
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 216

The Universal Credit Regulations (Northern Ireland) 2016

PART 4

ELEMENTS OF AN AWARD

Particular needs or circumstances – childcare costs

Award to include childcare costs element

32. An award of universal credit is to include an amount in respect of childcare costs (“the childcare costs element”) in respect of an assessment period in which the claimant meets both—

- (a) the work condition (see regulation 33), and
- (b) the childcare costs condition (see regulation 34).

The work condition

33.—(1) The work condition is met in respect of an assessment period if—

- (a) the claimant is in paid work or has an offer of paid work that is due to start before the end of the next assessment period, and
- (b) if the claimant is a member of a couple (whether claiming jointly or as a single person), the other member is either in paid work or is unable to provide childcare because that person—
 - (i) has limited capability for work,
 - (ii) has regular and substantial caring responsibilities for a severely disabled person, or
 - (iii) is temporarily absent from the claimant's household.

(2) For the purposes of meeting the work condition in relation to an assessment period a claimant is to be treated as being in paid work if—

- (a) the claimant has ceased paid work—
 - (i) in that assessment period,
 - (ii) in the previous assessment period, or
 - (iii) if the assessment period in question is the first or second assessment period in relation to an award, in that assessment period or in the month immediately preceding the commencement of the award, or
- (b) the claimant is receiving statutory sick pay, statutory maternity pay, statutory paternity pay, statutory adoption pay, statutory shared parental pay or a maternity allowance.

The childcare costs condition

34.—(1) The childcare costs condition is met in respect of an assessment period if—

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- (a) the claimant has paid charges for relevant childcare that are attributable to that assessment period (see regulation 36) and those charges have been reported to the Department before the end of that assessment period,
- (b) the charges are in respect of—
 - (i) a child, or
 - (ii) a qualifying young person who has not reached the 1st September following their 16th birthday,
 for whom the claimant is responsible, and
- (c) the charges are for childcare arrangements—
 - (i) that are to enable the claimant to take up paid work or to continue in paid work, or
 - (ii) where the claimant is treated as being in paid work by virtue of regulation 33(2), that are to enable the claimant to maintain childcare arrangements that were in place when the claimant ceased paid work or began to receive those benefits.

(2) The late reporting of charges for relevant childcare may be accepted in the same circumstances as late notification of a change of circumstances may be accepted under regulation 36 of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2016^{M1} and in such cases, subject to regulation 36 below, all or part of any such charges may be taken into account in any assessment period to which they relate.

Marginal Citations

M1 S.R.2016 No. 221.

Amount of childcare costs element

- 35.**—(1) The amount of the childcare costs element for an assessment period is the lesser of—
- (a) 85 percent of the charges paid for relevant childcare that are attributable to that assessment period, or
 - (b) the maximum amount specified in the table in regulation 38.
- (2) In determining the amount of charges paid for relevant childcare, there is to be left out of the account any amount—
- (a) that the Department considers excessive having regard to the extent to which the claimant (or, if the claimant is a member of a couple, the other member) is engaged in paid work, or
 - (b) that is met or reimbursed by an employer or some other person or is covered by other relevant support.
- (3) “Other relevant support” means payments out of funds provided by the Department in connection with the claimant's participation in work-related activity or training.

Modifications etc. (not altering text)

- C1** Percentage in reg. 35(1)(a) confirmed (coming into force in accordance with art. 1(1)(o) of the amending Rule) by [The Social Security Benefits Up-rating Order \(Northern Ireland\) 2017 \(S.R. 2017/56\)](#), arts. 1(1)(o), 28(1)
- C2** Percentage in reg. 35(1)(a) confirmed (25.9.2017) by [The Social Security Benefits Up-rating \(No. 2\) Order \(Northern Ireland\) 2017 \(S.R. 2017/187\)](#), arts. 1, 27(1)

Charges attributable to an assessment period

36.—(1) Charges paid for relevant childcare are attributable to an assessment period where those charges —

- (a) are paid in that assessment period for relevant childcare in respect of that assessment period, or
- (b) are paid in that assessment period for relevant childcare in respect of a previous assessment period, or
- (c) were paid in either of the two previous assessment periods for relevant childcare in respect of that assessment period.

(2) For the purposes of paragraph (1)(c), where a claimant pays charges for relevant childcare in advance, the amount which they have paid in respect of any assessment period is to be calculated as follows:

Step 1

Take the total amount of the advance payment (leaving out of account any amount referred to in regulation 35(2)).

Step 2

Apply the formula—

$$\left[\frac{PA}{D} \right] \times AP$$

Where—

PA is the amount resulting from Step 1,

D is the total number of days covered by the payment referred to in Step 1, and

AP is the number of days covered by the payment which also fall within the assessment period in question.

(3) In this regulation, reference to an assessment period in which charges are paid, or in respect of which charges are paid, includes any month preceding the commencement of the award that begins on the same day as each assessment period in relation to a claimant's current award.

Modifications etc. (not altering text)

- C3 Sum in reg. 36(2) specified (25.9.2017) by [The Social Security Benefits Up-rating \(No. 2\) Order \(Northern Ireland\) 2017 \(S.R. 2017/187\)](#), arts. 1, 27(4), **Sch. 17**
- C4 Sum in reg. 36(2) specified (coming into force in accordance with art. 1(1)(o) of the amending Rule) by [The Social Security Benefits Up-rating Order \(Northern Ireland\) 2017 \(S.R. 2017/56\)](#), arts. 1(1)(o), 28(4), **Sch. 17**

Meaning of “relevant childcare”

37.—(1) “Relevant childcare” means any of the care described in paragraphs (2) and (3) and other than care excluded by paragraph (4) or (5).

(2) Care provided in Northern Ireland for a child—

- (a) by a person registered under Part XI of the Children (Northern Ireland) Order 1995,
- (b) out of school hours by a school as part of the school activities, or

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- (c) by a childcare provider approved in accordance with a scheme under the Tax Credits (Approval of Home Child Care Providers) Scheme (Northern Ireland) 2006 ^{M2}.
- (3) Care provided for a child outside Northern Ireland by a childcare provider approved by an organisation accredited by the Secretary of State.
- (4) The following are not relevant childcare—
 - (a) care provided for a child by a close relative of the child, wholly or mainly in the child's home, and
 - (b) care provided by a person who is a foster parent of the child.
- (5) Care is not within paragraph (2)(a) if it is provided in breach of a requirement to register under Part 2 of the Children (Northern Ireland) Order 1995.
- (6) In this regulation—
 - “child” includes a qualifying young person specified in regulation 34(1)(b)(ii) (the childcare costs condition);
 - “school” means a school as defined by Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 ^{M3}.

Marginal Citations

M2 S.R. 2006 No. 64

M3 S.I. 1986/594 (N.I. 3).

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