

Dr Kevin Pelan
Clerk to the Committee for Social Development
Northern Ireland Assembly
Room 242
Parliament Buildings
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28 January 2015

Dear Sir

PENSIONS BILL BRIEFING ON 13 JANUARY 2014 – COMMITTEE QUESTIONS

During Committee briefing on 13 January, questions arose regarding National Insurance credits for carers who are not awarded them automatically and the dissemination of information to the public. A further issue arose during briefing on 22 January in relation to co-operation between the Department for Social Development and the Department of Health, Social Services and Public Safety in relation to carers. Officials undertook to respond to the Committee in writing.

National Insurance credits

In addition to the pre-existing arrangements for credits for people receiving Carer's Allowance, which are awarded automatically, the Pensions Act (Northern Ireland) 2008 replaced Home Responsibilities Protection with a more flexible system of weekly credits for parents and carers. The new credit ensures that periods spent caring count for pension purposes in the same way as paid employment.

Section 23A of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 provides for the award of a credit for each week falling after 6 April 2010 in respect of which a person is a relevant carer, i.e. they are:

- awarded Child Benefit for any part of that week in respect of a child under the age of 12;
- a foster parent for any part of that week; or
- engaged in caring within the meaning of the Social Security (Contributions Credits for Parents and Carers) Regulations (Northern Ireland) 2010 for one or more persons for 20 hours or more a week.

Under Regulation 5(1) of the Social Security (Contributions Credits for Parents and Carers) Regulations (Northern Ireland) 2010, a person is engaged in caring in a week if they are:

- the partner of a person awarded Child Benefit for a child aged under 12 where the Child Benefit recipient has otherwise achieved a qualifying year for both basic and additional State Pension purposes;
- caring for a person, or persons, for 20 or more hours per week where those being cared for receive a disability benefit, including Attendance Allowance and Disability Living Allowance and specified Industrial Injuries Benefits;
- caring for a person, or persons, for 20 or more hours per week where the Department is satisfied that the level of care is appropriate;
- receiving Income Support where the Department has determined that they are regularly and substantially engaged in caring for the purposes of the Income Support (General) Regulations (Northern Ireland) 1987.

Credits are awarded automatically to parents if they are the main payee on a Child Benefit award, and to carers who receive Income Support because they are substantially engaged in caring. In other circumstances, an application must be made. In the case of a person providing care for 20 hours or more a week, an application must, where requested by the Department, include a declaration signed by someone involved in the health care or social care of the person cared for and considered by the Department as appropriate to make a declaration as to the level of care required.

The availability of credits was subsequently extended to grandparents and other adult relatives looking after children under the age of 12, usually where the Child Benefit recipient works. Regulation 9F(4)(b) of the Social Security (Credits) Regulations (Northern Ireland) 1975 lists those adults who may qualify (see Appendix). In these circumstances, credits are transferred from the Child Benefit recipient to the carer, provided the former does not need the protection for their State Pension. An application countersigned by the Child Benefit recipient is required.

Application packs can be obtained by phone from:

- The Disability and Carers Service, Castle Court, Royal Avenue, Belfast BT1 1HC – 028 9090 6186 (text phone 028 9031 1092);
- Social Security/Jobs and Benefits Offices;
- The Benefit Enquiry Line – Freephone 0800 200 674 (text phone 028 9031 1092).

Application forms can be downloaded from the nidirect website – nidirect.gov.uk/carers-credit.

Dissemination of information to the public

Since the Committee briefing on 13 January, the Social Security Agency Director with responsibility for Pensions, John McKervill, has spoken with the Commissioner for Older People about the Agency's strategy for communicating the proposed

changes to Pensions. The Commissioner is content that, as the strategy includes further engagement with key stakeholder groups, including her office, a separate briefing is not necessary.

Co-operation between the Department for Social Development and the Department of Health, Social Services and Public Safety

During Committee briefing on 22 January, the Commissioner for Older People referred to the importance of co-operation between the Department for Social Development and the Department of Health, Social Services and Public Safety in relation to claims to Carer's Allowance and Carer's Assessments.

A report by the Northern Ireland Human Rights Commission, entitled 'The Human Rights of Carers in Northern Ireland', published at the end of November 2014, recommended that the Department for Social Development and the Department of Health, Social Services and Public Safety should work together to ensure that successful claims to Carer's Allowance lead to the provision of advice and support regarding Carer's Assessments. The Social Security Agency is planning to explore the feasibility of such a proposal which will need to take account of the legal gateway for the sharing of information in these circumstances.

At a practical level the Improving Benefit Uptake team in the Social Security Agency has been working in partnership with care co-ordinators in all of the Health Trusts and actively promoting the "Make the Call" service. In addition care co-ordinators have been actively promoting the "Make the Call" service on their Trust website as well as promoting the Benefits Advice Line with Trust colleagues.

I hope the information provided is helpful.

Yours faithfully



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PERSONS WHO MAY QUALIFY AS CARERS FOR A CHILD UNDER THE AGE OF 12

(Regulation 9F(4)(b) of the Social Security (Credits) Regulations (Northern Ireland) 1975)

- (1) Parent.
- (2) Grandparent.
- (3) Great-grandparent.
- (4) Great-great-grandparent.
- (5) Sibling.
- (6) Parent's sibling.
- (7) Spouse or former spouse of any of the persons listed in sub-paragraphs (1) to (6).
- (8) Civil partner or former civil partner of any of the persons listed in sub-paragraphs (1) to (6).
- (9) Partner or former partner of any of the persons listed in sub-paragraphs (1) to (8).
- (10) Son or daughter of persons listed in sub-paragraphs (5) to (9).
- (11) In respect of the son or daughter of a person listed in sub-paragraph (6), that person's:
 - (a) spouse or former spouse;
 - (b) civil partner or former civil partner; or
 - (c) partner or former partner.

For the purposes of paragraph 1(5) and (6), a sibling includes a sibling of the half blood, a step sibling and an adopted sibling.

For the purposes of paragraph 1(9) and (11)(c), a partner is the other member of a couple consisting of—

- (a) a man and woman who are not married to each other but are living together as husband and wife; or
- (b) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners.