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 carer element to which I am entitled cannot be backdated beyond the start of the assessment period in which you were notified that I was providing regular and substantial care to a severely disabled child.

My child, insert child’s name and date of birth here, has an award of DLA at the middle or higher rate for personal care / the daily living component of PIP. Delete as appropriate, leaving the name of the benefit being paid to your child.

**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 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.”

The carer’s element should be backdated in line with my child’s award of DLA care component at the middle or highest rate / daily living component of PIP (delete as appropriate). This benefit is 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.

This means the carer element should be backdated to the start of the assessment period in which my child’s entitlement to DLA care component at the middle or highest rate rate /daily living component of PIP (delete as appropriate leaving the benefit your child receives) arises. Since my child’s qualifying disability benefit has included this component from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date that entitlement to DLA care at middle or higher rate/PIP at daily living component started\*), the carer element should be paid from the start of the assessment period within which the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date that entitlement to DLA care at middle or higher rate/PIP at daily living component started\* falls. You are wrong to limit backdating of the carer element to the assessment period in which you were first notified of my caring responsibilities.

**Notes**

\*This is the date that your child’s entitlement to DLA middle/highest rate care or PIP daily living component 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 middle rate care from 15 Feb 2024, you would insert the earlier date of 15/2/24 here

If your child is now on PIP daily living component but immediately before that was getting DLA care component at the middle or highest rate, then you should enter the date that they started to get DLA middle or highest rate care rather than the date they were first awarded PIP.

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 26 weeks out of the previous 152 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.