

Housing Benefit and Council Tax Benefit Circular

Department for Work and Pensions

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HB/CTB A16/2005

ADJUDICATION AND OPERATIONS CIRCULAR

WHO SHOULD READ	All Housing Benefit (HB) and Council Tax Benefit (CTB) staff
ACTION	1 For information 2 For action from 5 December 2005
SUBJECT	Civil Partnerships - Impact on HB/CTB. The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005

Guidance Manual

The information in this circular does affect the content of the HB/CTB Guidance Manual. Please annotate this circular number against *C1 Annex A*

Queries

If you

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Civil partnerships – impact on HB/CTB

Background and legislation

- 1 The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 which will bring the Civil Partnership rules fully into effect across all benefits, including HB and CTB, is due to be laid this October and will come into force from 5 December 2005. This secondary legislation (an Order) will largely contain amendments which will insert references to same sex couples, where required, throughout the HB/CTB regulations.
- 2 The effect of the new rules will be that same sex couples who form a civil partnership will acquire the same rights and be subject to the same obligations and duties as married opposite sex couples. Same sex couples who do not form a civil partnership will be treated for benefit purposes, in the same way as opposite sex couples that are not married. In general, therefore, affected couples may get less benefit than they do now.
- 3 This guidance has been issued in advance of the coming into force date of the Order, and while we are consulting the LAAs about the transitional provisions. Nonetheless, the LAAs asked us to issue this guidance well in advance.

Implementation

- 4 **There is no question of local authorities being expected to identify all affected couples and implement the new rules from 5 December 2005.**

New claims

- 5 From 5 December 2005 civil partners and those living together as civil partners making new claims for HB/CTB should be treated as couples from the outset. Normal overpayment (and subsidy) rules will apply if the claimant fails to disclose that they are civil partners or living together as civil partners.

Existing claims at 5 December 2005

- 6 The order makes transitional arrangements for existing claimants who are living together as if they were civil partners on or after the 5th December 2005. The couples affected by the change in legislation must be given a reasonable period to become aware of the change in the law. In the context of income related benefits administered by DWP, case law provides that it must be established that disclosure is 'reasonably to be expected' of the claimant for an overpayment of benefit to be recoverable. Ministers have accepted legal advice on the case law and have agreed that people must be

given reasonable time to become aware of the change in law relating to those living together as if in a civil partnership.

- 7 For the DWP administered benefits, the new rules will be applied from the first intervention on or after 5 December 2005. By intervention, we mean any action, which results in DWP having to intervene in the case (normally a relevant change of circumstance) or any matter which causes the Secretary of State to look at the case on his own initiative. DWP will assume that it was reasonable for the customer to report their circumstances at the time of the intervention and not earlier, unless there is a good reason to suspect otherwise. Recovery of overpayments raised in these cases will not generally be pursued.
- 8 We do not propose that local authorities should mirror exactly the procedure set out in para 6 above. This is because:
- they can incur subsidy reductions for all overpayments other than Departmental Official error, and
 - we do not, of course, want local authorities to have to protect their financial position by taking unnecessary recovery action where corresponding action would not be taken by DWP in relation to other income-related benefits.

In other words, we want to ensure consistency of treatment of individuals in both DWP and LA administered benefits.

Operation of the transitional arrangements for HB/CTB

- 9 The transitional arrangements apply to a claimant who is a member of a couple who live together as if they were civil partners on the 5th December 2005 or start to do so after that date. There are three dates from which a decision implementing the new rules for those who live together as such takes effect. It is the earliest of those three dates which is to be used when the LA supersedes the decision. There is also discretion for the LA to determine an earlier effective date. The operation of the discretion is described below.

The following paragraphs describe the three dates.

- 10 For existing cases at 5th December 2005, in which HB/CTB is in payment on the strength of a 'passporting' benefit (IS, JSA(IB) or Guarantee Credit) you should apply the new CP rules from the date that The Pension Service / Jobcentre Plus makes the decision in relation to the passporting benefit. This avoids HB/CTB overpayments being raised.
- 11 If the notification from DWP is received late an overpayment will need to be raised for the period between the date of the DWP decision and the date that the DWP notification is actually received by the LA. This overpayment should be classified as Departmental Official error. It would not normally be recovered and therefore no subsidy reduction would be incurred.

