# Consolidated Report on the application by the United Kingdom on ILO Conventions Nos 12, 17, 19, 24, 25, 42, 102 & the European Code of Social Security, 2025

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# Part I. General provisions

*The Part I "General provisions" comprises the following explanatory and procedural clauses:*

- ***Articles 1-6 C102***
- ***Articles 1-6 ECSS***
- ***C19***

**LEGISLATION**

*Great Britain and Northern Ireland:* Separate, but corresponding, schemes of Social Security operate in Great Britain and Northern Ireland. Reciprocal arrangements between the two ensure that the schemes effectively operate as a single system. The law governing Social Security in Great Britain was amended during the reference period by the measures listed below. Corresponding legislation came into effect in Northern Ireland as listed after the Great Britain measures. Benefit levels are maintained in parity with Great Britain and all rates quoted therefore apply equally.

Copies of the original text of Acts, Regulations and Orders can be viewed at the Government's website[1]. Statutory Instruments (SIs) and Statutory Rules (SRs) can be traced by their year of publication and SI/SR Number quoted below. The complete Law on Social Security, as it currently applies in Great Britain, as amended and updated, is published as the "Blue Volumes" and is now available online via the Department for Work and Pensions' website[2]. Guidance on how to navigate the respective volumes is also available there. Corresponding Social Security legislation that has effect in Northern Ireland can be viewed at the Department for Communities website[3].

*Universal Credit Northern Ireland Flexibilities:* During discussions on the implementation of Universal Credit (UC) in Northern Ireland, the then Minister for Social Development secured payment flexibilities under Universal Credit for NI claimants. It was agreed that: (1) twice monthly payments will be available to all households as the default, with monthly payments available on request; and (ii) managed payment of the housing element of Universal Credit direct to the landlord will be available to all, with a direct payment to the household available on request to those who meet the criteria.

*Bereavement Support Payment in Northern Ireland:* In August 2020, the Northern Ireland Court of Appeal ruled that the Pensions Act (Northern Ireland) 2015 should be read such that where the deceased had never been able to meet the National Insurance contribution condition for BSP due to disability, the contribution condition should be treated as met. This is not the case in Great Britian where, under the Pensions Act 2014, the deceased must have paid either Class 1 or Class 2 contributions unless they died as a result of a disease or accident at work.

[1] https://www.legislation.gov.uk/explore

[2] http://www.dwp.gov.uk/publications/specialist-guides/law-volumes/the-law-relating-to-social-security/

[3] https://www.communities-ni.gov.uk/topics/dsd-law-and-legislation/social-security-legislation

*Scotland:* Competence for the administration of eleven UK social security benefits, approximately 15 per cent of the UK's total social security spending, was devolved to Scottish Ministers by the Scotland Act 2016. The Social Security (Scotland) Act 2018[4] ('the Act'), received Royal Assent on 1 June 2018 and is the statutory framework under which regulations for each devolved form of assistance will be made. The Act also confers a power on Scottish Ministers to 'top up' benefits reserved to the UK. The Act allows Scottish Ministers to introduce flexibilities in relation to Universal Credit with regard to the person to whom, or the time when, Universal Credit is paid. This has resulted in the Universal Credit Scottish choices, a policy developed by the Scottish Government and delivered by the Department for Work and Pensions on their behalf, allowing claimants in Scotland to choose to receive their Universal Credit award twice monthly and to have the housing element of their award paid directly to their landlord.

*Wales:* Social Security is not devolved to the Welsh Government.

**Acts of Parliament**

Primary legislation relevant to the benefits covered by the Report and introduced during the reference period includes:

2024

- National Insurance Contributions (Reduction in Rates) Act 2024

2025

- National Insurance Contributions (Secondary Class 1 Contributions) Act 2025
- Social Security (Amendment) (Scotland) Act 2025

**Statutory Instruments**

An alphabetical list of all current secondary legislation, i.e. Regulations and Orders in the form of Statutory Instruments, is available via the link below[5].

All secondary legislation can be viewed via links in the chronological bookmarks in the left hand side-bar of the list.

The rates of Social Security benefits payable under the respective Parts of the Code were increased during the reference period by the following instruments:

2024

- The Social Security Benefits Up-rating Order 2024 (legislation.gov.uk)
- The Tax Credits, Child Benefit and Guardian's Allowance Up-rating Regulations 2024
- The Social Security (2023 Benefits Up-rating) Order (Northern Ireland) 2024 (SR 2024 No 69)
- The Social Security (2023 Benefits Up-rating) Regulations (Northern Ireland) 2024 (SR 2024 No 71)
- The Social Security Benefits Up-rating Order (Northern Ireland) 2024 (SR 2024 No 74)

[4] https://www.legislation.gov.uk/asp/2018/9/contents/enacted

[5] http://www.dwp.gov.uk/docs/c-0031.pdf

- The Social Security Benefits Up-rating Regulations (Northern Ireland) 2024 (SR 2024 No 76)The Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2024
- The Social Security Up-rating (Scotland) Order 2024

2025

- The Social Security Benefits Up-rating Order 2025
- The Child Benefit and Guardian's Allowance Up-rating Order 2025
- The Social Security Benefits Up-rating Order (Northern Ireland) 2025 (SR 2025 No 64)
- The Social Security Benefits Up-rating Regulations (Northern Ireland) 2025 (SR 2025 No 67)
- The Social Security (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2025
- The Social Security Up-rating (Scotland) Order 2025

The following instruments are of relevance to the report:

**2024**

- The Welfare Reform Act 2012 (Commencement No. 31 and Savings and Transitional Provisions) Order 2024 (S.I. 2024/604)
- The Social Security (State Pension Age Claimants: Closure of Tax Credits) (Amendment) Regulations 2024 (S.I. 2024/611)
- The Social Security and Universal Credit (Migration of Tax Credit Claimants and Miscellaneous Amendments) Regulations (Northern Ireland) 2024 (SR 2024/54)
- The Social Security (State Pension Age: Closure of Tax Credits) (Amendment) Regulations (Northern Ireland) 2024 (SR 2024/119)
- The Tax Credits (Miscellaneous Amendments) Regulations 2024 (SI 2024/176)
- The Guardian's Allowance Up-rating Regulations 2024 (SI 2024/309)
- The Social Security and Universal Credit (Migration of Tax Credit Claimants and Miscellaneous Amendments Regulations 2024 (SI 2024/341)
- The Tax Credits (Income Thresholds and Determination of Rates) (Amendment) Regulations 2024 SI 2024/510)
- The Social Security (State Pension Age Claimants: Closure of Tax Credits) (Amendment) Regulations 2024 (SI 2024/611)
- The Social Security (Contributions) (Limits and Thresholds, National Insurance Funds Payments and Extension of Veterans Relief) Regulations 2024 (SI 2024/249)
- The Social Security (Class 2 National Insurance Contributions) (Consequential Amendments and Savings) Regulations 2024 (SI 2024/347)
- The Housing Benefit and Universal Credit Housing Costs (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2024 [SR 2024 No. 3]
- The Universal Credit (Transitional Provisions) (Amendment) Regulations (Northern Ireland) 2024 [SR 2024 No. 5]

- The Universal Credit and Jobseeker's Allowance (Work Search and Work Availability Requirements – limitations) (Amendment) Regulations (Northern Ireland) 2024 [SR 2024 No. 18]
- The Social Security and Universal Credit (Migration of Tax Credit Claimants and Miscellaneous Amendments) Regulations (Northern Ireland) 2024 [SR 2024 No. 54]
- The Benefit Cap (Annual Limit) (Amendment) Regulations (Northern Ireland) 2024 [SR 2024 No. 58]
- The Universal Credit (Administrative Earnings Threshold) (Amendment) Regulations (Northern Ireland) 2024 [SR 2024 No. 107]
- The Social Security (Infected Blood Capital Disregard) (Amendment) Regulations (Northern Ireland) [SR 2024 No. 174]

**2025**

- The Child Benefit and Guardian's Allowance (Miscellaneous Amendments) Regulations 2025 SI 2025/207)
- The Guardian's Allowance Up-Rating Regulations 2025 (SI 2025/337)The Social Security (Contributions) (Rates, Limits and Thresholds Amendments, National Insurance Funds Payments and Extension of Veteran's Relief) Regulations 2025 (SI 2025/288)
- The Housing Benefit and Universal Credit Housing Costs (Executive Determinations) (Modification) Regulations (Northern Ireland) 2025 [SR 2025 No. 1]
- The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2025 [SR 2025 No. 3]
- The Social Security (Income and Capital Disregards) (Amendment) Regulations (Northern Ireland) 2025 [SR 2025 No. 24]

# Part II. Medical Care

***The United Kingdom has accepted the obligations resulting from Part II of C102 and Part II of the ECSS.***

Information provided below applies across Great Britain and Northern Ireland, except in instances where it is indicated that Scotland has different legislation or policies in place.

## List of applicable legislation

- National Health Service Act 2006[6]
- National Health Service (Wales) Act 2006[7]
- Health and Social Care Act 2012[8]
- Care Act 2014[9]
- Health and Care Act 2022[10]
- Public Bodies (Joint Working) (Scotland) Act 2014[11]
- Mental Health (Care and Treatment) (Scotland) Act 2003[12]
- Health and Social Care (Reform) Act (Northern Ireland) 2009[13]

## II – 1. Regulatory framework

***Article 7. C102 and ECSS***
*Each Member (Contracting Party) for which this Part of this Convention (Code) is in force shall secure to the persons protected the provision of benefit in respect of a condition requiring medical care of a preventive or curative nature in accordance with the following Articles of this Part.*

**Basic principle:** tax financed National Health Service for all residents.

**England**

**Secretary of State**

The Secretary of State for Health and Social Care has ultimate responsibility for the provision of a comprehensive health service in England and ensuring the whole system works together to respond to the priorities of communities and meet the needs of patients.

The Secretary of State works through the Department of Health and Social Care to provide strategic direction for the NHS and wider health and care system and holds all of the national bodies to account for their operational and financial performance, thereby ensuring that the different parts of the system work properly together.

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[6] http://www.legislation.gov.uk/ukpga/2006/41/contents
[7] National Health Service (Wales) Act 2006
[8] http://www.legislation.gov.uk/ukpga/2012/7/contents/enacted
[9] https://www.legislation.gov.uk/ukpga/2014/23/contents/enacted
[10] https://www.legislation.gov.uk/ukpga/2022/31/contents
[11] https://www.legislation.gov.uk/asp/2014/9/contents/enacted
[12] https://www.legislation.gov.uk/asp/2003/13/contents
[13] Health and Social Care (Reform) Act (Northern Ireland) 2009

The Secretary of State has to fulfil a number of duties that are set out in law, including: the promotion of a comprehensive health service; to have regard to the need to reduce health inequalities between the people of England; and to have regard to the NHS Constitution. These duties, and others, are fulfilled through relationships with other bodies and the Secretary of State's performance with regard to his or her duties is covered in his/her annual report. The Secretary of State, and all public bodies in the healthcare system, must also comply with the public sector equality duty in the Equality Act 2010.

**Department of Health and Social Care**

The Department of Health and Social Care's purpose is to help people live better for longer. It leads, shapes and funds health and care in England, making sure people have the support, care and treatment they need, with the compassion and dignity they deserve. The Department, on behalf of the Secretary of State, acts as 'system steward' – it is the only body with oversight over the whole health and care system, and it works to ensure the health and care system operates effectively to meet the needs of people and their communities.

The Department of Health and Social Care is responsible for strategic leadership of both the health and social care systems.

