



UNIVERSAL CREDIT FOR YOUNG DISABLED PEOPLE IN EDUCATION

Universal Credit is a benefit for people aged between 16 and Pension Credit qualifying age. It replaces most of the existing means-tested benefits for people of working age with a single monthly payment. This guide looks at when a young disabled person in education may be able to claim Universal Credit in their own right as a young adult.

WHAT IS UNIVERSAL CREDIT?

Universal Credit is a means-tested benefit for people of working age. You normally have to be aged at least 18 to claim Universal Credit, but special rules allow 16 and 17-year-olds to claim if either:

- *they are submitting medical certificates from their GP, or*
- *they have established that they have a limited capability for work.*

Whether your child is able to get Universal Credit in their own right will depend on:

- *the type of education they are in*
- *whether it is full or part-time*
- *their age, if they are someone who is in full-time non-advanced education.*

If your child is not in education, they should be able to get Universal Credit as long as they meet the normal qualifying rules – for example, their income and savings are low enough.

However, it is important to know that there are rules that prevent many young people in education from being able to get Universal Credit. Your child will face difficulties getting Universal Credit if the benefits system treats them as ‘receiving education’.

We set out these rules in detail later in this guide.

We use a number of phrases or abbreviations in this guide, including:

Adult Disability Payment – a disability benefit that has replaced Personal Independence Payment in Scotland.

Advanced education – a university course or a course that is equivalent to NVQ/SVQ level 4 or above.

DLA – Disability Living Allowance.

DWP – Department for Work and Pensions.

LCW – limited capability for work. The ESA Office refer to this as being in the work-related activity group.

LCWRA – limited capability for work and work-related activity. The ESA Office refer to this as being in the support group.

Non-advanced education – a school or college course below NVQ/SVQ level 4. Can also include some home education placements and certain forms of unwaged training.

nsESA – new style Employment and Support Allowance.

PIP – Personal Independence Payment.

WCA – Work Capability Assessment.

WHY ARE MOST YOUNG PEOPLE IN EDUCATION REFUSED UNIVERSAL CREDIT?

Most students in full-time advanced education won't be able to get Universal Credit. Neither will most young people in full-time non-advanced education who haven't yet reached the September after their 19th birthday. This is because they are likely to be refused Universal Credit as someone who is receiving education.

There are some young people in education who can still get Universal Credit despite these rules. This includes some disabled students who remain in full-time non-advanced education beyond the August after their 19th birthday.

We explain more about these rules below.

IS YOUR SON OR DAUGHTER TREATED AS 'RECEIVING EDUCATION'?

The general rule is that your child cannot be paid Universal Credit if they are 'receiving education'. Your child can only be treated as receiving education under the Universal Credit rules if any one of the following applies to them:

- **They are in full-time advanced education.**
- **They are on another course for which a loan or grant is provided for maintenance.**
- **They are a 'qualifying young person' for benefit purposes.** In practice this means someone who is both:
 - *aged between 16 and the 31st August after their 19th birthday, and*
 - *on a course of full-time, non-advanced education or certain types of unwaged training which they started or were accepted or enrolled onto before their 19th birthday.*

Your child's non-advanced course does not need to lead to any recognised qualification. They can still be treated as a qualifying young person if they are on a life skills course.

If your child has left education, they will still be treated as a qualifying young person until the 31 August after their 16th birthday.

If none of the above three tests apply they can still be treated as receiving education if they are on **a course that is incompatible with any work-related requirements attached to their Universal Credit claim.**

If your child counts as receiving education under these rules, they will find it difficult to get Universal Credit.

Your chances of being able to claim Universal Credit for your son or daughter will depend on the type of course your child is on, their age and whether that course is full time or part-time. Whether your child's course counts as part-time depends on the course they are on.

Non-advanced education

A course is part-time if it involves no more than 12 hours of supervised study per week. If it involves more than 12 hours per week it is full-time

Advanced education

Whether a course is part-time or full-time will vary depending on that particular course and how it is defined by the course provider.