12 For existing cases at 5 December 2005, not involving a 'passporting' benefit, you should apply the new CP rules from the date you become aware of a case, either because of

- the claimant reporting a change of circumstances, or
- an intervention by you under the current reviews procedure

You should assume that it was reasonable for the customer to report their circumstances at the time of the intervention and not earlier, unless there is a good reason to suspect otherwise, and no overpayment should be raised.

13 The LA has discretion to determine an earlier effective date as it considers appropriate in the particular case in the following circumstances

- If the case is one where the claimant reports to the LA that s/he is a member of a couple living together as if they were civil partners the LA may consider that the claimant could reasonably have been expected to have reported the change on an earlier date
- If the case is one where the LA becomes aware that the couple are living together as civil partners and they are satisfied that the claimant could reasonably have been expected to report it at an earlier date than the date the LA became so aware

14 Where there would be an underpayment of HB/CTB, due to the existence of the civil partnership, the LA can reassess using the normal rule under reg 8(10) and pay any arrears if appropriate. This aligns HB/CTB with the other income- related benefits.

Reasonableness

15 Guidance on 'reasonableness' is being prepared for DWP-administered benefits. We will issue this separately to you, adapted as necessary, as soon as it is available to us.

Applying the new rules

The "living together as husband and wife or as civil partners" (LTAHAW/CP) test

16 If a 'passporting' benefit is in payment, the 'living together as husband and wife or as civil partners' (LTAHAW/CP) test will be applied by DWP, who will be responsible for notifying you, as happens now with opposite sex couples.

17 Where the decision falls to you, updated guidance on the LTAHAW/CP procedure is at *Appendix A*. The revised procedure will be incorporated into the HB/CTB Guidance Manual. Following a review of the LTAHAW test, and its application to same sex couples, modified DWP procedures, designed to apply the LTAHAW tests only where necessary, were introduced in Jobcentre Plus and The Pension Service from April 2005. They currently apply, of course, to opposite sex couples only. The guidance at *Appendix A* will apply to **both** same-sex and opposite-sex couples from 5 December

2005. The main thrust of what Jobcentre Plus and The Pension Service are doing is to ensure as far as possible that cases are referred for LTAHAW/CP interventions only where a LTAHAW/CP situation is **likely**.

- 18 The implication of being treated as a couple for benefit purposes, is that use of the couple rather than 2 x the single applicable amount, together with combined income, is likely to result in a reduction in benefit. Where two single people were previously passported it would be reasonable to assume the passport will continue. However, where either one or both are getting standard HB they could see their HB reduced when assessed as a couple. Where both same sex partners are already claiming HB you should follow current procedures that already apply to cases where both opposite sex couples are already claiming HB. In HB there may be further implications in certain cases as set out below.

Size criteria

- 19 At present, a same sex couple, living in the PRS, are treated as two single people and therefore eligible for a bedroom each. Under the new rules, same sex couples will, as with opposite sex couples, be eligible for only one bedroom. Therefore, it may be that some same sex couples are living in larger properties than the size criteria will permit. In such cases HB could reduce because of changes to their applicable amount/joint income **and** because of the size criteria restrictions.

Under-occupation

- 20 You will also need to consider whether same sex couples who are tenants of registered social landlords and who appear to be over-accommodated should be referred to the Rent Officer. Again HB could reduce because of changes to the couple applicable amount, joint income **and** the size criteria restrictions.

Tenancies

- 21 There may be some cases where two people of the same sex are joint tenants or have separate tenancy agreements within the same property and separate HB claims. A decision that they are a couple for HB/CTB purposes would result in one HB claim. This won't affect the total amount of rent, but it could result in a loss of benefit because their applicable amount may decrease and their size criteria go down, as it does now for opposite sex couples in the same position. In such cases, you could consider Discretionary Housing Payments, but this would of course be entirely a matter for the LA to decide.