NHS England is an executive non-departmental public body, sponsored by the Department of Health and Social Care. On 13th March, it was announced that NHS England will be brought into the Department for Health and Social Care to form a new joint centre. NHS England will continue to carry out its statutory duties until Parliamentary time allows for legislation to be brought forward to amend the Department's responsibilities. We expect this will be completed within two years.

**Healthcare in Scotland**

The Scottish Government aims to provide high quality healthcare services that focus on prevention, early intervention and supported self-care management. This means people will be treated and stay at home where possible, and when a hospital admission is required, they will be seen and discharged as swiftly as it is safe to do so.

Scotland is comprised of 14 territorial Health Boards covering all regions of Scotland, with eight national boards which provide specific support such as education, improvement and ambulance services. In addition, through the Public Bodies (Joint Working) (Scotland) Act 2014, there are 31 Integration Authorities (more detail on those below).

**Health and Social Care Integration in Scotland**

A review of progress with integration was undertaken by the Ministerial Strategic Group for Health and Community Care (MSG) and published in February 2019. The review highlighted findings from a recent national audit report on integration, which outlined that integration can work within the current legislative framework and is already working well in some places, but there are significant barriers to delivering integration. Extensive work is underway to deliver the review's 25 practical proposals, which set a challenging and ambitious agenda for Integration Authorities, NHS Boards and Local Authorities, working with key partners, including the third and independent sectors to increase the pace and effectiveness of integration by March 2020.

Further information about health and social care integration is available on the Scottish Government Health and Social Care Integration page (www.gov.scot) and the Health and Social Care Scotland website (www.hscscotland.scot).

**Health and Social Care in Northern Ireland**

Health and social care services in Northern Ireland were integrated in 1973. Since then, there have been several restructures, while still maintaining integration of health and social care.

The Health and Social Care (Reform) Act (Northern Ireland) 2009, reinforced in statute the Department's responsibility to promote an integrated system of health and social care in Northern Ireland. It also provided for a single Health and Social Care Board (HSCB) to replace four Boards created in 1973. The HSCB role, working in conjunction with a Public Health Agency (PHA), was to commission services to meet assessed need and promote general health and wellbeing. A full range of health and social care services are provided by five Health and Social Care Trusts, with a sixth Trust providing ambulance services for the region.

Following several reviews and consultations, the decision was taken to close the HSCB. The aim of the closure was to reduce bureaucracy and complexity within the system and enhance the Department's strategic leadership and control. Work was undertaken to give operational effect to this decision, and legislation progressed leading to the Health and Social Care Act (Northern Ireland) 2022.

Since 1 April 2022 the Strategic Planning and Performance Group in the Department has undertaken the former functions of the HSCB as prescribed in the Health and Social Care Act (Northern Ireland) 2022.

In tandem with Board closure, development of an integrated care system for Northern Ireland was underway. The Integrated Care System for Northern Ireland (ICS NI) is a new framework for planning health and social care services which looks to improve the health and well-being of our population. It is currently operational in shadow form only, to allow for a period of learning to further inform its development.

**Department of Health in Northern Ireland**

The Department of Health (DoH) is one of nine Northern Ireland Departments. The DoH has a statutory responsibility to promote an integrated system of Health and Social Care (HSC) under the Health and Social Care (Reform) Act (Northern Ireland) 2009.

It is the Department's mission to improve the health and social well-being of the people of Northern Ireland by leading a major programme of cross-government action to improve the health and well-being of the population and reduce health inequalities. This includes interventions involving health promotion and education to encourage people to adopt activities, behaviours and attitudes which lead to better health and well-being. The aim is a population which is much more engaged in ensuring its own health and well-being, ensuring the provision of appropriate health and social care services, both in clinical settings such as hospitals and GPs' surgeries, and in the community through nursing, social work and other professional services.

Further information about the Department of Health is available on the Departmental website: www.health-ni.gov.uk

A new three-year strategic plan[14] for health and social care in Northern Ireland was published on 10 December 2024. The plan involves a wide range of initiatives based on three central themes - Stabilisation, Reform and Delivery.

## II - 2. Contingencies covered

***Article 8. C102 and ECSS***
*The contingencies covered shall include any morbid condition, whatever its cause, and pregnancy and confinement and their consequences.*

The NHS Constitution[15] establishes the principles and values of the NHS, setting out rights which patients, public and staff are entitled to ensure that the NHS operates fairly and effectively. This means that any patient in need of medical care and attention receives this from the NHS regardless of the morbid condition such as self-inflicted incidents that led to the person seeking medical assistance in the first instance.

NHS Constitution: 'The service is designed to improve, prevent, diagnose and treat both physical and mental health problems with equal regard. It has a duty to each and every individual that it serves and must respect their human rights. At the same time, it has a wider social duty to promote equality through the services it provides and to pay particular attention to groups or sections of society where improvements in health and life expectancy are not keeping pace with the rest of the population.'

**Wales**

The NHS Constitution for Wales is mainly governed by the NHS (Wales) Act 2006, which contains the statutory powers and duties of the NHS in Wales. The NHS Act 2006 applies equivalent legislation to the NHS in England, but also contains some legislation that applies to both England and Wales. A values and standards of behaviour framework, together with model standing orders and standing financial instructions, form the key elements of the governance and accountability framework for the NHS in Wales. NHS Wales is a vital part of the public service in Wales.

## II - 3. Persons protected

***§1(c) Article 1 C102, §1(f) Article 1 ECSS***
*The term wife means a wife who is maintained by her husband.*

[14] Health and Social Care NI - Three Year Plan | Department of Health
[15] https://www.gov.uk/government/publications/the-nhs-constitution-for-england/the-nhs-constitution-for-england

***Article 9. C102 and ECSS***
*The persons protected shall comprise:*
*(a) prescribed classes of employees, constituting not less than 50 per cent of all employees, and also their wives and children; or*
*(b) prescribed classes of the economically active population, constituting not less than 20 per cent of all residents, and also their wives and children; or*
*(c) prescribed classes of residents, constituting not less than 50 per cent of all residents.*

**United Kingdom**

The NHS provides a comprehensive service, available to all.

Access to NHS services is based on clinical need, not an individual's ability to pay. NHS services are free of charge, except in limited circumstances sanctioned by Parliament.

GP and nurse consultations in primary care, treatment provided by a GP and other primary care services are free of charge to all, whether registering as an NHS patient, or as a temporary patient, which is when the patient is in the area for more than 24 hours and less than 3 months.

For secondary care services, the UK's healthcare system is a residence-based one, which means entitlement to free healthcare is based on living lawfully in the UK on a properly settled basis for the time being.

The measure of residence that the UK uses to determine entitlement to free NHS healthcare is known as 'ordinary residence'. This requires non-EEA nationals subject to immigration control to also have the immigration status of indefinite leave to remain.

Individuals who are not ordinarily resident in the UK may be required to pay for their care when they are in England. However, some services and some individuals are exempt from payment.

**Northern Ireland**

Eligibility to access publicly funded healthcare in Northern Ireland is based on ordinary residence.

Anyone who is not ordinarily resident in Northern Ireland is a visitor. Entitlement to access publicly funded healthcare for visitors to Northern Ireland is provided for in the Provision of Health Services to Persons Not Ordinarily Resident (PNOR) Regulations (Northern Ireland) 2015. The PNOR Regulations (Northern Ireland) 2015 provide exemptions from healthcare charges in secondary care and enables certain visitors to access General Health Services, on the same basis as someone who is 'ordinarily resident' which include: GP-led services, general dental services, general ophthalmic services and pharmaceutical services.

In each case, it is for the relevant HSC organisation to decide whether the criteria within the ordinary residence test or an exemption from healthcare charges have been met. In the case of GP registrations, the Business Services Organisation (BSO) make this determination and HSC Trusts in the case of individuals presenting for hospital treatment.

## II - 4. Types of Benefit

***§1. Article 10. C102 and ECSS***
*The benefit shall include at least:*
*(a) in case of a morbid condition,*
*(i) general practitioner care, including domiciliary visiting;*
*(ii) specialist care at hospitals for in patients and out patients, and such specialist care as may be available outside hospitals;*
*(iii) the essential pharmaceutical supplies as prescribed by medical or other qualified practitioners; and*
*(iv) hospitalisation where necessary; and*
*(b) in case of pregnancy and confinement and their consequences,*
*(i) pre natal, confinement and post natal care either by medical practitioners or by qualified midwives; and*
*(ii) hospitalisation where necessary.*

**Information on NHS services:**

- Primary Care (including general practitioner care): https://www.england.nhs.uk/primary-care/
- Urgent and Emergency Care: https://www.england.nhs.uk/urgent-emergency-care/Hospital services: https://www.nhs.uk/using-the-nhs/nhs-services/hospitals/
- Pharmacies: https://www.nhs.uk/using-the-nhs/nhs-services/pharmacies/
- Maternity care: https://www.nhs.uk/conditions/pregnancy-and-baby/antenatal-midwife-care-pregnant/
- Postnatal care: https://www.nhs.uk/conditions/pregnancy-and-baby/you-and-your-baby-postnatal-period/

**Statistics**
Details of Statistics & data collections can be viewed via the following link:
https://digital.nhs.uk/data-and-information

**England**

**Domiciliary visiting**

In England, GPs provide primary medical services under contracts with NHS England. Under these arrangements, GP practices are required to provide services to patients at their home where, in the GP's opinion, the patient's medical condition requires them to be seen by a GP and it would be inappropriate for the patient to go to the GP practice.

The practice also has the option of treating a patient at alternative premises, as have been agreed with NHS England, or another place in the practice area.

Further information can be found in Schedule 3 of *The National Health Service (General Medical Services Contracts) Regulations 2015* – SI2015/1862
http://www.legislation.gov.uk/uksi/2015/1862/pdfs/uksi_20151862_en.pdf

Similar provisions are also contained in the regulations relating to the provision of primary medical services in Scotland , Wales and Northern Ireland – links to relevant legislation is included below for reference.

Links to regulations applying to the provisions in Scotland, Wales and Northern Ireland are:

**Scotland:** Schedule 6, paragraph 4, of *the National Health Service (General Medical Services Contracts (Scotland) Regulations 2018* – SI 2018/66

The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018

**Wales:** *National Health Service (General Medical Services Contracts) (Wales) Regulations 2023*

NHS (General Medical Services contracts) (Wales) Regulations 2023 | GOV.WALES

**Northern Ireland:** Schedule 5, paragraph 3, of *the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland)* – SI 2004/140

The Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004

**Pre-natal, confinement and post-natal care**

**England**

The National Health Service Act 2006[16]

*Section 3(1)(g) of The National Health Service Act 2006 places a duty on the Secretary of State with regard to maternity care*, this legislation covers pre-natal, confinement and postnatal care.

Midwifery and maternity services are regulated activities. Information on midwifery regulation is available from the Nursing and Midwifery Council[17].

**Scotland**

In Scotland, the National Health Service (Scotland) Act 1978[18] Act ("the 1978 Act") applies. Particularly relevant sections are sections 38 and 38A. Section 38 places a duty on the Scottish Ministers to make arrangements to such extent as they consider necessary for the care (including in particular dental and medical care) of expectant mothers and nursing mothers and of young children.

All pregnant women and their babies in Scotland are entitled to maternity and neonatal care. The NHS provides pregnancy, labour , postnatal (after birth) care and neonatal care.

[16] National Health Service Act 2006
[17] Changes to midwifery regulation - The Nursing and Midwifery Council
[18] National Health Service (Scotland) Act 1978 (legislation.gov.uk)

A guide to pregnancy, labour and birth and early parenthood up to 8 weeks is available at Ready Steady Baby!

Midwifery and maternity services are regulated activities. Information on midwifery regulation is available from the Nursing and Midwifery Council

**Wales**

Health boards will be expected to give mothers-to-be the full choice of where to give birth, even if that means using services beyond their health board boundary.