HOW TO USE THIS GUIDE

If your child is:

- *in full-time advanced education, or*
- *on a full-time course where a maintenance grant or loan is payable, or*
- *they are in full-time non-advanced education and have not yet reached the August after their 19th birthday*

Please **read Section A** below, skip Section B and **move onto Section C** and the rest of this guide.

If your child is either:

- *on a course that is part-time (regardless of whether this is advanced or non-advanced education), or*
- *they have passed the August after their 19th birthday and remain in full-time non-advanced education and no maintenance grant or loan is payable.*

Please skip Section A and **go straight to section B** before **moving onto section C** and rest of this guide.

SECTION A

This section of the guide applies to you if your son or daughter is:

- **in full-time non-advanced education and has not yet reached the 31st August after their 19th birthday, or**
- **a student of any age who is in a full-time course of advanced education or where a maintenance grant or loan is payable.**

If your child falls into one of the groups above, they are treated as 'receiving education' under the Universal Credit rules. The general rule is that students in one of these groups cannot be paid Universal Credit.

However, there are some exceptions to this general rule. Under regulation 14 of the Universal Credit regulations there are some specific categories of students who are exempt from the normal restrictions and who can still get Universal Credit despite being on the type of course where they are classed as receiving education.

The groups of students who are exempt includes:

- **Any student who is responsible for a child of their own.**
- **A young person in non-advanced education aged under 21 (or who turned 21 on their course) and who is without parental support.** This might mean that they have no parents. Or it might mean their parents cannot support them because the parents are disabled, in prison or refused entry to the UK. It can also apply where a young person is estranged from their parents or is living apart from parents because there is a significant risk of harm.
- **Someone waiting to return to a course after taking time out due to illness or disability.**
- **Some disabled students who get Disability Living Allowance (DLA) or Personal Independence Payment (PIP), the Scottish Child Disability Payment or the Scottish Adult Disability Payment.** However, this only applies if they have also established a limited capability for work (LCW) and this was done at some point **before** they started their current period of education.

DISABLED STUDENTS 'RECEIVING EDUCATION' WHO ARE EXEMPT FROM THE STUDENT RESTRICTIONS

For a disabled student who is 'receiving education' to be eligible for Universal Credit they must not only be getting a disability benefit but they must also have established a limited capability for work (LCW) before starting their current period of education. In order to establish LCW, your son or daughter will need to make a 'credits only' claim for new style Employment and Support Allowance (nsESA) and undergo a DWP assessment known as a work capability assessment.

Although this will not help them get Universal Credit while they remain on their current course, it does mean that if they establish LCW now they will be able to get Universal Credit at a later date, if they either have a break in their education or stay in full-time non-advanced education past the August after their 19th birthday.

What is a work capability assessment?

A work capability assessment is a DWP assessment that is used to decide whether or not a claimant is fit enough to be expected to look for work or take part in other work-related activities. It will result in a decision that your child is either fit to work or has a Limited Capability for Work or has a Limited Capability for Work and for Work-Related Activity.

It is also used to decide if a Universal Credit claimant should receive additional payments due to their ill-health. As part of the work capability assessment your child will be sent a work capability questionnaire to complete. They may also be asked to take part in a consultation with a health professional.

Claim nsESA as soon as you can!

It currently takes several months – in some cases six months or more – for a work capability assessment to complete. Because of this we recommend that you make a 'credits only' claim for nsESA as soon as you can after your child turns 16.

The earlier that you do this, the better the chances that your son or daughter will be in a position where they will have established a limited capability for work before any new period in education begins.

So for example, if your child is in a break in their education, or likely to have a break, you would ideally want to lodge a credits-only claim for nsESA at least six months before any new course is likely to start

If your child is 19 and staying on their existing non-advanced course it is in their interests that a credits-only claim for nsESA is made at least six months before they reach the September after their 19th birthday. If you have less than six months it is still worth making a credits-only claim for nsESA. You may be fortunate and find that your claim is dealt with more quickly.

BREAKS IN EDUCATION & ESTABLISHING LCW BEFORE YOUR NEW COURSE STARTS

Where someone has established LCW and has had a break in their education, they should be able to get Universal Credit on their new course. This is because they will have established their limited capability for work before they started receiving education on their new course.

