it will be reviewed every year
- to get the full payment you will have to have paid national Insurance (as an employee or self-employed) for 35 'qualifying' years
- if you have paid in less than this, you may get a pension but at a lower rate
- your own National insurance payments count towards your pension
- you may be able to inherit a pension earned by your spouse or civil partner if you are widowed
- there will be no additional parts to the pension such as SERPS or 'state second pension' as there are now
- you will usually have to have paid a minimum of 10 years to qualify at all. You don't have to have paid ten years in a row
- it will be possible to 'defer' your retirement and earn a higher pension
- seek further details if you have been in a 'contracted out' scheme or you have lived or worked abroad.

For more details see: <https://www.gov.uk/new-state-pension>

Additional information can be found on our website, visit [www.derbyshire.gov.uk/welfarebenefits](http://www.derbyshire.gov.uk/welfarebenefits)

**To keep up-to-date with benefit changes in Derbyshire go to**  
**[www.derbyshire.gov.uk/benefitnews](http://www.derbyshire.gov.uk/benefitnews)**

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**Benefits Helpline – 01629 531535 or email**  
**[welfarebenefits@derbyshire.gov.uk](mailto:welfarebenefits@derbyshire.gov.uk)**

**Monday, Tuesday, Thursday, Friday**  
**11.00am – 4.00pm**