Pregnant women and their families will be given greater say in the development of services to help improve outcomes and experiences.

The new quality statement on maternity and neonatal care and perinatal engagement framework set out how the NHS will improve services and what good looks like.

The maternity services strategy can be found here: Maternity services strategy (2019 to 2024) | GOV.WALES

**Northern Ireland**

In Northern Ireland, the Health and Personal Social Services (Northern Ireland) Order 1972 applies. Paragraph 8 (1) states that –

The Ministry shall make arrangements, to such extent as it considers necessary, for the care, including in particular the medical and dental care, of expectant and nursing mothers, and of young children.

Midwifery and maternity services are regulated activities. Information on midwifery regulation is available from the Nursing and Midwifery Council:

## II - 5. Cost-sharing

***§2. Article 10. C102 and ECSS***
*The beneficiary or his breadwinner may be required to share in the cost of the medical care the beneficiary receives in respect of a morbid condition; the rules concerning such cost-sharing shall be so designed as to avoid hardship.*

The National Health Service (NHS) is a comprehensive service available to all, free at the point of use and based on clinical need, not the ability to pay.

**Payment of doctor**

**Hospital treatment**

Treatment is free to those people who are ordinarily resident in the UK or exempt from charges under the National Health Service (Charges to Overseas Visitors) Regulations 2015. Anyone else is liable for the full cost of any treatment provided.

**Patient charges**

No charge to patients ordinarily resident in the UK or charge-exempt overseas visitors, except where the patient asks for special amenities or for extra treatment which is not clinically necessary.

**Scotland**

In Scotland, the relevant legislation is the National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989. Medical treatment, including hospital treatment, is provided by NHS Health Boards in Scotland by virtue of the Functions of Health Boards (Scotland) Order 1991 ("1991 Order"). Section 36 of the 1978 Act places the Scottish Ministers under a duty to provide (to such extent as they consider necessary to meet all reasonable requirements) accommodation, specifically hospital accommodation; premises other than hospitals at which facilities are available for any of the services provided under the 1978 Act; and medical, nursing and other services whether in such accommodation or premises or in the home of the patient or elsewhere.

Health Boards are required to provide health services (as specified in the 1991 Order) to persons who are ordinarily resident in the Health Board area and to persons who reside ordinarily outside the UK but who are in the Health Board area. For A&E services Health Boards must provide/ secure the provision of A&E for all persons in the Health Board's area.

Healthcare charges, including charges for maternity services, apply to overseas visitors, who are not included in the exempt services or persons listed in the Scottish overseas visitors charging regulations, or where they are not covered by reciprocal healthcare arrangements (both with the EEA and other parts of the world).

However, Scottish policy is that no person should ever be denied immediately necessary treatment, or have it delayed, as a result of a charging issue. Maternity services, even in early pregnancy, will always be considered to be immediately necessary treatment because of the severe health risks associated with conditions such as eclampsia and pre-eclampsia, and should not be withheld or delayed if the woman is not found to be exempt from charges and is unable to pay.

**Northern Ireland**

**Payment for a doctor**

Hospital treatment is free to those people who are Ordinarily Resident in Northern Ireland. Entitlement to access publicly funded healthcare for visitors to Northern Ireland is provided for in the Provision of Health Services to Persons Not Ordinarily Resident (PNOR) Regulations (Northern Ireland) 2015. The PNOR Regulations 2015 provide exemptions from healthcare charges in secondary care and enables certain visitors to access General Health Services, on the same basis as someone who is 'Ordinarily Resident'. When a visitor presents at hospital for secondary care, HSC Trusts must establish whether the visitor or the services they are accessing fall within one of the exemptions set out in the PNOR Regulations 2015 and should therefore not be charged. Where charges do apply, Trusts must make and recover charges as appropriate.

**Ordinarily Resident**

For the purpose of eligibility to free HSC hospital treatment in Northern Ireland, being Ordinarily Resident means: A person will be considered ordinarily resident in Northern Ireland when that residence is lawful, voluntary and for a settled purpose as part of the regular order of their life for the time being, whether of short or long duration. It is necessary that the purpose of living in Northern Ireland has a sufficient degree of continuity to properly be described as settled.

**Dental care**

**England**

There are three standard charging bands for NHS dental treatment in England delivered in primary care (high street dentists and community dental services). These are categorised into three bands, each with an associated cost to reflect the complexity of the treatment in each band. As of the 1st of April 2025, these are:

Band 1 - £27.40,
Band 2 - £75.30
Band 3 - £326.70

Further information on the types of treatment covered in these bands can be found on the NHS website.

The patient charge is collected on behalf of the NHS by the dental practice delivering the treatment and passed on to the NHS. The charges collected have no direct impact on the dentists' remuneration but are a contribution to the overall English NHS healthcare budget. NHS Dental Patient Charges are typically uplifted annually at the start of each financial year. Uplifts intended to reflect inflation typically use the Government's preferred inflationary measure, the GDP deflator. The Government uses the forecast value for GDP for the coming financial year, taken at the point in which an uplift to charges is decided.

The table below shows the NHS dental patient charges for 2024/25 and 2025/26:

| | 2024/25 | 2025/26 |
|---|---|---|
| Band 1 | £26.80 | £27.40 |
| Band 2 | £73.50 | £75.30 |
| Band 3 | £319.10 | £326.70 |
| Urgent | £26.80 | £27.40 |

There is no charge for NHS dental treatment for:

- women who are pregnant, or who have had a baby in the preceding 12 months, when the course of treatment starts;
- people under 18; or those aged 19 or under and in full-time education
- people and their partners who are receiving income-related Employment and Support Allowance (ESA), Income Support or income-based Jobseekers' Allowance, Universal Credit or Pension Credit Guarantee Credit;

- people named on an NHS Tax Credit Exemption Certificate or a valid HC2 certificate; and
- Adults on a low income may be able to get help with the cost of treatment through the NHS Low Income Scheme

In-patients receiving dental treatment in an NHS hospital from the hospital dentist are exempt from dental charges. Patients receiving outpatient care from a hospital dentist are exempt from the standard NHS dental charges but charges may be applied for dental appliances such as dentures.

**Scotland**

The Scottish Government introduced NHS dental payment reform on 1 November 2023. The new NHS dental payment system contains a revised fee structure that intends to make it more attractive for dentists to provide NHS services and has a focus on preventive care. The Government's priority is to maintain and increase NHS access by encouraging high street dental providers to deliver more NHS care. A key driver of this is appropriate financial incentives, including item of service fees that better reflect the current market rates for providing dental services to patients.

Around 40% of patients, including those under 26, will continue to receive free NHS care and treatment, as they did under the previous arrangements. The reformed system also continues to protect free dental examinations for everyone. For those not exempt from NHS dental charges but on a low income, financial support is available via the NHS low income scheme. NHS patients who pay for their treatment will continue to pay 80% of their treatment costs up to a maximum of £384, as is the case currently.

**Wales**

In Wales the three equivalent standard charging bands for the 2024/25 financial year are as follows: Band 1 - £14.00, Band 2 - £60.00 and Band C - £260.00. There are also additional exemptions for those people under 25 years of age or over 60 years of age to receive a free dental check-up.

**Northern Ireland**

The Help with Health Costs scheme provides individuals, primarily on low incomes, with help towards the cost of dental treatment, eyesight tests, glasses or contact lenses, and travel costs for Health and Social Care treatment, on referral by a doctor or dentist. The eligibility criteria are set out in the Travelling Expenses and Remission of Charge Regulations (Northern Ireland) 2004.

**Pharmaceutical products**

**England**

Charge of GBP 9.90 per prescribed item
An annual (or 3 months) prescription prepayment certificate can be bought which offers considerable savings to those who need regular medication. The cost of the certificate is GBP 114.50 (England) for one year and GBP 32.05 (England) for 3 months.
There is no charge for the following exemption categories:

- Age: A patient is entitled to a free NHS prescription if they are under 16, aged 16-18 and in full time education, aged 60 or over.
- Income-based benefits: a patient is entitled to free NHS prescriptions if they are included in award for income support, income-based jobseeker's allowance, income-related employment and support allowance. If a patient is receiving one of these benefits, their partner and any dependent young people under 20 are also entitled to free NHS prescriptions.
- Pension Credit: A patient is entitled to free NHS prescriptions if they or their partner receives Pension Credit Guarantee Credit or Pension Credit Guarantee Credit with Savings Credit.
- Universal credit: To be entitled to claim help with their health costs, a patient must be receiving Universal Credit, either as a single person or as a member of a couple, and:
  a) for the last complete assessment period the patient and their partner (if they have one) had either no earnings or net earnings of £435.00 or less. Or;
  b) for the last complete assessment period a patient and their partner (if they have one) had either no earnings or net earnings of £935.00 or less and had a child element included in their award or had limited capability for work. A patient would also be entitled if they were a dependent child or qualifying young person of someone who meets specified criteria.
- Tax credits[19]: A patient is entitled to free NHS prescriptions if their annual family income used to work out their tax credits is £15,276 or less and they receive either child tax credit, working tax credit and child tax credit paid together or working tax credit including a disability element.
- Pregnant women and those who have had a baby in the past 12 months are entitled to apply for a maternity exemption (MATEX) certificate, which confers exemption from prescription charges.
- People with qualifying medical condition are entitled to apply for a medical exemption (MEDEX) certificate, which confers exemption from prescription charges.
- Low income (including students and pensioners): A patient can apply for an HC2 certificate, which confers exemption from NHS prescription charges. These certificates are issued to people who qualify for full help with health costs through the NHS Low Income Scheme.
- People who receive war pension scheme or Armed Forces Compensation Scheme payments: A patient can get free NHS prescriptions if they have a valid war pension exemption certificate and their prescription is for their accepted disability.

**Scotland**

Prescription charges were abolished in Scotland in 2011.

**Wales**

[19] Tax credits have been replaced by Universal Credit for those of working age, or Pension Credit for most people over State Pension age. Individuals can no longer make a new claim to tax credits and the awards of existing claimants who do not claim, or are ineligible for, Universal Credit or Pension Credit ended on 5th April 2025. UK Government departments are reviewing potential changes to the eligibility criteria for benefits they administer where these criteria make reference to tax credits.

There is no charge for an NHS prescription that has been prescribed by an NHS Wales healthcare professional and has been dispensed in Wales.

**Northern Ireland**

All prescriptions dispensed in Northern Ireland are free of charge for everyone. This includes medication, wigs and surgical appliances.

**Prosthesis, spectacles, hearing-aids**

**England**

**Sight tests and spectacles**

Vouchers are available to help with purchase of spectacles for certain groups: to children under 16 or under 19 and still in full-time education, or people (and their partner) getting income-related Employment and Support Allowance (ESA) or Income Support or income-based Jobseeker's Allowance or Pension Credit Guarantee Credit or receiving Universal Credit or Tax Credits and meeting qualifying conditions, or those on a low income and entitled to or named on a valid HC2 (full help) or named on a HC3 (partial help) certificate and those who require complex lenses.

There is no charge for NHS sight tests for the above categories, plus people aged 60 or over, those registered blind or partially sighted, those diagnosed with diabetes or glaucoma, those aged 40 or over and the brother, sister, parent or child of a person diagnosed with glaucoma, and those advised by an ophthalmologist that they are at risk of glaucoma. Others pay privately but may be entitled to help with costs if in receipt of a HC3 partial help certificate.

Hospital Eye Service patients get free sight tests and possible help towards the cost of glasses or contact lenses. War Pensioners can claim back the cost of treatment (for their accepted disability).

**Prosthetics and surgical appliances**

Prosthetics and hearing aids. No charge for provision and fitting of National Health Service appliances.