For example, if your child leaves school in July and starts a university course in September, they should be able to argue that they had a break in their education between their non-advanced education stopping and university course starting. So long as they establish LCW before their university course begins they should be able to argue that they established LCW before they started their 'education' and are exempt from the student restrictions.

Similarly, where a disabled person who has passed the 31 August after their 16th birthday has abandoned or lost their place on a course but then starts a new course at a later date, they should be able to claim Universal Credit on their new course – so long as they established LCW before that new course starts.

The situation will be less clear cut where a student moves from one course of non-advanced education to another, with no break other than the summer holidays. In this situation they DWP may not accept that there has been any break in their education.

An extra hurdle for students in advanced education

If your son or daughter is in full-time advanced education (for example, on a university course) they will only be exempt from the restrictions on claims by students so long as they established LCW before they started their course.

Someone who has done this is eligible to make a claim for Universal Credit despite being a student.

However, this does not guarantee that they will qualify for Universal Credit payments. Universal Credit is a means-tested benefit and some student income such as a maintenance loan is taken into account as income and deducted from their Universal Credit award.

If your child is in advanced education their chances of getting Universal Credit and the amount paid to them will therefore depend on the student income available to them.

EXAMPLES

Anita is a 17-year-old on PIP. She attends a mainstream college course. While on this course she submitted a 'credits only' claim for nsESA and has established that she has a limited capability for work. She was not eligible for UC on that mainstream course as she had not established LCW prior to her education starting. Anita's mainstream placement breaks down. She is out of education for several months during which time she gets Universal Credit under the normal rules as she is not a student. Eventually Anita starts a new course at a specialist SEN college. She should be eligible for Universal Credit on her new course as she is someone who has had a break in her education and established LCW before her new period of education started.

Sean is an 18-year-old in sixth form college. He gets PIP. He makes a 'credits only' claim for nsESA in late July and starts university in October. He gets a decision that he has a limited capability for work in November and claims Universal Credit. He is refused Universal Credit. He is not exempt from the student restrictions as the decision that he has LCW was made after he started his new university course rather than before it.

WILL MY HOUSEHOLD BE BETTER OFF IF MY CHILD GETS UNIVERSAL CREDIT IN THEIR OWN RIGHT?

If your child is in advanced education, or part-time education, or is aged 20 or above and in full-time non-advanced education then yes it should be in your interests to claim Universal Credit for your child as a young adult.

However the situation is more complex if your child is aged 16-19 and in full-time non-advanced education. In this case, it may not be in your interests to try and claim Universal Credit for them as an adult. This is because any award of Universal Credit made to them will stop any payments you get for them as a dependent child. So for example If you are still receiving benefits for them such as:

- ***Child Benefit, or***
- ***child elements as part of your own Universal Credit claim***

These will stop. If you get any child support payments for them these are also likely to stop if they start getting Universal Credit in their own right.

However, any payments of Personal Independence Payment, Scottish Child Disability Payment or Scottish Adult Disability Payment they get will continue.

WILL I BE WORSE OFF IF MY CHILD CLAIMS UNIVERSAL CREDIT?

If your child is in full-time non-advanced education and has not yet reached the September after their 19th birthday there is a risk that you could be left worse off. If they fall into one of the exempt groups who are able to claim Universal Credit, you will need to weigh up whether helping them claim Universal Credit in their own right is in your best interests. Seek individual advice about what payments you might lose and what they might gain.

You may decide not to pursue a claim for Universal Credit for a 16-19-year-old in full-time non-advanced education as your household will be worse off.

WHAT IF MY CHILD IS NOT IN AN EXEMPT GROUP?

Your child may not be in one of the exempt groups of students who are able to claim Universal Credit while receiving education. In these circumstances, it will still be worth making a credits only claim for nsESA to help increase their chances of making a successful claim for Universal Credit in the future. See below for more information about making a 'credits only' claim for nsESA.

WHEN WILL MY CHILD NEED TO CLAIM UNIVERSAL CREDIT?

This choice between claiming benefits for your child as a dependant or as a young adult only arises if your child is in full-time non-advanced education and is under 20.

