

## SHEFFIELD BENEFITS SERVICE

### Temporary Absence Factsheet

We can normally only pay you Housing Benefit and Council Tax Support if you are living at your property.

However, there are certain special circumstances where Housing Benefit and Council Tax Support can still be paid, even if you are not currently living in your home but have a good reason for the absence and intend to return. You must have an intention to return to live in your home, and must not have sublet your property.

This is called a temporary absence from home, and could apply for many reasons such as an extended holiday, or because you have to travel abroad for medical or religious reasons.

There are several rules that can apply in cases of temporary absence from home. For Housing Benefit only, special rules apply if the absence is outside of Great Britain.

The table below identifies the maximum period of absence allowed under various scenarios.

#### Temporary absence table

Circumstances of absence	Within Great Britain	Outside Great Britain
A person detained on remand pending trial or sentence upon conviction or as a condition of bail to reside in a dwelling other than their home	52 weeks	4 weeks
A person in a hospital or similar institution as a patient	52 weeks	26 weeks
A person, their partner or dependent child undergoing medical treatment, medically approved convalescence in accommodation other than residential accommodation	52 weeks	26 weeks
A training course	52 weeks	4 weeks
A person who is absent and undertaking medically approved care of a person residing in GB or elsewhere	52 weeks	4 weeks
A person who is caring for child whose parent or guardian is temporarily absent from the home of that parent or guardian and receiving medically approved care or medical treatment	52 weeks	4 weeks
A person who is receiving medically approved care provided in accommodation other than residential accommodation	52 weeks	26 weeks
An eligible student	52 weeks	4 weeks
A person who is receiving care in residential accommodation and is not staying on a trial basis to ascertain if the accommodation suits his needs	52 weeks	4 weeks
A person who has left their home through fear of violence	52 weeks	26 weeks
A person who enters residential accommodation on a trial basis to ascertain if it meets their needs with the intention of returning home	52 weeks	4 weeks
A person who is absent from GB in connection with the death of their partner or a child for whom he or his partner is responsible, the persons close relative, a close relative of the persons partner or a close relative of a child or young person for whom the person or persons partner is responsible	13 weeks	4 weeks plus additional 4 weeks if the Decision Maker considers it unreasonable for the claimant to return home within the first 4 weeks

A member of Her Majesty's forces posted overseas	13 weeks	26 weeks
A mariner	13 weeks	26 weeks
Continental shelf worker	13 weeks	26 weeks
Any other temporary absence e.g. holiday	13 weeks	4 weeks

## Prisoner on Remand

If you are a remand prisoner, we may still be able to pay your Benefit for up to 52 weeks. If, during this time, you are sentenced and committed to prison, your Benefit will stop unless your total absence (remand and sentence) is 13 weeks or less.

Remand prisoners includes those held in custody, awaiting trial; those who have been tried but not convicted; those who have been tried and convicted, but not sentenced; and those who are required to live in a bail hostel as a condition of bail.

You do not have to inform us before you go into prison, however, you or someone acting on your behalf, should let us know what has happened as soon as possible.

There are three forms to simplify the process of reporting a change of circumstances when a customer is remanded or committed into custody. The forms will be available to prisoners by staff in the prison establishment.

### HCTB6 – Notification of remand in custody

This form is for customers who are remanded into custody, or committed into custody but not sentenced and who were in receipt of benefit immediately prior to being remanded or committed.

The form should be received by the Local Authority no later than fourteen days from the day of first reception where possible.

### HCTB7 – Change of status/custodial sentence

This form is for customers who have been received into custody for the first time, are serving a prison sentence and were claiming benefit immediately prior to custody or have been previously remanded in custody, have received a custodial sentence and were claiming benefit prior to sentencing.

The form should be received by the Local Authority within seven days or no later than fourteen days of the sentence being received where possible.

### HCTB8 – Release from custody/change in circumstances

This form is normally issued by the resettlement officer to the Local Authority.

Customers should check as in some cases the form will be issued with clear instruction that it is the customer's responsibility to inform the Local Authority of their discharge from custody.

The form should be submitted to the Local Authority if possible within seven days but no later than fourteen days later than the customer's date of discharge.

### **More Information for Prisoners on Remand**

The Prison Reform Trust and the Prisoners' Families Help-line provide specialist help for prisoners and their families.

### **Hospital In-patient**

If you or your partner goes into hospital we can pay your Benefit for up to 52 weeks, provided that you are expected to return home within that time.

You do not need to contact us before you go into hospital, however, as soon as possible, you should ask a friend, relative or hospital social worker to let us know you are in hospital.

If you are in receipt of Attendance Allowance or Disability Living Allowance these allowances will be withdrawn after you have been in hospital for 4 weeks. This may affect your entitlement to Housing Benefit and Council Tax Support, because your Applicable Amount will reduce. Applicable Amounts are the standard amounts that the Government say you need for your day-to-day living expenses.

Further help and information for hospital patients, their families and carers is available from the Patient Advice and Liaison Service (PALS).

### **Threat of Violence**

It is possible for Benefit to be paid for up to 52 weeks if you have had to leave your home because of actual, or fear of, domestic violence. If you are in a refuge, you should ask one of the workers to contact us on your behalf, if you feel unable to do so yourself. As with all other cases, we will deal with your claim in complete confidence. You can be assured that we will not tell anyone the address of the refuge.

The Government's Crime Reduction website provides some useful links to organisations dealing with domestic violence.

### **Residential Accommodation**

If you are going into residential care on a trial basis, to see if it would suit you as a permanent home, Benefit can be paid for up to 13 weeks, so long as you intend to return to your home if you decide that the residential care is not suitable, and your home has not been let or sub-let. This only applies where the absence is within Great Britain.

If you are going into residential accommodation to receive temporary care or nursing, but intend to return home, we can continue to pay your Benefit for up to 52 weeks.