Please revise your decision (if you know the date of the decision limiting backdating add it here by inserting ‘of’ and the relevant date. If you don’t know the date of the decision you don’t need to add anything here just leave the text reading “Please revise your decision finding…”) finding that the disabled child addition payable in respect of my child, insert child’s name and date of birth here, and the carer element that I receive cannot be backdated beyond the start of the assessment period in which you were notified of their qualifying disability benefit award.

**Schedule 1, paragraph 31(2) of The Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013** makes clear that where a Universal Credit award increases as a result of the award of a qualifying disability benefit (e.g. DLA or PIP), the additional Universal Credit payments should be backdated to the “first day of the assessment period in which— (i)the entitlement to the other benefit arises.”

This is also made clear at para A4361, Chapter A4 of the Advice for Decision Making.

As you can see this means the disabled child addition payable in respect of my child should be backdated to the start of the assessment period in which my child’s entitlement to DLA/PIP (delete as appropriate leaving only the name of the benefit your child receives) arises. Since my child was awarded a qualifying disability benefit from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date that entitlement to disability benefit started\*), this means the disabled child addition should be paid from the start of the assessment period within which the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date that entitlement to disability benefit started\*) falls. You are wrong to limit backdating of the disabled child additions to the assessment period in which you were notified of the qualifying disability benefit.

The carer’s element that has been included in my award should also be backdated in line with my child’s award of DLA/PIP (delete as appropriate) as this benefit is also a qualifying disability benefit for the purposes of the carer’s element. This is because there is a clear and direct link between the award of that benefit and entitlement to the carer element. This is made clear at Example 2 – Connor, at paragraph A4361 of the Advice for Decision Making.

Please revise your decision accordingly and pay the additional arrears of the disabled child addition and carer element that I am owed.

Notes

\*This is the date that your child’s entitlement to a disability benefit started - not the date that you received the disability benefit decision. For example, if you received a letter dated 1 Aug 2024 saying that your child had been awarded DLA from 15 Feb 2024, you would insert the earlier date of 15/2/24 here.

If your child is currently on PIP but immediately before this was on DLA, the date you should insert is the date that their entitlement to DLA started.

This template assumes that you had no entitlement to the carer element before your child was awarded their disability benefit. If you have more than one disabled child or were providing full time care to a disabled adult it may be that your carer element could be backdated to an even earlier date. If this applies to you phone our free Helpline for individual advice rather than using this template.

**Important:** In order for the carer element to be backdated you need to show not only that your child has been getting a qualifying disability benefit, but also that all of the following tests were met by you throughout the whole period since the date of your child’s disability benefit award:

* You were aged 16 or over
* You provided at least 35 hours a week care to your disabled child
* You were not in full-time education
* You were not a person subject to immigration control
* You have been in the UK for at least 104 weeks out of the previous 156 weeks and meet the other residence conditions; and
* No one else was already claiming as a carer for the same disabled child

If you think you did not meet one or more of these tests during the period in question, then please call our free Helpline to ask for an adapted template