Minimum notice

- 22 There may well be some cases where two people of the same sex have signed up to a fixed term lease, and are then subject to a decision that they

are a couple for HB/CTB purposes with an inescapable period of the lease and rent commitment left to run. This will involve a loss of benefit, as it does now for opposite sex couples in the same position. Again, in such cases, you could consider Discretionary Housing Payments but, again, this would of course be entirely a matter for the LA to decide.

Disclosure to landlords

- 23 Where landlords receive direct payments for same sex joint tenants, whose HB is subsequently redetermined to reflect the 'couple' rate, it seems likely that the landlord will query the reassessment. Explaining the reason for the change may result in disclosure to the landlord that his tenants are living together as a same sex couple. This is not going to be an issue where the same sex couple have formed a civil partnership, but in other cases it sometimes will be. We recognise the sensitivity of this issue and recommend that authorities do not go further than notifying the landlord of the amount of HB and who it is paid to. Any other queries are matters for the landlord and the tenant. The LA's position here is that it is simply operating the HB/CTB schemes as prescribed.

Publicity

- 24 Ministers considered the options for notifying DWP customers of the change in law, and decided that DWP would not write to all of them. Although we do not know exactly how many customers will be affected, we expect it to be quite a small proportion, so the cost of such an exercise would be disproportionate to the numbers involved.
- 25 DWP has produced a leaflet, 'Getting it right' containing high level information, because we cannot fully cover the complexities of the Act and its implications for DWP benefits and services. The intention is for the people who read the leaflet to contact DWP by their usual route to discuss their individual circumstances. The benefits covered include HB and CTB, and the leaflet warns people that if they fail to inform their local authority that they have formed a civil partnership or are living together as civil partners it could mean that HB/CTB is overpaid and that they may be asked to repay it. The leaflet is planned to be distributed through DWP outlets, the CAB, lesbian, gay, bisexual and transgender clubs, and related specialist media. The information in the leaflet will also be duplicated on DWP Internet sites.

Leaflets

- 26 DWP leaflets GL 16 (Help with Your Rent) and GL 17 (Help with your Council Tax) are being amended and should be available from October 2005. Suggested wording for publicity purposes, to be used at the discretion of individual LAS, is attached at *Appendix B*.

Forms

- 27 The HCTB1 claim form is being amended and will be issued in advance of 5 December. A copy of the suggested wording for use in the HCTB1 and other forms is attached at *Appendix C*.

Impact on Council Tax liability

- 28 Changes to Council Tax liability arising from the Civil Partnership Act will be achieved mainly by amendments to various regulations and orders. These will come into effect on 1 April 2006. Changes to the primary legislation will however take effect from 5 December 2005. This means simply that authorities will be able to enforce a Council Tax bill against both same sex partners from 5 December 2005.

The Office of the Deputy Prime Minister will provide further details in their next Council Tax Information Letter which will be published in October.

Living Together as Husband And Wife or as Civil Partners (LTAHAW/CP): guidance to be used in HB/CTB claims from opposite sex couples, and from same sex couples from 5 December 2005

The principle of living together as husband and wife (LTAHAW) has been part of social security legislation since the introduction of the welfare state in the 1940s. The specific aim of the principle was to ensure that unmarried couples were treated in the same way as married couples for benefit purposes.

On the introduction of civil partnerships from 5 December 2005, the LTAHAW principle will be extended to same sex couples to ensure that those who do not form a civil partnership are treated in the same way for benefit purposes as those who are civil partners.

When deciding whether two people are LTAHAW/CP the Decision Maker must use their knowledge and experience to apply legislation, including case law, to make a fair and reasoned decision based on the evidence of the individual circumstances of a case. The following 'admirable signposts' as outlined in a Social Security Commissioner's decision, must also be taken into account:

- existence of a shared household
- stability of the relationship
- financial arrangements
- responsibility for children
- sexual relationship
- public recognition of the relationship

In addition, it is important to consider the:

- changing nature of modern-day relationships
- whole picture of the customer's relationship with the other person

Since the 1970s the UK has undergone major social and economic change, during which the structure of marital relationships has changed significantly. The diversity of today's society has brought with it wide cultural and religious changes that have influenced modern-day attitudes to marriage.

