

WELFARE REFORM ACT 2012

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4: Personal independence payment

Section 85: Care home residents

394. *Section 85* relates to the payability of personal independence payment when a person is a resident of a care home (which includes certain residential schools and colleges).
395. *Subsections (1) and (2)* provide that if a person is a resident in a care home, and receives “qualifying services” (as defined in *subsection (4)*), which are paid for to any extent out of public or local funds, regulations may provide that no amount of the daily living component of personal independence payment is payable to the person for the period in question. However, persons will retain an underlying entitlement to the benefit and payment can be reinstated when they leave the care home, providing they continue to satisfy the entitlement conditions.
396. Payment of the care component only ceases where the funding (in part or in full) comes from public funds or local funds. For example, it does not apply to people who pay all of the cost of their care and accommodation themselves or to those whose care costs are met by relatives or charities.
397. It is intended that the regulations will provide that generally for the first 28 days after a claimant becomes a resident in a care home, they will continue to receive the existing daily living component to cover continuing costs. This approach also avoids interference with a claimant’s award during short periods of respite care in a care home. Payment of any mobility component will continue as normal.