**Scotland**

**Sight tests and spectacles**

NHS eye examinations are free in Scotland to anyone ordinarily resident in the UK or who is in one of the categories for exemption from NHS charges set out in the National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989. This ensures there is no financial barrier for such people accessing eye care in the community.

Optical vouchers to help with the cost of purchasing spectacles or contact lenses are available to eligible people, including:

- children aged under 16;
- people aged under 19 and in qualifying full-time education;

- people who require complex lenses;
- people (and their partner) receiving Income-related Employment and Support Allowance (ESA), Income Support, Income-based Jobseeker's Allowance (JSA) paid on its own or with contribution-based JSA, Pension Credit Guarantee Credit paid on its own or with Savings Credit, Universal Credit and meeting qualifying conditions.

The optical voucher regime is set out in the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998. The voucher values were most recently increased as at 1 April 2024.

## Wales

### Sight tests and spectacles

You are entitled to free NHS sight test if you:

- are under 16*
- are under the age of 19 years and receiving qualifying full-time education*
- are 60 or over
- are required to wear a complex appliance (your optician can advise you about your entitlement)*
- are registered sight impaired or severely sight impaired in a register kept by a local authority
- have been diagnosed with diabetes or glaucoma or have been advised by an ophthalmologist to be predisposed to the development of glaucoma
- are 40 or over and are the parent, brother, sister or child of a person who has been diagnosed with glaucoma
- are under 18-years-old and in the care of a local authority (to whose maintenance a responsible local authority is contributing)*
- are a **prisoner***
- are uniocular (have sight in one eye only)
- have a hearing impairment
- have been diagnosed with retinitis pigmentosa
- have been clinically assessed as being at risk of developing eye disease

You are also entitled if:

- you or your partner (including civil partner) receive certain **benefits***
- you are under the age of 20 and the dependant of someone receiving certain **benefits***
- you have a **low income***

*Also entitled to NHS vouchers towards the cost of glasses or contact lenses.

### Prosthetics and surgical appliances

After an amputation, it may be possible to have a prosthetic limb fitted. Prosthetic limbs aren't suitable for everyone who's had an amputation because an extensive course of physiotherapy and rehabilitation is required.

In Wales, NHS Prosthetic and Amputee Rehabilitation services are delivered in-house by three specialist **Artificial Limb and Appliance Service (ALAS) located in Cardiff, Swansea and Wrexham**.

Patients who receive care through the above specialists are entitled to free prosthetics.

**Low income scheme**

The **low income scheme** helps people pay for health costs. If you are entitled to NHS treatment and meet certain conditions you may get help with the costs of:

- NHS dental treatment
- sight tests
- glasses and contact lenses
- necessary travel to and from hospital for NHS treatment under the care of a hospital consultant

Details on patient eligibility to the Low Income Scheme can be found here.

**Northern Ireland**

**Sight tests and spectacles**

Individuals in Northern Ireland are entitled to a free sight test in the following circumstances:

- are aged 60 or over
- are a diagnosed glaucoma patient, or considered to be at risk of glaucoma (according to an ophthalmologist)
- aged 40 or over and with a parent, brother, sister, son or daughter diagnosed with glaucoma
- are diagnosed as diabetic
- are registering as blind or as partially sighted
- are eligible for an HS Complex Lens Voucher
- receive, or your partner receives, Pension Credit Guarantee Credit (the 'guarantee credit element')
- are on Income Support, income-based Jobseeker's Allowance or income based Employment and Support Allowance
- have a valid HS tax credit exemption certificate
- have made an HS Low Income scheme claim and have a valid HS exemption certificate (HC2 or HC3)
- are a war pensioner and need the sight test because of a disability for which you get a war pension

You may also get a voucher towards the cost of glasses or contact lenses if you:

- receive, or your partner receives, Pension Credit Guarantee Credit (the 'guarantee credit' element)
- are on Income Support, income-based Jobseeker's Allowance or income-based Employment and Support Allowance

- have a valid HS tax credit exemption certificate or have a valid HS exemption certificate (HC2 or HC3

You may also be entitled to a voucher if you are prescribed complex lenses.

**Hearing aids**

In Northern Ireland, Health and Social Care Trusts provide free hearing aids, maintenance and follow-up care for those over 60. There is also a regional contract, "Hearing Aid User Support Service" to provide:

- a regional maintenance Service for all adult Service Users who have been fitted with an NHS hearing aid;
- a regional Hearing Aid User Support Service to all adult hearing aid users within HSC Trust areas;
- promote and coordinate outreach hearing health events.

**Prosthetics and surgical appliances**

Artificial limbs and surgical appliances are provided and repaired for free by the Health Service in Northern Ireland. Referrals for this service are made by a hospital consultant, patients will be seen at the Limb Fitting Centre at Musgrave Park Hospital.

Each limb needs to be individually made and fitted for each patient and there is a need for expert clinical supervision of the entire surgical, fitting and support process. Free training is also provided to people about how to use an artificial limb.

## II - 6. Objectives of Medical Care

***§3. Article 10. C102 and ECSS***
*The benefit provided in accordance with this Article shall be afforded with a view to maintaining, restoring or improving the health of the person protected and his ability to work and to attend to his personal needs.*

As stated above, the Department of Health and Social Care's purpose is to help people live better for longer. It leads, shapes and funds health and care in England, making sure people have the support, care and treatment they need, with the compassion and dignity they deserve.

<u>Introduction to the NHS Constitution:</u>

*'The NHS belongs to the people.*

*It is there to improve our health and wellbeing, supporting us to keep mentally and physically well, to get better when we are ill and, when we cannot fully recover, to stay as well as we can to the end of our lives. It works at the limits of science – bringing the highest levels of human knowledge and skill to save lives and improve health. It touches our lives at times of basic human need, when care and compassion are what matter most.'*

## II - 7. Promotion of the general health service

***§4. Article 10. C102 and ECSS***

*The institutions or Government departments administering the benefit shall, by such means as may be deemed appropriate, encourage the persons protected to avail themselves of the general health services placed at their disposal by the public authorities or by other bodies recognised by the public authorities.*

***See under Part II-1. Regulatory framework.***

**UK Health Security Agency (UKHSA)**

Formally established on 1 April 2021 as an Executive Agency of the Department of Health and Social Care, the new UK Health Security Agency (UKHSA) is England's permanent standing capacity to prepare for, prevent and respond to threats to the population's health.

The UKHSA is the nation's public health security agency, operating as an integral part of the public health system. The UKHSA prevents, prepares for and responds to infectious diseases and environmental hazards. This includes: emergency response and preparedness to deal with the most severe incidents at national and local level; all infectious diseases including pandemics, endemic, high-consequence, vaccine-preventable, resistant, healthcare associated, new and emerging diseases; environmental threats, radiation, chemicals and other threats to health; and local health protection teams to deal with infections and other hazards to health. UKHSA provides scientific and operation leadership working with local, national and international partners to protect the public's health and build the nation's health security capability.

**The Office for Health Improvement and Disparities (OHID)**

OHID's mission is to minimize preventable ill health so that everyone can expect to live more of life in good health; and to level up health disparities so that we break the link between people's background and prospects for a healthy life ahead. OHID is driving innovation, and is focusing on driving impact and progress on this critical and ambitious agenda, working with the rest of Government, the healthcare system, Local Government, industry, academia and other wider partners.

**Public Health Scotland**

Public Health Scotland (PHS) is a national NHS Special Health Board which is Scotland's lead national agency for improving and protecting the health and wellbeing of all of Scotland's people. Their strategic plan can be found here: A Scotland where everybody thrives: Public Health Scotland's strategic plan 2022 to 2025 - What we do and how we work - About us - Public Health Scotland

The PHS focus is on increasing healthy life expectancy, tackling health inequalities and reducing premature mortality. To do this, PHS use data, intelligence and a place based approach to lead and deliver action on Scotland's public health priorities.

PHS are jointly sponsored by COSLA and the Scottish Government and collaborate across the public and third sectors.

**Public Health Wales**

With support from our staff, partners and the people of Wales, Public Health Wales has developed a long term strategy covering 2018-30. It brings together seven strategic priorities which are intrinsically linked and together help us achieve our purpose: Working to Achieve a Healthier Future for Wales.

This strategy will enable us to focus on how we can best work with our partners to have maximum impact in improving health and wellbeing and reducing health inequalities in Wales.

Our seven priorities are:

- Influencing the wider determinants of health
- Improving mental well-being and resilience
- Promoting healthy behaviours
- Securing a healthy future for the next generation
- Protecting the public from infection and environmental threats to health
- Supporting the development of a sustainable health and care system focused on prevention and early intervention
- Building and mobilising knowledge and skills to improve health and well-being across Wales

**Public Health Agency (Northern Ireland)**

The Public Health Agency (PHA) was established under Section 12 (1) of the Health and Social Care (Reform) Act (Northern Ireland) 2009, and is an arms length body of the Department of Health in Northern Ireland.

The overall aim for the PHA is to improve the health and social well-being of the population and the quality of care provided, and to protect the population from communicable disease or emergencies or other threats to public health. As well as the provision or securing of services related to those functions, the PHA will commission or undertake programmes of research, health awareness and promotion etc. This aim is delivered through three core functions of the PHA:

- securing the provision of and developing and providing programmes and initiatives designed to secure the improvement of the health and social well-being of and reduce health inequalities between people in Northern Ireland,
- protecting the community (or any part of the community) against communicable disease and other dangers to health and social well-being including dangers arising on environmental or public health grounds or arising out of emergencies; and
- providing professional input to the commissioning of health and social care services which meet established quality standards and which support innovation.

The PHA also has a general responsibility for promoting improved partnership working with local government and other public sector organisations to bring about real improvements in public health and social well-being on the ground and anticipating the new opportunities offered by community planning.

## II - 8. Qualifying period

***§1(f) Article 1 C102, §1(i) Article 1 ECSS***
*The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.*

***Article 11. C102 and ECSS***
*The benefit specified in Article 10 shall, in a contingency covered, be secured at least to a person protected who has completed, or whose breadwinner has completed, such qualifying period as may be considered necessary to preclude abuse.*

**United Kingdom**

See part II 3 and 5

### II - 9. Minimum duration of Benefit

***Article 12. C102 and ECSS***
*The benefit specified in Article 10 shall be granted throughout the contingency covered, except that, in case of a morbid condition, its duration may be limited to 26 weeks in each case, but benefit shall not be suspended while a sickness benefit continues to be paid, and provision shall be made to enable the limit to be extended for prescribed diseases recognised as entailing prolonged care.*

There is no time limit for which a patient can access NHS care in England. In exceptional circumstances, a hospital may seek a court order to discharge a patient who does not want to be discharged, when they are medically fit. Such situations are very rare however, and this is handled on a case by case basis by the trust. Similarly, there are no prescribed time limits for access to medical care in Wales.

### II - 10. Suspension of Benefit

***Article 69. C102, Article 68. ECSS***
*A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to X of this Convention may be suspended to such extent as may be prescribed:*
*(a) as long as the person concerned is absent from the territory of the Member;*
*(b) as long as the person concerned is maintained at public expense, or at the expense of a social security institution or service, subject to any portion of the benefit in excess of the value of such maintenance being granted to the dependants of the beneficiary;*
*(c) as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, and during any period in respect of which he is indemnified for the contingency by a third party, subject to the part of the benefit which is suspended not exceeding the other benefit or the indemnity by a third party;*e*(d) where the person concerned has made a fraudulent claim;*
*(e) where the contingency has been caused by a criminal offence committed by the person concerned;*
*(f) where the contingency has been caused by the wilful misconduct of the person concerned;*
*(g) in appropriate cases, where the person concerned neglects to make use of the medical or rehabilitation services placed at his disposal or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries;*

Entitlement to NHS services is centred on the UK's residency-based healthcare system. Both Ordinarily Resident and Non-Ordinarily Resident persons are able in law to access the NHS. The UK system does not involve a periodical payment to cover treatment; treatment is free at the point of access. Furthermore, UK legislation does not make provision for suspension of medical services in the circumstances covered by the Code.