Once they've reached that age, or if they have left non-advanced education earlier, you will no longer have the option of claiming benefits for them as a dependant. If you get Universal Credit payments for them as a dependent child these will stop even earlier – when they reach the 31st August after their 19th birthday.

SECTION B

This section is only relevant to parents whose son or daughter is either:

- **on a part-time course, or**
- **is in full-time non-advanced education but who has passed the 31 August after their 19th birthday and no maintenance grant or loan is payable.**

Your son or daughter may be able to get Universal Credit despite being a student if they fall into one of two categories mentioned above.

Students in these two groups do not need to show that they fall into an exempt group. This means they may be able to claim Universal Credit even if they have not previously established that they have LCW.

STUDENTS ON A PART-TIME COURSE

Young people in part-time education who do not qualify for a maintenance grant or loan shouldn't normally count as receiving education. This is the case for both advanced and non-advanced courses. This should mean that they can claim Universal Credit under the normal rules.

The only way that a student on a part-time course can be treated as 'receiving education' and refused Universal Credit, is if the DWP believe that the part-time course is incompatible with any work-related conditions that have been attached to the student's claim.

YOUNG PEOPLE AGED 19 & ABOVE WHO REMAIN IN FULL-TIME NON-ADVANCED EDUCATION

A young person in full-time non-advanced education who has not yet reached the September after their 19th birthday is treated as 'receiving education'. This means that they won't be able to get Universal Credit unless they are in one of the exempt groups mentioned in section A above.

However, the situation is different once your son or daughter reaches the September after their 19th birthday. If they have reached this age and remain in full-time non-advanced education they should be eligible for Universal Credit. This applies regardless of whether they are a 19-year-old approaching their 20th birthday or young disabled person in their 20s.

In these circumstances, the only way that a student can be treated as 'receiving education' and refused Universal Credit, is if the DWP believe that their course is incompatible with any work-related conditions that have been attached to their Universal Credit claim.

This assumes that no maintenance grant or loan is payable on their course. It would be unusual for a maintenance loan or grant to be paid to a student in non-advanced education in England or Wales but they can be paid on some non-advanced courses in Scotland.

ATTENDING A COURSE & INCOMPATIBILITY WITH WORK-RELATED CONDITIONS

If your child is in full-time non-advanced education and has passed the August after their 19th birthday, or is on a part-time course, there is still a risk that the DWP will refuse them Universal Credit.

This may happen if the DWP believe that going to their course means they can't meet any work-related conditions that have been attached to their Universal Credit claim.

Assuming that your child does not qualify for a maintenance loan or grant, this is the only way that the DWP could lawfully argue that they are someone whose claim should be refused on the basis that they are 'receiving education'.

What are work-related conditions?

Everyone who claims Universal Credit must agree to a claimant commitment setting out any work-related conditions they need to meet as a condition of receiving Universal Credit, if any. These conditions vary from person to person. Some claimants must look for work. Others may need to take part in training or other activities to make them more work-ready. Some people have no work-related conditions.

If the DWP attach work-related conditions to your child's claim, there's a risk they'll argue that your child cannot meet these conditions at the same time as attending their course. Where a young person's attendance on their course is incompatible with the work-related conditions attached to their claim, they fall into one of the groups of students who are treated as 'receiving education' and refused Universal Credit.

However, you may be able to argue that your child's course and their Universal Credit claim is not incompatible for two reasons.

1. Your child's course is very flexible

Your child's course may be so flexible that the course provider is happy for them to have time away to undertake any work-related activities. This is more likely in life skills-type courses, where there may be no set curriculum to follow. If your child's course provider will allow them to take time away from their course to attend DWP-organised activities, it should be possible to argue that there is no incompatibility between the course and Universal Credit claim.

2. Minimal or no work-related requirements apply to their Universal Credit claim

Most people who claim Universal Credit are expected to look for work or take part in work-related activities as a condition of being paid Universal Credit.