Nowadays people may share accommodation for a number of reasons, for example:

- for economic reasons, because of the high and rising cost of accommodation
- following the breakdown of a relationship
- continuing an earlier arrangement, for example ex-students continuing to share accommodation after their course has ended
- for companionship
- as carers
- for safety and security reasons

This list is not exhaustive.

The structure of modern-day relationships and marriages has changed, and there is no longer as clear a definition against which we can measure whether two people are LTAHAW

Marriage is no longer regarded as an institution characterised by economic dependency, but rather as a sustained and companionate relationship with an emphasis on partnership, emotional support and greater equality. In sharing domestic life, married couples now make choices about the extent to which they combine their financial resources or keep them separate.

Identifying a potential LTAHAW/CP situation

Potential LTAHAW/CP may be identified on a new claim where there is another person aged 16 or over living in the same household as the customer, who is not their partner or a member of their immediate family.

Potential LTAHAW/CP may also be identified when the customer reports a change of circumstances. If the customer begins sharing accommodation with another person aged 16 or over who is not a member of their immediate family, LTAHAW/CP should be considered.

When LTAHAW/CP is not considered

Potential LTAHAW/CP cannot be considered if:

- the only other people in the household are married to each other, civil partners of each other, or living together as if they are married or civil partners
- the customer is within a prohibited degree of relationship for marriage or civil partnership with the other person (see list of prohibited degrees at the end of this section)

Gathering LTAHAW/CP information

LTAHAW/CP information gathering should take place as early as possible in the new claim or change of circumstances process, starting with asking a series of filter questions.

Asking these questions will enable the filtering out of cases where it is unlikely that a LTAHAW/CP situation exists, to concentrate LTAHAW/CP interviews on cases where there is a likelihood that a customer is LTAHAW/CP with someone who lives at the same address.

Filtering out a case means that it will not be referred for a LTAHAW/CP intervention.

Before asking the following questions, if more than one person shares accommodation with the customer, identify which members of the household cannot be considered to be LTAHAW/CP with the customer as you do not need the following information about them.

The questions to ask are:

- Q1 What is the relationship between you and this person?
- Q2 What date did you start sharing this accommodation with this person?
- Q3 For what reason did you begin to share the accommodation with this person?
- Q4 How long do you expect this to continue?
- Q5 Why do you think this?
- Q6 About your accommodation
- Q7 What sort of accommodation do you live in?
- Q8 How many rooms are there in your accommodation?
- Q9 Which of these rooms do you share?

Each of the questions is explained below, with details of what information needs to be gathered from the customer. You may already have obtained some of this information through the normal HB/CTB claims process.

Q1 What is the relationship between you and this person?

The exact relationship between the customer and the person with whom they share accommodation is required. This may be a family relationship or flat/housemate, landlord/tenant etc.

Q2 What date did you start sharing this accommodation with this person?

How long ago did the customer begin sharing the accommodation with the other person? If the customer does not know an exact date, approximate months or years will be sufficient.

The date they began sharing is important because this can indicate the stability of the arrangement. Has it started recently? Has it been ongoing for some time? Have they shared accommodation before?

Q3 For what reason did you begin to share accommodation with this person?

It is important to capture the reasons why the customer started sharing. If they are a boarder/tenant or landlord of the person it is important that you establish if there is a formal arrangement in place.

Do they share accommodation with a friend for financial convenience? Is there a formal landlord/tenant relationship etc? This is a major factor when considering if the customer and the other person are LTAHAW/CP.

Q4 How long do you expect this to continue?

The customer may not know an exact duration or date. Answers may include 'forever' or 'indefinitely'. If the customer does not know how long, you should ask if either person has plans to find alternative accommodation.