Non-Ordinarily Resident visitors, however, will be subject to a charge for NHS secondary care services, unless an exemption from a charge category applies to them or the treatment accessed. Where a charge applies, treatment that a clinician considers "non-urgent", which means it should wait until the date at which the visitor can reasonably be expected to depart the UK, will be withheld unless payment is provided in full. Immediately necessary or urgent treatment which a clinician considers should not wait until the date the visitor can reasonably be expected to depart the UK will not be withheld even if payment is not provided. If an individual is entitled to NHS care, access to treatments will be subject to the treatments and services that are available locally as well as the eligibility criteria set for these services. In specific circumstances, NHS treatment can be suspended if the treating clinician believes it is medically inappropriate to continue treatment for a patient, this occurs on a case by case basis with decisions made on the basis of medical appropriateness.

## II- 11. Right of complaint and appeal

***Article 70. C102, Article 69. ECSS***

*1. Every claimant shall have a right of appeal in case of refusal of the benefit or complaint as to its quality or quantity.*

*2. Where in the application of this Convention (Code) a government department responsible to a legislature is entrusted with the administration of medical care, the right of appeal provided for in paragraph 1 of this article may be replaced by a right to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.*t*3. Where a claim is settled by a special tribunal established to deal with social security questions and on which the persons protected are represented, no right of appeal shall be required.*

### England

Should a person wish to complain about any aspect of NHS care, treatment or services, they have the right to do this under the NHS constitution and can do so by following the complaints procedure at their local NHS (i.e. hospital, GP surgery, etc.).

Complaint and redress – NHS: NHS England » Feedback and complaints about NHS services

### Northern Ireland

Should a person be unhappy with the treatment they receive from the health and social care service, the quality of care provided by a nursing home or the treatment they paid for at a private clinic, they have the right to raise a concern or a complaint. Further information on how to complain or raise concerns about health services in Northern Ireland can be found at: How to complain or raise concerns about health services | nidirect

## II - 12. Financing and Administration

***Article 71. C102, Article 70. ECSS***

*1. The cost of the benefits provided in compliance with this Convention (Code) and the cost of the administration of such benefits shall be borne collectively by way of insurance contributions or taxation or both in a manner which avoids hardship to persons of small means and takes into account the economic situation of the Member (Contracting Party) and of the classes of persons protected.*
*2. The total of the insurance contributions borne by the employees protected shall not exceed 50 per cent of the total of the financial resources allocated to the protection of employees and their wives and children. For the purpose of ascertaining whether this condition is fulfilled, all the benefits provided by the Member (Contracting Party) in compliance with this Convention (Code), except family benefit and, if provided by a special branch, employment injury benefit, may be taken together.\3. The Member (Contracting Party) shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention (Code), and shall take all measures required for this purpose; it shall ensure, where appropriate, that the necessary actuarial studies and calculations concerning financial equilibrium are made periodically and, in any event, prior to any change in benefits, the rate of insurance contributions, or the taxes allocated to covering the contingencies in question.*

***Article 72. C102, Article 71. ECSS***

*1. The Member (Contracting Party) shall accept general responsibility for the proper administration of the institutions and services concerned in the application of the Convention (Code).*
*2. Where the administration is not entrusted* [to an institution regulated by the public authorities or – C102] *to a Government department responsible to a legislature, representatives of the persons protected shall participate in the management, or be associated therewith in a consultative capacity, under prescribed conditions; national laws or regulations may likewise decide as to the participation of representatives of employers and of the public authorities.*

***Also See Part XIII-3***

**Basic principle:** tax financed National Health Service for all residents.

The most up-to-date information on healthcare expenditure can be found here: https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthcaresystem/bulletins/ukhealthaccounts/2023and2024

### The Health and Care Act 2022

The Health and Care Act 2022 contains a number of provisions related to the organisational reform of NHS England: on 1 July 2022, the functions of NHS Improvement (Monitor and the Trust Development Authority) – with the exception of its competition functions - were transferred to NHS England by the Health and Care Act 2022 and instruments made under it. In relation to the NHS Improvement's competition functions, the Act removed those rather than moving them to NHS England as part of the merger, to allow NHS England to focus more on improvement in the quality of care and use of NHS resources, and on the development of integrated care. On 1 February 2023, NHS Digital (the Health and Social Care Information Centre) was abolished and its functions were transferred to NHS England under The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023, giving NHS England the responsibility to develop and operate national IT and data services that support clinicians at work, help patients get the best care, and use data to improve treatment. On 1 April 2023, Health Education England functions were transferred to NHS England under the Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023. NHS England assumed responsibility for the planning and delivery of the recruitment, education and training of the health workforce and, ensuring that the healthcare workforce has the right numbers, skills, values and behaviors in place to support the delivery of excellent healthcare and health improvement to patients and the public.

On 13th March, it was announced that NHS England will be brought into the Department for Health and Social Care to form a new joint venture. NHS England will continue to carry out its statutory duties until Parliamentary time allows for legislation to be brought forward to amend the Department's responsibilities. We expect this will be completed within two years.

The Health and Care Act 2022 established Integrated Care Boards (ICBs) and Integrated Care Partnerships (ICPs). An ICP is a joint committee of the ICB and each Local Authority in its area (Local Government and Public Involvement in Health Act 2007), with Local Authorities nominating a member of the ICB (National Health Service Act 2006). This enables joined up planning and commissioning of health and care services, and improvement of the lives of people who live and work in their area. This approach was developed in collaboration with the NHS and local government and provides more flexibility for systems to manage health and care in the interests of their populations. One of the key benefits has been that for many areas different organisations and agencies have come together on a local basis to set up local integrated care teams. We have been told by local leaders that the current approach has allowed for more widespread cooperation and joint working between local organisations.

The Health and Care Act 2022 amended the Healthcare (European Economic Area and Switzerland Arrangements) Act 2019 (HEEASAA) to enable the secretary of state to implement healthcare agreements which allow data sharing and reimbursement with countries outside the European Economic Area (EEA) and Switzerland ('Rest of World countries' as part of our Rest of World policy). After the amending provisions came into force in August 2023, HEEASAA was renamed as the Healthcare (International Arrangements) Act 2019 (HIAA). This Act now gives the Secretary of State powers to implement healthcare arrangements with countries around the world which require financial reimbursement or data exchange.

Section 2(2) of HIAA enables the Secretary of State to make regulations authorising payments for healthcare otherwise than under a healthcare agreement with countries/territories listed in Schedule 1 of the Healthcare (International Arrangements) (EU Exit) Regulations 2023 ("the HIA Regulations"), and with which we have a reciprocal healthcare arrangement in place. This is subject to the condition that such a payment is justified by "exceptional circumstances". This funding power replaced the broader funding power in section 1 of HEEASAA (which supported any unilateral payments to any EEA state or Switzerland without condition) and it enables the UK Government to continue to support all UK insured persons abroad by funding healthcare where they narrowly fall outside the scope of an arrangement and the exceptional circumstances justify payment. We have developed an exceptional circumstances policy framework to support the exercise of this power making it clear to the public, health boards and NHS agencies how we envisage discretion being exercised in practice.

Due to the amending provisions to HEEASAA in the Health and Care Act 2022, secondary legislation was needed to implement the existing international healthcare arrangements. The HIA Regulations (as above), which came into force on the same day as the amending provisions to HEEASAA in the Health and Care Act 2022, confer functions on the NHS Business Services Authority, and local health boards in England, Scotland and Wales requiring them to give effect to the obligations and commitments of the UK under relevant healthcare arrangements. These functions include making payments to international partners, processing applications and claims, and providing information to the public. The HIA Regulations are substantively very similar to the Healthcare (European Economic Area and Switzerland Arrangements) (EU Exit) Regulations 2019 ("the HEEASA Regulations") which they replaced.

**Long Term Workforce Planning**

NHS England's Long Term Workforce Plan (LTWP) was published on the 30 June 2023. The Government is committed to ensuring that the NHS has the right, qualified healthcare professional to treat patients when and where they need it. We will publish a refreshed Long Term Workforce Plan to deliver the transformed health service we will build over the next decade, and treat patients on time again.

**International registration**

Current arrangements under provisions in the European Qualifications (Health and Social Care Professions) (Amendment) (EU Exit) Regulations 2019 ensure that UK regulators continue to automatically recognise relevant European Economic Area (EEA) and Swiss healthcare qualifications. In addition, qualifications from EFTA countries and Switzerland are recognised under trade agreements made with those nations. This means healthcare professionals with recognised qualifications from EEA countries and Switzerland can continue to practise in the UK without the need to sit additional professional exams or undergo further assessment by regulators, mitigating delays to registration and employment in the NHS. In 2023, the Secretary of State undertook a review of the standstill provisions, and a report was published on 29 June 2023, confirming the decision to retain them. The Government will decide whether to conduct a further review of this decision after a period of 5 years (2028). In March 2023, legislative changes came into effect which gave the General Dental Council (GDC) greater flexibility to expand the registration routes for international dentists and dental care professionals and improve its international registration processes.

In England, the NHS's resource budget (excluding depreciation) outturn was £152.3bn in 2021-22, £171.4bn in 2022-23, £175.9bn in 2023-24. The planned figures are £183.6bn in 2024-25 and £193.4bn in 2025-26. As of November 2023, there has been a classification change relating to depreciation costs, so these costs are now excluded from these figures. These changes do not impact spending power.

**Scotland**

**Additional support for in-patients care**

The Scottish Government have committed to reducing in patient and day-case waiting lists by an estimated 100,000 patients over the next three years. Backed by planned investment of an extra £100 million annually, subject to the annual Scottish Budget setting process, the Scottish Government will work closely with NHS boards and stakeholders on a number of key actions which will see patients treated as quickly as possible.

An initial investment of £30 million can now be funded as part of the Scottish Government's on-going management of the Scottish Budget and will target reductions to the national backlogs that built up throughout the pandemic, including orthopaedics treatments, diagnostics for cancer referrals and patients waiting the longest time.

**Northern Ireland**

**Healthcare Funding**

For 2025/26 the Department has been allocated £8.5bn of revenue funding of which £215m has been ring fenced to address the significant waiting lists across the Health and Social Care system in Northern Ireland (HSCNI); this is a priority action under the recently agreed Programme for Government NI. The Department has also been allocated £61m of transformation funding over a five-year period to support the continued roll-out of multi-disciplinary teams within GP practices. While the financial position remains challenging, a programme of work has been developed to move HSCNI to a more sustainable basis.

# Part III. Sickness Benefit

***The United Kingdom has accepted the obligations resulting from C24, C25, Part III of C102 and Part III of the ECSS.***

Information provided below applies across Great Britain and Northern Ireland, except in instances where it is indicated that Scotland has different legislation or policies in place.