However, if your child has previously made a 'credits only' claim for new style ESA (nsESA) and has already established LCWRA, they cannot have any work-related conditions attached to their Universal Credit claim. This means it is not possible for the DWP to argue that their course and claim are incompatible. This in turn means that they cannot be treated as 'receiving education' and lawfully refused Universal Credit. This will apply regardless of whether LCW was established before their course or during their time on their course.

If your child hasn't already established LCWRA

However even if your child has not already established LCWRA they may still be able to get Universal Credit. DWP staff have wide discretion of the type of work related conditions that they attach to an individual's claim. And in deciding what is appropriate they need to take into account the impact of your child's disability.

Depending on your child's disabilities, DWP staff may agree to apply only very minimal work-related requirements to your child's claim. Or they may even decide to temporarily switch off all work-related requirements while awaiting the outcome of a work capability assessment that will be organised as part of the Universal Credit claim.

We recommend that you ask the work coach or case manager dealing with your child's Universal Credit claim to switch off all work-related conditions while you are waiting for a decision to be made on your child's capability for work. If they agree to do this, or if the work-related conditions they attach are minimal, you will be able to argue that your child's course isn't incompatible with their Universal Credit claim. This should mean they cannot lawfully be refused Universal Credit on the basis that they are receiving education.

EXAMPLES

Mo is a 19-year-old on a life skills course at college. He has passed the August after his 19th birthday. He gets PIP at the enhanced rates. He applies for Universal Credit. Mo submits fit notes as part of his claim. His work coach agrees to use their discretion to switch off work-related conditions while awaiting the outcome of his WCA. As he has no work-related conditions his course cannot be incompatible with his Universal Credit claim so he is NOT treated as receiving education. He is entitled to Universal Credit.

Morag is 21 and on a non-advanced college course. She has been on this course for two years. She gets ADP. Six months ago she also established LCWRA. Because she has LCWRA she cannot have any work conditions attached to her claim. This is her legal right – it is not at the discretion of her work coach. This means that there is no conflict between her claim and course and she is entitled to Universal Credit.

Daljit is a 20-year-old on a non-advanced college course. He gets PIP. He applies for Universal Credit and submits fit notes. His work coach insists that he should take part in job-seeking as a condition of his Universal Credit claim. They then decide that this is incompatible with his course. As a result he is treated as receiving education and his Universal Credit claim is refused. Daljit should seek urgent advice about disputing the work-related conditions attached to his claim. He should also lodge a credits-only claim for new style ESA, as once he establishes LCWRA he will be able to make a second claim for Universal Credit that should be successful.

SECTION C

MAKING A 'CREDITS ONLY' CLAIM FOR NEW-STYLE ESA

Contact recommends that you make a 'credits only' claim for new style ESA (nsESA) when your child turns 16, or as soon as you can after that. Doing this should hopefully mean that they will have already established a limited capability for work before they try to claim Universal Credit in their own right.

The earlier you do this the better. But even if your child in education is already 19 and has not yet claimed Universal Credit it is still worth doing.

Establishing a limited capability for work early is a good idea for two reasons:

Your child will have no work-related conditions attached to their claim

If your child stays on in non-advanced education beyond the August after their 19th birthday, or is on a part-time course, it should mean that the DWP cannot refuse them Universal Credit on the basis that their course is incompatible with any work-related conditions.

This is because people who have already established LCWRA cannot have any work-related conditions attached to their claim. It is no longer a decision that is left to the discretion of the work coach – instead they have a right to have no work-related conditions.

For older students in non-advanced education or part-time students it does not matter whether the LCWRA was established before or during their current course of education. We would simply recommend that where possible they try to establish LCWRA at some point before they claim Universal Credit.

It will help your child qualify for Universal Credit if they have a break in education

Establishing a LCWRA early (or even just establishing a limited capability for work) will help your child claim Universal Credit (assuming they get DLA or PIP or one of the Scottish equivalents) if they have a break in their education. This second point applies to students of any age and in education of any type – not simply to those in non-advanced education who have passed the September after their 19th birthday.

So long as a disabled student who has a break in their education established a limited capability for work (LCW) before starting their new course (and they also get a disability benefit like PIP), they should be exempt from the restrictions on claims by students.

