
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations introduce welfare supplementary payments to mitigate impacts from implementation of the Welfare reform (Northern Ireland) Regulations 2015 as defined in the document “A Fresh Start the Stormont Agreement and Implementation Plan”.

The Regulations provide for making mitigation payments for the loss of entitlement to Income Support, Carer’s Allowance and the additional amounts of benefit paid in respect of caring for severely disabled people who are in receipt of Disability Living Allowance and are assessed for Personal Independence Payment.

Part 1 contains definitions and lists the specific benefits for which mitigation payments will be made. It also states that a person will not be entitled to more than one welfare supplementary payment at a time under these Regulations.

Part 2 contains provisions for the award of mitigation payments to Carer’s Allowance claimants that lose entitlement to the benefit. In particular it establishes that to be eligible for a mitigation payment a claimant must be in receipt of Carer’s Allowance at the date the severely disabled person they are caring for is assessed for Personal Independence Payment. The claimant must also lose entitlement to Carer’s Allowance following the decision on entitlement to Personal Independence Payment. This Part also makes provision for calculating the amount of the mitigation payment, for payments to be made every four weeks in arrears for a period of up to one year and the circumstances in which payments will cease.

Part 3 contains provisions for the award of mitigation payments to Jobseeker’s Allowance, Income Support and Employment and Support Allowance claimants that lose entitlement to a carer premium. It establishes that to be eligible for a mitigation payment a claimant must be in receipt of a carer premium at the date the severely disabled person they are caring for is assessed for Personal Independence Payment. The claimant must also lose entitlement to the carer premium following the decision on entitlement to Personal Independence Payment. It also establishes the provisions for calculating and making payments and the circumstances in which payments will cease.

Part 4 contains provisions for the award of mitigation payments to Income Support claimants who lose entitlement to the benefit. In particular it establishes that to be eligible for a mitigation payment a claimant must be in receipt of Income Support, which has been awarded on the basis of providing care with an entitlement to Carer’s Allowance, at the date the severely disabled person they are caring for is assessed for Personal Independence Payment. It also establishes the eligibility conditions for a mitigation payment and the provisions for calculating and making payments and the circumstances in which payments will cease.

Part 5 contains provisions for the award of mitigation payments to State Pension Credit claimants that lose entitlement to an additional amount in respect of the minimum guarantee for caring. It establishes that to be eligible for a mitigation payment a claimant must be in receipt of an additional amount (carer) at the date the severely disabled person they are caring for is assessed for Personal Independence Payment. The claimant must also lose entitlement to the additional amount (carer) following the decision on entitlement to Personal Independence Payment. It also establishes the provisions for calculating and making payments and the circumstances in which payments will cease.

Part 6 makes provisions for certain miscellaneous matters that will impact welfare supplementary payments under these Regulations. It contains provisions for the termination of mitigation payments

including the outcome of an appeal not to award Personal Independence Payment or a subsequent award of Personal Independence Payment to the caree or if the caree dies.

Regulation 23 provides for reviewing a person's entitlement to a welfare supplementary payment.

Regulation 24 ensures entitlement to welfare supplementary payment is to be disregarded in the consideration of entitlement to social security benefits.

Regulation 25 defines entitlement by reference to residency and presence in Northern Ireland of the person or caree.

Regulation 26 allows periods of temporary absence of the person or caree from Northern Ireland to be deemed as presence for 4 weeks provided if at the beginning of the absence period that period was unlikely to exceed 52 weeks.

Regulation 27 allows temporary absence of the person or caree from Northern Ireland to be deemed as presence in Northern Ireland for the first 13 weeks of absence where a person or caree is receiving medical treatment.

Regulation 28 provides that a welfare supplementary payment will not be paid where a person or the caree is a resident in a care home and the costs are being paid out of public funds.

Regulation 29 provides that a welfare supplementary payment will not be paid where a person or the caree is an inpatient in a hospital or a similar institution and the costs are being paid out of public funds.

Regulation 30 provides that a welfare supplementary payment will not be paid where a person or the caree is imprisoned or detained in legal custody.

Regulation 31 provides that in the case of care homes, hospitals and prisons welfare supplementary payments will continue to be paid for the first 28 days before they cease in accordance with Regulations 28, 29 and 30.