## List of applicable legislation

For a full list of legislation, see: https://www.legislation.gov.uk/uksi/social%20security

Welfare reform Act 2012, Universal Credit Regulations 2013 and 'Welfare Reform and Work Act 2016

https://www.legislation.gov.uk/ukpga/2012/5/contents/enacted
http://www.legislation.gov.uk/ukdsi/2013/9780111531938/contents
http://www.legislation.gov.uk/ukpga/2016/7/contents/enacted

Universal Credit Regulations (Northern Ireland) 2016 and Welfare Reform and Work (Northern Ireland) Order 2016

http://www.legislation.gov.uk/nisr/2016/216/contents/made

http://www.legislation.gov.uk/nisi/2016/999/contents

## III - 1. Regulatory framework

***Article 1. C24***
*Each Member of the International Labour Organisation which ratifies this Convention undertakes to set up a system of compulsory sickness insurance which shall be based on provisions at least equivalent to those contained in this Convention.*

***Article 1. C25***
*Each Member of the International Labour Organisation which ratifies this Convention undertakes to set up a system of compulsory sickness insurance for agricultural workers, which shall be based on provisions at least equivalent to those contained in this Convention.*

***Article 13. C102 and ECSS***
*Each Member (Contracting Party) for which this Part of this Convention (Code) is in force shall secure to the persons protected the provision of sickness benefit in accordance with the following Articles of this Part.*

**Universal Credit**

The UK welfare system is made up of social security benefits and social assistance measures that together provide a welfare safety net protecting the most vulnerable in society. Universal Credit (UC) is a universal social assistance measure that supports those who can work into work by providing a minimum level of income, and cares for those who cannot work. Where those who can work, do work, and where the support is matched by the requirement for jobseekers to take it up. For the purposes of the Code it is considered a social assistance benefit. UC replaces the previous complex system of six main benefits (Income-based Jobseeker's Allowance, Income-related Employment and Support Allowance, Income Support, Working Tax Credit, Child Tax Credit[20], Housing Benefit) with one simple monthly payment, the same way that many working people are paid.

Universal Credit supports people who are on a low income or out of work and helps to ensure that they are better off in work than on benefits. It provides claimants with the support they need to prepare for work, move into work, or to earn more if already in work. In return, claimants accept a Claimant Commitment following a conversation with their work coach. The Claimant Commitment sets out what the claimant has agreed to do to prepare for and look for work, or to increase their earnings if already employed. It is based on the claimant's personal circumstances and is reviewed and updated on a regular basis. See claimant commitment below for further information.

**Universal Credit Northern Ireland**

Section 87 of the Northern Ireland Act 1998 ("the 1998" Act") places a statutory duty on the Minister for Communities and the Secretary of State for Work and Pensions to consult with one another with a view to securing a single social security system for the United Kingdom. Section 88 of the 1998 Act makes provision for financial adjustments to support the maintenance of these parity arrangements.

Underpinning the parity principle is the argument that, as people in Northern Ireland pay the same rates of income tax and National Insurance contributions as people in Great Britain, they are entitled to the same rights and benefits paid at the same rate.

**Universal Credit Scottish Choices**

Sections 29 and 30 of the Scotland Act 2016 allow Scottish Ministers to introduce flexibilities in relation to Universal Credit (UC) with regard to the person to whom, and the time when, UC is to be paid, and to vary the amount of housing costs paid to people in receipt of UC. Since 4 October 2017, people in Scotland have had the choice to receive their UC award either monthly or twice monthly and to have the housing costs in their UC award paid directly to their landlord in both the privately and socially rented sectors. These are known as the UC Scottish choices.

The Department for Work and Pensions (DWP) delivers the UC Scottish choices on behalf of the Scottish Government. The UC Scottish choices give people more choice and control over UC payments. . The Scottish Government has committed to abolish the spare room deduction at source within the UC system. Until this is possible Scottish Government pay the Spare Room Deduction via Discretionary Housing Payments administered by Local Authorities.

The Scottish Government also intends to introduce split payments of UC to give everyone access to an independent income and to promote equality in the welfare system. The Scottish Government have developed a policy design specification and this has been sent

[20] Tax credits (Working Tax Credit and Child Tax Credit) ended on 5th April 2025.

to the DWP who have come back outlining the complex challenges of introducing split payments to the UC system as standard. Scottish Government are currently reviewing this response with the aim of continuing to work with the DWP to consider how this could be delivered.

**Statutory Sick Pay**

Financial Support for employed individuals unable to work due to sickness or incapacity is available in the form of Statutory Sick Pay (SSP). SSP is paid by the employer from the fourth day, for up to a maximum of 28 weeks, and in the same way and at the same time as an employee's normal wages. If SSP ends, an employee can claim Universal Credit or New Style Employment and Support Allowance depending on circumstance.

| | 2024/25 | 2025/26 |
|---|---|---|
| Amount of SSP | £116.75 | £118.75 |

Universal Credit is available for those who require additional financial support or for those who do not qualify for Statutory Sick Pay.

**New style Employment and Support Allowance**

New style Employment and Support Allowance (NS ESA) is available to individuals who have a disability or health condition that affects how much they can work for. Individuals can claim NS ESA with or instead of UC.

## III - 2. Contingency covered

***Article 14. C102 and ECSS***
*The contingency covered shall include incapacity for work resulting from a morbid condition and involving suspension of earnings, as defined by national laws or regulations.*

Laws and regulations exist to provide cover for the contingency.

See Part III - 3

## III - 3. Persons protected

***§1. Article 2. C24***
*The compulsory sickness insurance system shall apply to manual and non-manual workers, including apprentices, employed by industrial undertakings and commercial undertakings, out-workers and domestic servants.*

***§1. Article 2. C25***
*The compulsory sickness insurance system shall apply to manual and non-manual workers, including apprentices, employed by agricultural undertakings.*

***Article 15. C102 and ECSS***
*The persons protected shall comprise:*
*(a) prescribed classes of employees, constituting not less than 50 per cent of all employees; or*

*(b) prescribed classes of the economically active population, constituting not less than 20 per cent of all residents; or*
*(c) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67.*

**Universal Credit**

Universal Credit (UC) is a universal social assistance measure that supports those who can work into work, and cares for those who cannot work by providing a minimum level of income. There are five basic conditions of entitlement to Universal Credit: to be 18 years or over (with some exceptions); to be under Pension Credit age (with some exceptions); to be a resident of Great Britain; to not be in full-time education (with some exceptions); and to have accepted a claimant commitment.

**Lower age limit**

The lower age limit for entitlement to Universal Credit is usually 18 years. This is because 16 and 17 year olds should usually be in education or training and be supported by their parents. Where appropriate, Universal Credit provides financial support for most 16 and 17 year-olds via the child element awarded to their parents. However, there are exceptional circumstances where 16 and 17 year olds can claim Universal Credit in their own right. There is no direct entitlement to Universal Credit for children under the age of 16. If one member of a couple is ineligible for Universal Credit because they are under the age of 18 years, then they are not included in the calculation of entitlement. However, any capital, income or earnings that they have is still taken into account.

16 and 17 year olds can claim Universal Credit in their own right if they:

- are responsible for a child (lone parents or couples);
- are sick or disabled with limited capability for work, or providing medical evidence and waiting to be assessed – they do not already need to have been awaiting a WCA at the point of claiming Universal Credit;
- have regular and substantial caring responsibilities for a severely disabled person; are pregnant and it is 11 weeks or less before the expected week of confinement, or were pregnant and it is 15 weeks or less since the date of confinement;
- have no parent, or cannot live with their parent(s); or,
- in specific circumstances are not supported by their parent(s).

**Upper age limit**

The upper age limit for Universal Credit is the qualifying age for Pension Credit. The qualifying age for Pension Credit is linked to the State Pension age (currently 66-years-old). The Pension Credit qualifying age will continue to rise in line with the further State Pension age increases.

Before 15 May 2019, couples with one person above and one person below Pension Credit qualifying age ("mixed age couples") could choose to claim either Pension Credit (and/or Housing Benefit for pensioners) or the appropriate working-age income-related benefit. Since 15 May 2019 new claims for Pension Credit and Housing Benefit for pensioners have been restricted to couples where both members are above the Pension Credit qualifying age.

Mixed age couples who were already claiming Pension Credit and/or Housing Benefit for pensioners immediately before the change are not affected for as long as they remain entitled to either benefit. Accordingly, entitlement to Pension Credit may also still be granted to these couples if they are in receipt of pension age Housing Benefit and vice versa.

Those mixed age couples not eligible for these pensioner benefits may qualify for Universal Credit, subject to satisfying the capital, income and other entitlement conditions. As Universal Credit is designed to incentivise and reward paid work, this will ensure that the working age partner receives the right support and incentives to move into work and, where appropriate, they are required to meet work related conditions. Any Universal Credit work-related requirements will only apply to the partner below State Pension age. The upper age limit for Universal Credit will in such cases therefore be attained once both members of the couple have reached the qualifying age for Pension Credit.

The change to the eligibility conditions for mixed-age couples was enacted by paragraph 64 of Schedule 2 to the Welfare Reform Act 2012, and brought into force with effect from 15 May 2019 by the Welfare Reform Act 2012 (Commencement No. 31 and Savings and Transitional Provisions and Commencement No. 21 and 23 and Transitional and Transitory Provisions (Amendment)) Order 2019 (Statutory Instrument 2019 no. 37).

Corresponding Northern Ireland legislation is paragraph 53 of Schedule 2 to the Welfare Reform (Northern Ireland) Order 2015 and the Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 13 and Savings and Transitional Provisions and Commencement No. 8 and Transitional and Transitory Provisions (Amendment)) Order 2019 (SR 2019 No. 4).

Since 25 November 2020 claimants receive a payment of Universal Credit for the entire monthly assessment period in which state pension credit qualifying age is reached, so in effect a run-on of Universal Credit past that age, helping to smooth the transition between working age and pension age benefits. For mixed-age couples this applies when the younger partner reaches State Pension Credit qualifying age.

This change was made in the Universal Credit (Persons who have attained state pension credit qualifying age) (Amendment) Regulations (Northern Ireland) 2020 (SR 2020 No. 119).

**Education: Exclusions and Exemptions**

The majority of people in full-time education are not entitled to Universal Credit. However, exceptions are made where students have additional needs that are not met through the student support system. Treatment of student income under Universal Credit broadly mirrors that in income-related Employment and Support Allowance, Housing Benefit, Income Support and income-based Jobseeker's Allowance which safeguards fairness whilst also ensuring simplification of the benefit system.

A person in full time education can claim Universal Credit if they are:

- living with their partner and the partner is eligible for UC;

- responsible for a child, either as a single person or as a couple if both are students;
- disabled and entitled to Attendance Allowance (AA) Disability Living Allowance (DLA), Personal Independence Payment (PIP) or Armed Forces Independence Payment (AFIP) and have limited capability for work; or
- in 'non-advanced education' (for example studying for A levels or a BTEC National Diploma), are 21 or under and don't have parental support on the date of claim to Universal Credit.

Any student loan paid to meet living costs is subject to a £110 disregard in each Assessment Period, equivalent to that provided under Legacy Benefits. Any reduction is only for living costs as loans or grants for other things, such as tuition fees or books, are fully disregarded.

**Claimant Commitment**

All claimants accept a Claimant Commitment as a condition of entitlement. Couples living in the same household make a joint claim for Universal Credit and each have their own Claimant Commitment.

Where a claimant is physically or mentally unable to accept a Claimant Commitment and this is unlikely to change, or it would be unreasonable to expect them to do so due to terminal illness, we will waive the requirement to accept a Claimant Commitment.

In a couple household both members of the household must accept their Claimant Commitment in order to receive Universal Credit.

**Restrictions on Entitlement**

There is no entitlement to Universal Credit where a person is:

- a member of a religious order fully maintained by their order;
- a prisoner (except to the extent that support is provided for a temporary period for housing costs where period in custody is likely to be less than six months); or
- serving a sentence of imprisonment and detained in hospital.

These exclusions apply because these categories of people are maintained from other sources and therefore have no need to rely on benefits. These rules broadly mirror current rules in the income-related benefits.