This helps to determine the stability of the relationship and to identify any long term plans. Long-term future plans will indicate a stable relationship with a level of commitment whilst a short-term arrangement may indicate that they are not LTAHAW/CP.

Q5 Why do you think this?

It may be that the customer or the person who lives with them has plans to move out or end the arrangement. If this is the case, these should be noted. If the customer has stated that they plan to live together forever or indefinitely, you should ask for the reasons why they think this.

The response to this question could provide you with information that clearly shows that the situation is temporary and removes any doubt. It will also give further indication about the stability of the relationship and the reasons why they stay together.

Q6 About your accommodation**Q7 What sort of accommodation do you live in?****Q8 How many rooms are there in your accommodation?****Q9 Which of these rooms do you share?**

This set of questions tells us about the type/size of the property, how many rooms it has and which rooms are shared. The accommodation could be separated into distinct areas that are used independently. This could indicate that the relationship is **not** LTAHAW/CP.

Further action

Taking account of the customer's responses to these questions and any other information available, cases should be consistently filtered out where:

- a LTAHAW/CP situation is **unlikely**
- there is **little likelihood** that it will be possible to collect any further evidence during a LTAHAW/CP intervention

If there is still an outstanding doubt that the customer may be LTAHAW/CP the case should be passed for a LTAHAW/CP interview as usual.

Prohibited Degrees

A man cannot marry his:

1. mother
2. adoptive mother
3. former adoptive mother
4. daughter
5. adoptive daughter
6. former adoptive daughter
7. grandmother
8. granddaughter
9. sister
10. aunt
11. niece
12. stepdaughter
13. stepmother
14. stepgrandmother
15. stepgranddaughter
16. mother-in-law
17. daughter-in-law

For the people mentioned in **1 - 11**, the bar to marriage is absolute.

For the people mentioned in **12 - 15**, they can marry if both parties are aged 21 or over at the time of the marriage and the younger person was never a child in the older person's family up to the age of 18.

A man can marry his mother-in-law if they are both aged 21 or over and the man's wife and the mother-in-law's husband are both dead.

A man can marry his daughter-in-law if they are both aged 21 or over and the man's wife and his son are both dead.

When considering the above relationships it must be remembered that a sister includes a half sister and brother includes half brother. So the daughter of a half brother or half sister would be regarded as a niece as well as the daughter of a full brother or sister. And the half sister of a mother or father would be regarded as an aunt as well as the full sister of a mother or father

A woman cannot marry her:

1. father
2. adopted father
3. former adoptive father
4. son
5. adoptive son
6. former adoptive son
7. grandfather
8. grandson
9. brother
10. uncle
11. nephew
12. stepson
13. stepfather
14. stepgrandfather
15. stepgrandson
16. father-in-law
17. son-in-law

For the people mentioned in **1 - 11**, the bar to marriage is absolute.

For the people mentioned in **12 - 15**, they can marry if both parties are aged 21 or over at the time of the marriage and the younger person was never a child in the older person's family up to the age of 18.

A woman can marry her father-in-law if they are both aged 21 or over and the woman's husband and the father-in-law's wife are both dead.

A woman can marry her son-in-law if they are both aged 21 or over and the woman's husband and her daughter are both dead.

When considering the above relationships it must be remembered that a sister includes a half sister and brother includes half brother. So the son of a half brother or half sister would be regarded as a nephew as well as the son of a full brother or

sister. And the half brother of a mother or father would be regarded as an uncle as well as the full brother of a mother or father.

Two people are not eligible to register as civil partners of each other if one falls within the list below in relation to each other:

1. adoptive child
2. adoptive parent
3. child
4. former adoptive child
5. former adoptive parent
6. grandparent
7. grandchild
8. parent
9. parent's sibling
10. sibling
11. sibling's child
12. child of former civil partner
13. child of former spouse
14. former civil partner of grandparent
15. former civil partner of parent
16. former spouse of grandparent
17. former spouse of parent
18. grandchild of former civil partner
19. grandchild of former spouse

In the above list, 'sibling' means a brother, sister, half-brother or half-sister.

