

Bath and North East Somerset Housing Benefit War Pension Disregard Policy (Modified Scheme)

Introduction

The Housing Benefit Regulations 2006, make provision for the first £10.00 of income from War Widows (Widowers)/War Disablement Scheme and the Armed Forces Compensation Scheme to be disregarded in any benefit assessment. The cost of this £10.00 disregard is fully reimbursed to the Council.

The Social Security Administration Act 1992 gives the Council discretion to disregard any amount it chooses in addition to the £10.00 disregard, in accordance with its approved Modified Scheme. The Council has decided to use this provision and will fully disregard income which claimants receive under the War Widows (Widowers) and War Disablement Scheme. The cost of this further disregard will be met by the council.

The council's policy

The council will disregard 100% of funds received as War Widows (Widowers)/War Disablement Scheme and the Armed Forces Compensation Scheme awards in the assessment of Housing Benefit.

This is intended to ensure that members of the armed forces who have been disabled during service, or widows, widowers, or the surviving civil partner of those who died in the service of their country, should not be penalised by having the pensions or payments made in relation to their service taken into account in the calculation of their Housing Benefit entitlement.

This will also ensure that income paid via these funding streams is treated consistently when assessing entitlement to Housing Benefit and Local Council Tax Support. It will also promote a clear and transparent assessment methodology, and provide clarity to reporting accountants on the council's approval of the disregard.

Administration of the scheme

A statutory disregard of £10.00 applies from current payments of War Widows (Widowers)/War Disablement Scheme and the Armed Forces Compensation Scheme in accordance with the Housing Benefit Regulations 2006. These payments and pensions are set out in the Housing Benefit and Council Tax Benefit (War Pension Disregards) Regulations 2007 (as amended) and are as follows.

- War disablement pension
- War Widows/widower's pension
- Guaranteed Income Payments (GIP's) under the Armed Forces and Reserve Forces Compensation Scheme (AFRFCS) payments
- Service Attributable Pension (SAP) injury or illness attributable to service on or before April 1975
- Any comparable payment paid by Government of a country outside Great Britain
- A pension paid under the law of the Federal Republic of Germany or Austria to victims of National Socialist Persecution.
The regulations do not include pre-1973 War Widow's Special Payments which are already disregarded in full.

When assessing entitlement to Housing Benefit the council will enhance these provisions by disregarding the War Widows (Widowers)/War Disablement Scheme and the Armed Forces Compensation Scheme awards which attract the statutory disregard in full.