**Apprenticeships**

People aged 18 or over on apprenticeships will be eligible for Universal Credit if they satisfy the normal conditions of entitlement. Young people aged 16 and 17 would **not** normally be able to claim Universal Credit, but there are some limited exceptional circumstances where they may do so (given on pp. 48-49 above), for example where they themselves are responsible for a child, have limited capability for work or are without parental support.

**Legacy housing benefit**

Housing costs for those individuals in Supported Housing or Temporary Accommodation where the relevant criteria set out in legislation is met, will continue to be funded through

Housing Benefit. There have not been any changes to Housing Benefit regulations in respect of either Supported Housing or Temporary Accommodation since July 2017.

### Implementation of UC

Implementation of the move to Universal Credit continues. By the end of June 2024, 771,810 households, and 1,140,810 individuals had been sent migration notices.
In April 2024 we began issuing Migration Notices to all remaining households in scope to move to Universal Credit. We started with Income Support households and those claiming tax credits with Housing Benefit from April 2024, with Housing Benefit only households and Employment Support Allowance with Child Tax Credits households being notified of the move from July 2024. Pension Aged Tax Credit households claiming Child Tax Credit only, were also notified to move to Pension Credit from July2024.

We started to notify Jobseekers Allowance households and Pension Aged Tax Credit households receiving Working Tax Credit or Working Tax Credit and Child Tax Credit to claim Universal Credit from September 2024.

For those on Employment and Support Allowance only or those with ESA with Housing Benefit, have started to receive notifications of the move. We expect to have moved all existing claimants by the end of March 2026

### Research and Analysis

August 2023 - Completing the Move to Universal Credit: learning from initial Tax Credit migrations and the first quarterly release of Move to UC official statistics.

February 2024 - Move to Universal Credit – insight on Tax Credit migrations and initial Discovery activity for wider benefit cohorts

## III - 4. Level and Calculation of Benefit

***Article 16. C102 and ECSS***
*1. Where classes of employees or classes of the economically active population are protected, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66[21].*
*2. Where all residents whose means during the contingency do not exceed prescribed limits are protected, the benefit shall be a periodical payment calculated in such a manner as to comply with the requirements of Article 67;* [provided that a prescribed benefit shall be guaranteed, without means test, to the prescribed classes of persons determined in accordance with Article 15. a or b - ECSS].

### Universal Credit

Universal Credit is social assistance provided for those who have limited means. While it is important to protect the incentive to save for claimants on low earnings, people with substantial capital must take responsibility for their own support. All income, savings and capital either in the UK or abroad of the individual or couple, must be taken into account when calculating the adjusted award for UC. UC broadly follows the capital rules from

[21] See under Part XI. Standards to be complied with by periodical payments.

legacy means-tested benefits e.g. Income Support and extends them to the customer group who would previously have claimed Tax Credits, which did not have any capital limits.

People with capital of £16,000 or more who are entitled to Tax Credits before migrating to UC will have transitional protection to protect their entitlement to benefit for a year. The current system allows people to continue to receive benefit even though they may have an amount of capital from £6,000 by gradually reducing the level of their entitlement. The level beyond which capital starts to be considered is £6,000. This is because it is right that there is a point at which people with more substantial capital use these resources to help maintain themselves. The capital limit above which Universal Credit entitlement ends is £16,000. This strikes a balance between protecting less well-off people and the taxpayer, whilst at the same time recognising the conscientious efforts of people who have built up capital. This limit also ensures that the help which comes from taxpayers, many of whom are themselves on low incomes and have limited capital, is directed to people who need it most. Whilst it is important to encourage saving, it has never been thought right for substantial amounts of capital to be ignored. The upper capital limit is £16,000. Beyond that point the claimant(s) will not normally be entitled to UC. Capital of £6,000 and under will be disregarded completely.

Universal Credit also improves work incentives by introducing a smoother, more transparent reduction of benefits at a consistent and predictable rate when people move into work and increase their earnings. A single taper of 55 per cent[22] per £1 is applied as earnings rise and some claimants will also receive a work allowance[23], depending on their circumstances.

Universal Credit payment is made up of a standard allowance and any extra amounts that apply, for example if an individual:

- has children
- has a disability or health condition which prevents them from working
- needs help paying their rent

**Calculation of the level of social assistance**

For the purposes of establishing the level of social assistance received, in the form of Universal Credit, by the standard beneficiary in accordance with Article 67 of the Code the reference wage has been calculated as the median gross weekly earning (excluding overtime) for full-time male employees who are classified as typical of unskilled labour selected in accordance with the provisions of the Article 66 (4)(b) and 66 (5) . The reference wage is derived from the Annual Survey of Hours and Earnings (ASHE) median wage for a male employee under classification SOC 91[24]. For the purposes of the calculation of the level of social assistance, the reference wage is:

[22] The Universal Credit taper rate was reduced on 24th November 2021 from 63% to 55%, this allows claimants can keep more of their earnings before there Universal Credit is reduced.

[23] A Work Allowance is the amount that households with children or a household member with limited capability for work can earn before their Universal Credit award starts to be tapered. As of April 2025, these were £411 per month for those also receiving support for housing costs, and £684 per month for those not receiving support for housing costs.

[24] Earnings and hours worked, occupation by four-digit SOC: ASHE Table 14 - Office for National Statistics

| 2024/25 | Weekly | Monthly |
|---|---|---|
| Gross | £503.70* | £2182.70 |
| Net** | £430.24 | £1864.38 |

*Provisional and subject to deductions for Income Tax and National Insurance.

** Net figures are calculated based on the gross value rounded to the nearest £1.

Due to its status as a social assistance measure that supports those who can work into work, and cares for those who cannot work by providing a minimum level of income, the calculation of the Universal Credit award takes into account a number of variables that are not accounted for in the Code such as the level of savings and the housing costs of the standard beneficiary. Universal Credit is also awarded on a monthly rather than a weekly basis. To account for these differences, the amount of Universal Credit payable to the standard beneficiary has been calculated for a number of scenarios and the figures provided are for a monthly award. Notably, exact UC entitlement depends on the characteristics of each household – e.g. households can receive more than the amounts below if they have a Limited Capability for Work Related Activity, Disabled Child or have childcare costs etc. The net replacement rates below are calculated as:

$$\frac{Monthly\ net\ income\ out\ of\ work}{Monthly\ net\ income\ in\ work}$$

Where net income in work is derived from the gross monthly reference wage outlined above. The updated net replacement rate calculations differ to previous versions which did not account for the in-work benefit entitlement of these households. The net replacement rates provided below calculate net income in work by summing the net earned income, the UC award a household is entitled to at the given level of earnings and the child benefit amount. Previous rates were calculated by dividing net income out of work by net income in work, ignoring in work benefit eligibility. Gross replacement rates take the gross in work income rather than net in work income, and follow the same methodology. The updated methodology is more representative because households may be entitled to benefits at the referenced earnings level and would receive both earned income and benefit income whilst in employment.

(1) Couple over 25 with 2 children, not working, with no savings and no rent – net replacement rate of **53% (gross replacement rates are 47%)**

   a. UC Award: £1,193.44
   b. Child Benefit award: £184.89
   c. Net Income: £1,378

   d. UC Award in work (at reference earnings): £538.26

(2) Couple over 25 with 2 children, not working, with no savings and the lowest Local Housing Allowance rate (£109.32 pw) – net replacement rate of **63% (gross replacement rates are 57%)**

   a. UC Award: £1,650
   b. Child Benefit award: £184.89
   c. Net Income: £1,835

d. UC Award in work (at reference earnings): £865.32

(3) Couple over 25 living in London, with 2 children, not working, no savings, highest Local Housing Allowance rate (£497.10 pw) – replacement rate of **46% (gross replacement rates are 43%).**

a. UC Award: £1,925
b. Child Benefit award: £184.89
c. Net Income: £2,110

d. UC Award in work (at reference earnings): £2550.31

### III - 5. Qualifying period

***§2. Article 3 C24 and C25***
*The payment of this benefit may be made conditional on the insured person having first complied with a qualifying period and, on the expiry of the same, with a waiting period of not more than three days.*

***§1(f) Article 1 C102, §1(i) Article 1 ECSS***
*The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.*

***Article 17. C102 and ECSS***
*The benefit specified in Article 16 shall, in a contingency covered, be secured at least to a person protected who has completed such qualifying period as may be considered necessary to preclude abuse.*

**Universal Credit**

There is no qualifying period of contributions for Universal Credit.

**Details on the waiting period**

All claimants are eligible for Universal Credit from the first day they claim it, (subject to satisfying the conditions of entitlement),. Claimants can also apply to get a Universal Credit payment to cover up to 1 month before they started their claim - this is called 'backdating'. The claimant (or both claimants if a couple) need a good reason for not claiming earlier. Payments are made retroactively.

It is not possible to award a Universal Credit payment as soon as a claim is made, as the assessment period must run its course before the award of Universal Credit can be calculated. Advances are in place to ensure financial support is available as soon as possible, with most claimants able to request an advance of up to 100% of the monthly amount they are due to receive.

We continue to pay Housing Benefit and other DWP legacy benefits for two weeks when people move to Universal Credit. We also continue to pay Universal Credit for the entire monthly assessment period in which state pension credit qualifying age is reached, in effect a run-on of Universal Credit past that age, helping to smooth the transition between working age and pension age benefits.

We assess and pay Universal Credit monthly. It is paid in arrears for each calendar month. Universal Credit is paid in a single monthly sum which helps households plan their budget, easing the transition to work.

*Northern Ireland:* Universal Credit is paid twice monthly in Northern Ireland.

Where a claimant receives two payments in one assessment period we reallocate a calendar monthly payment reported via Real Time Information to a different Universal Credit assessment period where it is necessary to maintain a regular payment cycle. Only one set of earnings will be taken into account in each assessment period rather than 2 sets of earnings. This will also enable certain claimants to benefit from any applicable work allowance in each assessment period.

**Resident in Great Britain**

Universal Credit is intended for people who are living in Great Britain. Except for certain limited categories of people, a person meets the entitlement condition if they are: present in Great Britain; have a qualifying right to reside; and are factually habitually resident in the United Kingdom, the Channel Islands, Isle of Man, or the Republic of Ireland (known as the 'Common Travel Area').

In certain circumstances, an adult whose particular form of employment means they are working abroad, is to be treated as still resident for Universal Credit purposes. This includes 'Crown Servants' (UK Government workers) and members of the armed forces who are posted to work outside Great Britain, provided they were habitually resident in the UK before they were posted abroad.

Where a claimant has an award of Universal Credit, we allow a temporary period of absence abroad of up to one month for any reason. We also allow a longer period of up to six months temporary absence abroad for reasons of medical treatment or in the case of mariners and people working on continental shelf operations. During this time Universal Credit is payable as normal.

**Northern Ireland**

There is corresponding provision for people living in Northern Ireland (Universal Credit Regulations (Northern Ireland) 2016).

Reciprocal arrangements between Great Britain and Northern Ireland are designed to co-ordinate, to the extent agreed, the respective legislations; creating in effect, a single system of social security across the United Kingdom. They ensure that recipients of certain specified benefits do not experience a break in claim as a result of moving from one jurisdiction to the other and are entitled to benefits on the same basis as other people in the relevant jurisdiction. This existing arrangement was extended to apply for Universal Credit.

If one member of a couple is ineligible for Universal Credit because their immigration status means they cannot claim public funds, then they are not included in the calculation of entitlement. However, any capital, income or earnings that they have is still taken into account.

Since 24 August 2020 family members of people of Northern Ireland granted limited leave to enter or remain under the EU Settlement Scheme (EUSS) as the family member of a person of Northern Ireland would have access to Universal Credit if the person of Northern Ireland was in a comparable position to an EEA national exercising a qualifying EU treaty right in the UK.