For the people mentioned in 1-11, the bar to registering as civil partners of each other is absolute.

For the people mentioned in 12-19, they can register as civil partners of each other if both parties are aged 21 or over at the time of the registration and the younger person was never a child in the older person's family up to the age of 18.

Also –

- (a) A person can register as the civil partner of their child's former civil partner if they are both aged 21 or over and the child and the child's other parent are both dead.
- (b) A person can register as the civil partner of the former spouse of their child if they are both aged 21 or over and the child and the child's other parent are both dead.
- (c) A person can register as a civil partner of a parent of their former civil partner if they are both aged 21 or over and the former civil partner and the former civil partner's other parent are both dead.

A person can register as the civil partner of a parent of their former spouse if they are both aged 21 or over and the former spouse and the former spouse's other parent are both dead

The LTAHAW/CP interview

The LTAHAW/CP interview builds a picture of the history, current situation and future plans, which is used to decide if the relationship is like that of a couple. Questions about the relationship between the two people who share accommodation should cover:

- Background
- Accommodation
- Financial arrangements
- Household arrangements
- Leisure time
- Shared responsibility for children
- Future plans
- Additional information

Background

The aim is to establish the motives, circumstances and history behind the sharing of accommodation. Are the reasons similar to those of people LTAHAW/CP or are there other reasons? Try to establish the stability of the relationship, and if there have been any changes in the relationship, record these and the date(s) of change. An important factor is the initial motivation for living together.

During the interview, you should carefully consider the permanency of their arrangements, for example have they stayed together following a change of address? What is their perception of the likelihood of this arrangement continuing?

You may want to ask questions such as:

- Have they lived continuously in the same accommodation? If not, why did they live apart and when?
- How did they meet?
- Has the relationship changed over time?
- What arrangements have been made in case things do not work out?
- Why did they leave their previous address, and could they have gone elsewhere?
- Do they have friends/family in the area?
- If one has moved in to be a carer, what caring duties are carried out?
- Is there an employer/employee relationship?
- Have they shared accommodation here/at any other address in the past, and if so:
 - where and when?
 - what were the reasons for joining/leaving the accommodation?

- Does either of them own or rent another property? If so, what steps have they taken to give up the tenancy or sell the property?
- If either of them has another address they regard as home, where is this and why are they not living there?

Accommodation

The aim is to establish how the accommodation is used. The accommodation could be separated into distinct areas which are used independently, which may indicate the relationship is *not* LTAHAW/CP. If the areas are shared, consider factors, which may indicate a LTAHAW/CP relationship.

You may want to ask questions such as:

- Who owns the accommodation?
- How did you find this accommodation?
- If there is no formal agreement in place, why not?
- Where do you watch television, listen to music?
- What arrangements do you have for storing food, clothing, toiletries, personal belongings?
- Who owns the furniture?
- Has anything been bought jointly for the accommodation?

Financial arrangements

The aim is to establish the degree of financial dependency between the customer and the other person in the accommodation, and whether they are prepared to support each other on a long-term basis. People LTAHAW/CP may be more likely to be financially dependent on each other and have long-term financial commitments together, such as mortgages or other loans.

You may want to ask questions such as:

- What arrangements have you made for paying for accommodation and household bills?
- How is the household income shared or used?
- Do you pool their money? If so, is this all your income or only the money for a specific purpose such as shopping or bills?
- Do you have any joint bank accounts, credit accounts or loans? If so, what are they used for?
- Would one of you provide long-term financial support to the other if they had no income?
- If there are no financial arrangements, why not?
- Have the financial arrangements always been the same or have they changed? If so, how and when?
- How much does each person contribute to the bills, e.g. rent, fuel?
- Whose name is on the bills, e.g. utility bills?
- Do you expect the financial arrangements to change, and if so, how?