Establishing LCWRA in advance will make it easier for your child to get Universal Credit in the above scenarios, but it also means that once Universal Credit is awarded they will receive an additional payment – known as the LCWRA element – from the start of their claim, rather than having to wait three months for this extra amount to be added.

The LCWRA element is paid at one of two rates. Most new claimants get a lower rate. However, you can get a higher rate if you are assessed as meeting severe conditions criteria. The severe conditions criteria are that you must have a diagnosis of a life-long condition and at least one of the descriptors used in deciding that someone has LCWRA applies to you constantly and for the rest of your life.

According to the DWP, where someone claiming Universal Credit has already established LCWRA via a credits-only claim for ESA which did not consider the severe conditions criteria they will automatically receive the health element at the lower rate as part of their Universal Credit award. If this applies to your son or daughter and you think they meet the severe conditions criteria and should receive the higher rate of the LCWRA element instead, you can ask Universal Credit to assess this via a request in their on-line journal. Universal Credit say that they will then need to carry out a new work capability assessment in order to make a decision on the severe conditions criteria. Depending on circumstances this may be done via a paper-only assessment or an assessment by phone or in person.

HOW DOES MY CHILD ESTABLISH A LCWRA IN ADVANCE OF CLAIMING UNIVERSAL CREDIT?

To get a decision that your son or daughter has LCW or LCWRA you will need to make a '**credits-only**' claim for nsESA.

This will force the DWP to carry out a work capability assessment. Hopefully this will result in a decision that your child has a LCW or LCWRA. You will need to submit fit notes from your child's GP as part of this process.

Unless your child has worked and paid sufficient national insurance contributions in the last two years, the reality is that they won't actually qualify for nsESA itself. Nevertheless, it is still very important that you help them to make a claim for this benefit.

Legal requirement to to carry out a work capability assessment

Although your child will receive a decision that they are not entitled to nsESA itself, the DWP will still need to carry out a work capability assessment. Indeed, they are legally required to do this in order to decide whether your son or daughter qualifies for national insurance credits to protect their future entitlement to a state pension. They still need to carry out an assessment to decide if your child qualifies for national insurance credits, even though they have refused your child nsESA itself.

Applying for nsESA in the knowledge that the claim will be refused and with the intention of forcing a work capability assessment is known as making a ‘credits-only’ claim for nsESA.

If the DWP agrees that your child does have a LCW or LCWRA via an ESA assessment, that decision will also be binding on any future claim for Universal Credit.

WON'T A 'CREDITS-ONLY' CLAIM FOR NSESA BRING CHILD BENEFIT & OTHER CHILD PAYMENTS TO AN END?

No. Making a ‘credits-only’ claim for nsESA won't impact on your Child Benefit. If you currently get extra child elements for your son or daughter as part of your own claim for Universal Credit, these will also continue.

Completing a ‘credits-only’ claim for nsESA won't actually lead to any award of ESA and this means the benefits you currently get for your child will not be affected.

Some parents report being told by DWP staff that the rules prevent them from lodging a claim for nsESA for their child while Child Benefit is still in payment. This isn't true. Seek urgent advice if the DWP refuses to allow you to complete a claim for nsESA for any reason.

HOW DO I MAKE A 'CREDITS ONLY' CLAIM FOR NEW STYLE ESA?

A young person who has the mental capacity to manage their own benefits can make an online claim on the [gov.uk](https://www.gov.uk) website.

However, if your child lacks mental capacity and you are your child's appointee you cannot make a claim online. Instead, the DWP ask you to make a claim via the telephone on:

- Telephone **0800 0556688 (choose option 4)**
- Textphone **0800 328 1344 (choose option 3)**
- Relay UK (if you cannot hear or speak on the phone) **18001 then 0800 0556688**
- Video relay service for British Sign Language (BSL) users
- Welsh language telephone **0800 328 1744.**

When you phone this number and choose option 4 you may have a long wait during which time a recorded message may say that you can make a claim more quickly by doing so online. Unfortunately, this does not apply to appointees. An appointee cannot make a claim on behalf of their son or daughter online and must instead make a claim using the telephone and by speaking to DWP staff.

