



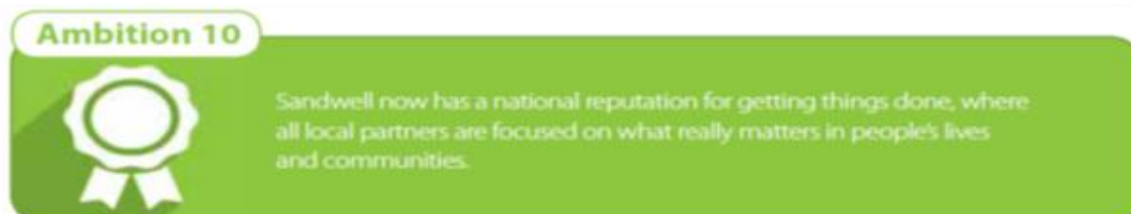
**Sandwell Metropolitan Borough Council**

**Housing Benefit  
War Pension and Armed Forces  
Compensation Disregard Policy**

**2024/25**



## Meeting Ambition 10



### POLICY STATEMENT

War Pension and Armed Forces Compensation will be paid to those persons eligible to receive it and Sandwell have decided to disregard this income when assessing entitlement to Housing Benefit. This will be aligned to the Council's Council Tax Reduction Policy with key principles of tackling inequality and reducing poverty.

#### 1. INTRODUCTION

- 1.1 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 disregard is fully reimbursed to the Council.
- 1.2 The Social Security Administration Act 1992 gives the Council discretion to disregard any amount it chooses in addition to the statutory provision. The Council has taken advantage of this provision and fully disregarded income claimants receive from the War Widows (Widowers)/War Disablement Scheme and the Armed Forces Compensation Schemes.

## 2. GENERAL PRINCIPLES

- 2.1 The Council will fully disregard income from War Widows (Widowers)/War Disablement Scheme and the Armed Forces Compensation Scheme when assessing entitlement to Housing Benefit.
- 2.2 The 100% disregard of funds received as War Widows (Widowers)/War Disablement Scheme and the Armed Forces Compensation Scheme awards aims to:
- Ensure that members of the armed forces who have been disabled during service or the widows or surviving civil partner of those who died in the service of their country, should not be penalised by having their pensions or payments made in relation to their service, taken into account in the calculation of their Housing Benefit entitlement
  - Ensure income from the schemes is treated consistently when assessing entitlement to Housing Benefit
  - Ensure continued alignment between treatment of these incomes under the Housing Benefit scheme set by the Department for Works and Pensions and Sandwell Council's own Council Tax Support Scheme
  - Ensure that everyone gets fair treatment and equal opportunity
  - Promote a transparent and simple assessment methodology that is easily understood
  - Provide staff with guidance for making reasonable, fair and consistent decisions

## 3. PROCESS FOR SERVICES

### ***3.1 Administration of the scheme***

A statutory disregard of £10 is required 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 include:

- War disablement pension
- War Widows/widowers 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

But not pre-1973 War Widow's Special Payments which are already disregarded in full.

### **3.2 Legislation**

The Regulations providing for this are:

- The Housing Benefit Regulations 2006 paragraph 40(2) and schedule 5
- Housing Benefit (Persons who have attained the age qualifying for the State Pension Credit) Regulations 2006 paragraph 33(9) and schedule 5
- Sections 134 and 139 of the Social Security Administration Act 1992 provide the Council with the discretion to modify the Housing Benefit Scheme by disregarding a further amount, or all, of specified war disablement pensions and payments. The Housing Benefit and Council Tax Benefit (War Pension Disregards) Regulations 2007 (as amended) which prescribe which pensions and payments these are.

## **4. POLICY REVIEW**

- 4.1 The policy will be reviewed annually, or sooner if appropriate, to take account of operational adjustments and or changes to legislation.

## **5. EQUALITIES**

- 5.1 This policy has been produced in line with the Council's obligation to the Public Sector Equality Duty provided by the Equality Act 2010. No

adverse impact on any protected characteristic has been identified as a result of this policy.