Household arrangements

The way household tasks are divided varies between relationships. Evidence of LTAHAW/CP may be found in the way these tasks are carried out, for example if they are done in a supportive manner or if there is shared responsibility for property maintenance (a possible indication of a stable, long-term relationship). The aim is to establish how household tasks are shared, but avoid obtaining a list of tasks.

You may want to ask questions such as:

- Who maintains the property?
- How is housework divided up?
- Who is responsible for shopping?
- Who prepares meals? Do you eat together?
- Who cleans any shared rooms?
- Who does the laundry?
- Who pays for household repairs?

Leisure time

The aim is to gather information about the way leisure time is shared and to establish whether the customer and the other person present themselves as a couple. This will provide further information to establish whether the relationship is equivalent to LTAHAW/CP.

You may want to ask questions such as:

- How do you spend your time at home when you are both there?
- Do you go out together, just the two of you or as part of a group?
- Do you think friends, relatives and neighbours think of you as a couple?
- Do you watch television/videos/DVDs together?
- Do you go to each other's family celebrations?
- Do you entertain friends jointly?
- Do you have shared interests or hobbies?
- Are holidays taken together?
- How have you shared leisure time in the past?

Dependent children

If there are dependent children, the aim is to establish who are the parents of the children and the extent to which the customer and the other person take parental responsibility for them.

Depending on the circumstances, your discussion might include:

- Do you take part in joint activities with the children?
- Does the other person take the children to and from school?
- Does the other person look after the children?

Future plans

The aim is to establish whether the arrangement is temporary or permanent. Future plans will indicate the stability of the relationship. Do the future plans show a level of stability and commitment like those of people LTAHAW/CP, and/or is this likely to develop?

You may want to ask questions such as:

- What are your plans in the short, medium and long term?
- If the arrangement is:
 - temporary, what are you doing to find alternative accommodation?
 - longer term, why?
- Do you intend living in separate accommodation in the near future?
- Do you have any shared plans, such as marriage, civil partnership, or buying property together?

Additional information

Include anything else the customer wants to add to their statement. Depending on the circumstances you may want to ask why they think they are not a couple.

After the interview

After the interview, the customer statement and all relevant documents should be passed to the relevant person for a LTAHAW/CP decision.

Suggested text for HB/CTB publicity purposes

The Civil Partnership Act will come into force on 5th December 2005. Any same sex couple wishing to form a civil partnership will be able to give notice of their intention to register from that date.

For DWP benefits, including Housing Benefit and Council Tax Benefit, this means that same sex couples, who have formed a civil partnership or who are living together as if they were civil partners, will be treated in the same way as opposite sex couples who are married or are living together as husband and wife. This will mean that some people, who previously claimed benefits as a single person, will have to re-claim as part of a couple.

From 5th December failure to inform your local authority dealing with your Housing Benefit/Council Tax Benefit claim that you are forming a civil partnership or are living together as civil partners could mean that your Housing Benefit/Council Tax Benefit is overpaid and you may be asked to repay it.

Civil Partnership – Agreed wording from 5 December 2005

We use partner to mean
<ul style="list-style-type: none">• a person you are married to or a person you live with as if you are married to them, or• a civil partner or a person you live with as if you are civil partners.
Divorced or civil partnership dissolved
Widowed or surviving civil partner
Are any of these people you have told us about married to each other, civil partners, or living together as if they are married or civil partners?
you get married, form a civil partnership or start living with someone as if you are married or civil partners
you separate from your partner, get divorced or have your civil partnership dissolved
<ul style="list-style-type: none">• Single or separated person• Married couple or civil partners living together and not separated
a couple living together as if they are married or civil partners
If you are married, in a civil partnership or have a partner you must make a joint claim
If you get divorced or your civil partnership is dissolved
Start living with someone, get married or form a civil partnership
separate from your partner, get divorced or have your civil partnership dissolved
<ul style="list-style-type: none">• Getting married or divorced• Forming or dissolving a civil partnership• Becoming widowed or a surviving civil partner• Separating from your partner
Living together as if you are married or civil partners
Change of marital or civil partnership status