PROVIDING MEDICAL CERTIFICATES

As part of making a ‘creditonly’ claim for nsESA you will need to provide a medical certificate from your child's GP. This is known as a ‘fit note’ or a ‘statement of fitness for work’. You cannot normally make a claim for nsESA unless you have a fit note from your GP or another health professional.

Your child needs to be covered by fit notes until the DWP make a decision on whether they have a limited capacity for work (LCW). This is likely to take several months. There are no set rules on how long a fit note should last – this is left up to your GP. If your child's fit note runs out before the DWP have made a decision about their capability for work you will need to get a new fit note to replace it.

Once your child eventually comes to claim Universal Credit they shouldn't need to provide fit notes so long as they have already established LCW or a limited capacity for work and work-related activity (LCWRA) via an earlier credits only claim for nsESA.

However, if your disabled child claims Universal Credit and they have not previously established LCW/LCWRA, they are likely to be asked to submit fit notes as part of their Universal Credit claim.

TOLD YOU CANNOT MAKE A ‘CREDITS ONLY’ CLAIM FOR NEW STYLE ESA?

Some parents who have phoned the ESA claim line describe being talked out of making a claim for nsESA. Department for Work and Pensions (DWP) staff might tell you that there is no point in making a claim for nsESA as your child won't get this benefit.

Tell them that you know they will not get nsESA itself. Instead, you are making a 'credits only' claim in order to protect their national insurance record. You have a right to do this under regulation 8B(1) of the Social Security (Credits) Regulations 1975.

What to do if you are refused

In some exceptional cases, DWP staff have refused to help parents lodge a claim for nsESA. They have claimed it is a waste of time and/or staff resources. They have refused to send the parents a link to the electronic claim form needed to complete a claim.

If this happens to you, try to remain calm and polite. Phone back and try again – hopefully a different DWP staff member will help facilitate a claim.

If they also refuse to send you a claim form or a link to one, ask for the name of the worker. Also keep a record of the date and time of your call. Ask them for the details of where you should send a complaint to and then get advice from the Contact Helpline or a local benefits advice service about how to lodge a challenge.

WHAT SHOULD HAPPEN AFTER I LODGE A ‘CREDITS ONLY’ CLAIM FOR NEW STYLE ESA?

Once you've lodged a claim for nsESA, you'll get a decision telling you that your child does not qualify for ESA. Don't be worried by this. A refusal is what you are expecting. Remember: you are making a 'credits only' claim not to actually get nsESA, but simply to trigger a work capability assessment.

ESA work capability questionnaire

Once they've sent you the decision refusing nsESA, the DWP should then start the process of organising a work capability assessment. They should send you a work capability questionnaire to complete. If you still haven't received a questionnaire within a couple of weeks, phone the number on your ESA letter. Ask them to confirm that they intend to organise a work capability assessment and how long this is likely to take. If they tell you that they won't carry out an assessment, seek urgent advice.

Once you receive the ESA work capability questionnaire, complete and return it. You can include any other supportive evidence you have.

Getting a decision about your child's capability for work

The DWP may decide to make a decision about your child's capability for work based solely on the paperwork. Or they may ask your child to have a consultation with a health professional. This may be done via the telephone or a face to face appointment.

It can take several months for the DWP to make a decision on your child's capability for work. Eventually they should contact you to confirm their decision.

There are three possible outcomes of a WCA:

- **Your child is found fit to work.** This is likely to mean that they will be refused Universal Credit while they remain in education.
- **Your child is found to have a limited capability for work (LCW).** They will not be expected to look for work but they will be expected to take part in regular interviews and to take part in work-related activities (for example training or therapy) to make them more work-ready over time.
- **Your child is found to have a limited capability for work and work-related activity (LCWRA).** They won't need to take part in any interviews and won't be expected to look for work or take part in any work related activity.

If they accept that your child has a LCWRA, this decision will also be binding on Universal Credit when your child comes to make a claim for that benefit at a later date.

IS IT TRUE THAT ESTABLISHING LCW WILL ONLY HELP IF THIS HAPPENED BEFORE MY CHILD STARTED THEIR CURRENT COURSE?

This depends on your child's circumstances. If:

- *they are in full-time non-advanced education and haven't yet reached the September after their 19th birthday, or*
- *they are any age and in full-time advanced education.*

then the answer is yes – they won't get Universal Credit on their current course unless they have had a break in their education and established LCW before their new course started.

However, making a 'credits only' claim for nsESA is still a good idea as it will make it easier for your child to get Universal Credit in the future in case they have a break in their education.

The situation is different if:

- ***your child is on a part-time course, or***
- ***they have already passed the 31 August after their 19th birthday and remain in full-time non-advanced education.***

If your child falls into either of these groups, establishing LCW may still help them get Universal Credit on their current course, even if this is done during their course rather than before it started.

HOW DO I MAKE A CLAIM FOR UNIVERSAL CREDIT FOR MY CHILD?

Information about the process involved in making a claim for Universal Credit and the general Universal Credit rules can be found on our website.

 Visit [contact.org.uk](https://www.contact.org.uk) and see our factsheet ***Universal Credit – the essentials.***

GETTING UNIVERSAL CREDIT AND HELP WITH EDUCATION COSTS IN ENGLAND

Once your child gets Universal Credit, they may also qualify for other help with education costs.

A young person in England aged 16-18 who is:

- ***in non-advanced education, and***
- ***who gets both Universal Credit and Personal Independence Payment.***

is eligible to apply to their school or college for a vulnerable bursary of up to £1,200 per year under the 16-19 Bursary Scheme. Whether they get a bursary and how much may depend on the extra costs your child incurs in attending education.

Help with meal costs

A young person who qualifies for Universal Credit is eligible for free school meals. They are also eligible for free lunches in further education placements.

This normally applies up until the age of 18. This extends to 19-year-olds if they are completing a course they started before their 19th birthday. It also extends up to age 25 where a Universal Credit recipient has an Education Health and Care (EHC) plan or a Learning Difficulty Assessment.

WHAT HAPPENS TO CHILD BENEFIT & OTHER FINANCIAL SUPPORT IF YOUR CHILD GETS UNIVERSAL CREDIT

Although a ‘credits only’ claim for nsESA will not impact on other financial support, the situation is different once your child eventually comes to claim Universal Credit.

If your child starts to receive Universal Credit in their own right as an adult this means that you are no longer entitled to any payments for them as a dependant child. Any Child Benefit that you receive for them will have to stop, as will any Universal Credit payments you receive for them as a dependent child in your own claim.

If you are still getting child maintenance payments for your son or daughter these will also stop as your child can’t be treated as a qualifying child for child support purposes if they are receiving Universal Credit in their own right.

UNIVERSAL CREDIT AND CHARGING FOR SOCIAL CARE

If your child is 18 or over and gets practical help from social services, the local authority might check whether they should pay towards the cost. They do this by carrying out a financial assessment.

If your child only gets PIP, their income will probably be too low to contribute to social care costs. However, once your child gets Universal Credit this might change.

Combined PIP and Universal Credit might mean your child will need to pay towards their care costs. This is particularly likely if your child starts to get the extra LCWRA element in Universal Credit. Getting the LCWRA element can more than double the amount of Universal Credit they receive.

The local authority is likely to say that you must tell them if your child’s income changes. This means that if your child had a financial assessment before getting Universal Credit, or before getting the LCWRA element, you’ll need to report this change to social services. The local authority would then reassess how much they need to pay towards their care package.

HOW CONTACT CAN HELP

It's important that families caring for a disabled child seek advice about Universal Credit, because how it affects your family will depend on your individual circumstances.

Call our freephone helpline and talk to one of our expert parent advisers:

 **0808 808 3555**

 **helpline@contact.org.uk**

You can also visit our website to find out more about the help, support and information we offer about Universal Credit, and other benefits you could be entitled to:

 **[contact.org.uk](https://www.contact.org.uk)**

You can also join our closed (private) Facebook group to meet other parents and share experiences online:

 **facebook.com/contactfamilies**

Guides for parents

We have a range of free guides for parents at:

 **[contact.org.uk/publicationslist](https://www.contact.org.uk/publicationslist)**



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