

Child Benefit information for social workers

Children who are being looked after by a local authority or Health and Social Services Board or Trust

There are special rules about Child Benefit for children who are looked after by a local authority or Health and Social Services Board or Trust. These notes tell you more about these rules and will help you answer enquiries from the Child Benefit Office.

On this form, where we use the term *child* or *children*, we also include *young person* or *young people*.

When Child Benefit stops

Child Benefit usually stops when the child has been looked after by a local authority or Health and Social Services Board or Trust for 8 continuous weeks. If the child spends some time at home and some time with the local authority or Health and Social Services Board or Trust, payment will stop when they have been looked after by the local authority or Health and Social Services Board or Trust for at least 2 nights a week for 8 weeks in a row.

When Child Benefit can be paid

Child Benefit can sometimes be paid for qualifying periods the child spends at home. For more about this see the section **Child Benefit for time spent at home**.

If the child is placed with a relative or other person, and the local authority or Health and Social Services Board or Trust are not paying anything towards the cost of the child's accommodation or maintenance:

- under section 23 of the Children's Act 1989, or
- under section 26 of the Children (Scotland) Act 1995, or
- under Article 27 of the Children's (NI) Order 1995,

payment of Child Benefit can continue to be paid either to the person the child:

- lived with before going into care (but only if the money they pay towards the child's keep is at least as much as the weekly rate of Child Benefit), **or**
- is now living with.

If more than one person claims, the benefit is normally paid to the person the child lives with.

Child Benefit cannot be paid to anyone who gets a fostering allowance, or any other local authority or Health and Social Services Board or Trust payment towards the cost of the child's accommodation or maintenance under section 23, or section 26 in Scotland or Article 27 in Northern Ireland.

Disabled children

Sometimes local authorities or Health and Social Services Board or Trusts arrange for a child who is mentally or physically ill or disabled to live in special accommodation, or at a special school. If this is the only reason the child lives away from home, the Child Benefit 'hospital rules' apply.

If a child is in hospital, or has to live in residential accommodation away from home because of a disability or illness for more than 12 weeks, Child Benefit can continue if the person claiming the benefit regularly spends money on them. By this we mean money spent on clothes, books, toys or other things the child needs, or on fares to visit them.

If the child is in hospital or residential accommodation for more than 12 weeks and the person claiming the benefit is not regularly spending money on them, the Child Benefit Office needs to be told.

Please turn over ►

Adopting Parents

Prospective adopters may be able to get Child Benefit as soon as the child starts to live with them, even if an Adoption Allowance is payable. But Child Benefit cannot be paid to anyone who receives a local authority or Health and Social Services Board or Trust, fostering allowance, or any other payment made under section 23 of the Children's Act 1989, or section 26 of the Children (Scotland) Act 1995, or Article 27 of the Children's (NI) Order 1995, in respect of the child's accommodation or basic maintenance.

Child Benefit for time spent at home

Child Benefit can sometimes be paid for children who are being looked after by a local authority or Health and Social Services Board or Trust, but who go home for part of the week, or longer.

Child Benefit can be paid for any week the child comes home:

- for 7 nights in a row, **or**
- for any extra nights which follow straight after the first 7, **or**
- on a regular basis for at least 2 nights in a row every week.

If the child is looked after by the local authority or Health and Social Services Board or Trust as part of an agreed voluntary arrangement, Child Benefit can sometimes be paid for a week in which they are at home for at least 2 nights in a row.

Advising customers - Guidance Notes CH194A

Please give form CH194A to the Child Benefit customer in all cases, it contains advice about Child Benefit for children looked after by local authorities or Health and Social Services Board or Trusts, and when to contact the Child Benefit Office.

When to notify the Child Benefit Office:

Child starts being looked after by a local authority or Health and Social Services Board or Trust

Please complete form CH193 and post or fax it to the Child Benefit Office as soon as it is clear that the child will be looked after for longer than 8 weeks (for example immediately after the statutory LAC review at 4 weeks). But in any event no later than 8 weeks. There is no need to notify the Child Benefit Office if the child is being looked after for less than 8 weeks.

Important:

- to comply with the Data Protection Act 1998, the Child Benefit customer must provide their consent to the local authority or Health and Social Services Board or Trust to share information with the Child Benefit Office
- form CH193 asks the Child Benefit customer for their consent
- only send form CH193 to the Child Benefit Office if the customer has given their consent.

How to contact the Child Benefit Office:

- by writing please write to us at
Child Benefit Office
PO Box 1
Newcastle upon Tyne
NE88 1AA

Helplines, 7 days a week, 08.00 to 20.00

If you are in England, Scotland or Wales

Phone **0845 302 1444**
Minicom/Textphone **0845 302 1474**
Fax **0191 22 51625**

If you are in Northern Ireland

Phone **0845 603 2000**
Minicom/Textphone **0845 607 6078**
Fax **0191 22 51625**

Important

When you get in touch with us please tell us the name of the child's parent, or person responsible for them, and their Child Benefit reference number, if known.