This change was made in the Universal Credit (Persons of Northern Ireland – Family Members) (Amendment) Regulations (Northern Ireland) 2020 (SR 2020 No. 130).

**Statutory Sick Pay**

Statutory Sick Pay is subject to 3 waiting days and the absence is for four days or more.

**New Style Employment and Support Allowance**

Individuals claiming New Style Employment and Support Allowance are normally subject to 7 waiting days.

## III - 6. Minimum duration of Benefit

***§1. Article 3. C24 and C25***
*An insured person who is rendered incapable of work by reason of the abnormal state of his bodily or mental health shall be entitled to a cash benefit for at least the first twenty-six weeks of incapacity from and including the first day for which benefit is payable.*

***Article 18. C102 and ECSS***
*The benefit specified in Article 16 shall be granted throughout the contingency, except that the benefit may be limited to 26 weeks in each case of sickness,* [in which event it – C102] *need not be paid for the first three days of suspension of earnings.*

**Universal Credit**

There is no limit to how long UC can be paid. It is paid for the duration of the need.

**Statutory Sick Pay**

Statutory Sick Pay is paid for up to 28 weeks.

**Employment and Support Allowance**

Within Employment and Support Allowance there are two groups, work-related activity group which is payable for 365 days or the support group which has no time limit.

## II - 7. Medical Care

***Article 4. C24 and C25***
*1. The insured person shall be entitled free of charge, as from the commencement of his illness and at least until the period prescribed for the grant of sickness benefit expires, to medical treatment by a fully qualified medical man and to the supply of proper and sufficient medicines and appliances.*
*2. Nevertheless, the insured person may be required to pay such part of the cost of medical benefit as may be prescribed by national laws or regulations.*
*3. Medical benefit may be withheld as long as the insured person refuses, without valid reason, to comply with the doctor's orders or the instructions relating to the conduct of insured persons while ill, or neglects to make use of the facilities placed at his disposal by the insurance institution.*

***Article 5. C24 and C25***
*National laws or regulations may authorise or prescribe the grant of medical benefit to members of an insured person's family living in his household and dependent upon him, and shall determine the conditions under which such benefit shall be administered.*

***See information under Part II. Medical Care***

### III - 8. Suspension of Benefit

***§3§4. Article 3. C24 and C25***
*3. Cash benefit may be withheld in the following cases:*
*(a) where in respect of the same illness the insured person receives compensation from another source to which he is entitled by law; benefit shall only be wholly or partially withheld in so far as such compensation is equal to or less than the amount of the benefit provided by the present Article;*
*(b) as long as the insured person does not by the fact of his incapacity suffer any loss of the normal product of his labour, or is maintained at the expense of the insurance funds or from public funds; nevertheless, cash benefits shall only partially be withheld when the insured person, although thus personally maintained, has family responsibilities;*
*(c) as long as the insured person while ill refuses, without valid reason, to comply with the doctor's orders, or the instructions relating to the conduct of insured persons while ill, or voluntarily and without authorisation removes himself from the supervision of the insurance institutions.*
*4. Cash benefit may be reduced or refused in the case of sickness caused by the insured person's wilful misconduct.*

***Article 69. C102, Article 68. ECSS***
*A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to X of this Convention may be suspended to such extent as may be prescribed--*
*(a) as long as the person concerned is absent from the territory of the Member;*
*(b) as long as the person concerned is maintained at public expense, or at the expense of a social security institution or service, subject to any portion of the benefit in excess of the value of such maintenance being granted to the dependants of the beneficiary;*
*(c) as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, and during any period in respect of which he is indemnified for the contingency by a third party, subject to the part of the benefit which is suspended not exceeding the other benefit or the indemnity by a third party;*
*(d) where the person concerned has made a fraudulent claim;*
*(e) where the contingency has been caused by a criminal offence committed by the person concerned;*
*(f) where the contingency has been caused by the wilful misconduct of the person concerned;*
*(g) in appropriate cases, where the person concerned neglects to make use of the medical or rehabilitation services placed at his disposal or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries;*

**Claimant Commitment**

All claimants must accept a Claimant Commitment as a condition of entitlement. Couples living in the same household make a joint claim for Universal Credit and each have their own Claimant Commitment. Claimants' obligations are recorded in one place, clarifying both what people are expected to do in return for benefits and support, and exactly what happens if they fail to comply.

If a claimant disagrees with any work search or availability requirements detailed in their Claimant Commitment, then they can ask for it to be reviewed by another Work Coach. The Claimant Commitment should be revised on an on-going basis to clearly record the expectations placed upon a claimant and the consequences (sanctions) of any failure to comply.

A personalised Claimant Commitment is drawn up by the Work Coach often as the output of a face-to-face discussion with the claimant. The initial Claimant Commitment is usually accepted as part of the normal claims process. If a claimant refuses to accept their Claimant Commitment, then they are not entitled to Universal Credit. In a couple household both members of the household must accept their Claimant Commitment in order to receive Universal Credit.

Where a claimant refuses to accept their Claimant Commitment, we allow a short 'cooling off' period to give the claimant the opportunity to reconsider their decision and the impact on the household claim.

The joint Standard Allowance may be reduced[25] by half when one of the individuals in the same household does not meet the requirements in their claimant commitment. The reduced UC award will continue to be paid along with any other elements they are entitled to. UC is a household award and as such housing and amounts for children are awarded jointly to both parties.

In exceptional circumstances, where a claimant is unable to accept a Claimant Commitment, we can remove the requirement to do so. This may include, for example, claimants who have an appointee or someone acting on their behalf, claimants who are incapacitated in hospital and exceptional emergency situations. Where the claimant is physically or mentally unable to accept a Claimant Commitment and this is unlikely to change, or it would be unreasonable to expect them to do so due to terminal illness, we will waive the requirement to accept a Claimant Commitment.

The Claimant Commitment and the process of acceptance have been designed to support robust monitoring and drive higher compliance with requirements. The Claimant Commitment helps focus a claimant on their work related requirements, including where appropriate, proactive, work-search that treats looking for work as a full time activity and sets the right foundation ahead of Universal Credit's smoother, clearer, and more stable incentives to work.

The maximum length of a high-level sanction is 6 months.

**See also Part XIII – 1**

## III - 9. Right of complaint and appeal

***See under Part XIII-2***

[25] Universal Credit sanctions - GOV.UK

***Article 9. C24, Article 8. C25***
*A right of appeal shall be granted to the insured person in case of dispute concerning his right to benefit.*

**Complaints and appeals processes**

If a claimant is not happy with the service provided they may wish to make a complaint. They can contact their local Jobcentre plus or make an online complaint. https://www.gov.uk/government/organisations/department-for-work-pensions/about/complaints-procedure

## III - 10. Financing and Administration

***Article 6. C24 and C25***
*1. Sickness insurance shall be administered by self-governing institutions, which shall be under the administrative and financial supervision of the competent public authority and shall not be carried on with a view of profit. Institutions founded by private initiative must be specially approved by the competent public authority.*
*2. The insured persons shall participate in the management of the self-governing insurance institutions on such conditions as may be prescribed by national laws or regulations.*
*3. The administration of sickness insurance may, nevertheless, be undertaken directly by the State where and as long as its administration is rendered difficult or impossible or inappropriate by reason of national conditions, and particularly by the insufficient development of the employers' and workers' organisations.*

***Article 7. C24 and C25***
*1. The insured persons and their employers shall share in providing the financial resources of the sickness insurance system.*

*2. It is open to national laws or regulations to decide as to a financial contribution by the competent public authority.*

***Article 71. C102, Article 70. ECSS***
*1. The cost of the benefits provided in compliance with this Convention (Code) and the cost of the administration of such benefits shall be borne collectively by way of insurance contributions or taxation or both in a manner which avoids hardship to persons of small means and takes into account the economic situation of the Member (Contracting Party) and of the classes of persons protected.*

*2. The total of the insurance contributions borne by the employees protected shall not exceed 50 per cent of the total of the financial resources allocated to the protection of employees and their wives and children. For the purpose of ascertaining whether this condition is fulfilled, all the benefits provided by the Member (Contracting Party) in compliance with this Convention (Code), except family benefit and, if provided by a special branch, employment injury benefit, may be taken together.*

*3. The Member (Contracting Party) shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention (Code), and shall take all measures required for this purpose; it shall ensure, where appropriate, that the necessary* *actuarial studies and calculations concerning financial equilibrium are made periodically and, in any event, prior to any change in benefits, the rate of insurance contributions, or the taxes allocated to covering the contingencies in question.*

***Article 72. C102, Article 71. ECSS***

*1. The Member (Contracting Party) shall accept general responsibility for the proper administration of the institutions and services concerned in the application of the Convention (Code).*

*2. Where the administration is not entrusted* [to an institution regulated by the public authorities or – C102] *to a Government department responsible to a legislature, representatives of the persons protected shall participate in the management, or be associated therewith in a consultative capacity, under prescribed conditions; national laws or regulations may likewise decide as to the participation of representatives of employers and of the public authorities.*

**Universal Credit**

Information on the financing of Universal Credit can be found in the Business Case: https://www.gov.uk/government/publications/universal-credit-programme-full-business-case-summary/universal-credit-programme-full-business-case-summary#the-financial-case

# Part IV. Unemployment benefit

***The United Kingdom has accepted the obligations resulting from Part IV of C102 and Part IV of the ECSS.***

### List of applicable legislation

For a full list of legislation, see: https://www.legislation.gov.uk/uksi/social%20security

Welfare Reform Act 2012, Universal Credit Regulations 2013 and 'Welfare Reform and Work Act 2016

https://www.legislation.gov.uk/ukpga/2012/5/contents/enacted
http://www.legislation.gov.uk/ukdsi/2013/9780111531938/contents
http://www.legislation.gov.uk/ukpga/2016/7/contents/enacted

The Welfare Reform (Northern Ireland) Order 2015, Universal Credit Regulations (Northern Ireland) 2016 and 'Welfare Reform and Work (Northern Ireland) Order 2016

https://www.legislation.gov.uk/nisi/2015/2006/contents
http://www.legislation.gov.uk/nisr/2016/216/contents/made
http://www.legislation.gov.uk/nisi/2016/999/contents

## IV - 1. Regulatory framework

***Article 19. C102 and ECSS***
*Each Member (Contracting Party) for which this Part of this Convention (Code) is in force shall secure to the persons protected the provision of unemployment benefit in accordance with the following Articles of this Part.*

***See information under Part III-1.***

## IV - 2. Contingency covered

***Article 20. C102 and ECSS***
*The contingency covered shall include suspension of earnings, as defined by national laws or regulations, due to inability to obtain suitable employment in the case of a person protected who is capable of, and available for, work.*

***See information under Part III-2.***

## IV - 3. Persons protected

***Article 21. C102 and ECSS***
*The persons protected shall comprise:*
*(a) prescribed classes of employees, constituting not less than 50 per cent of all employees; or*
*(b) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67.*

***See information under Part III-3.***

## IV – 4. Level and Calculation of Benefit

***Article 22. C102 and ECSS***
*1. Where classes of employees are protected, the benefit shall be a periodical payment calculated in such manner as to comply either with the requirements of Article 65 or with the requirements of Article 66.*

*2. Where all residents whose means during the contingency do not exceed prescribed limits are protected, the benefit shall be a periodical payment calculated in such a manner as to comply with the requirements of Article 67.* [provided that a prescribed benefit shall be guaranteed, without means test, to the prescribed classes of employees determined in accordance with Article 21.a. - ECSS]

***See under Part III-4.***

## IV – 5. Qualifying period

***§1(f) Article 1 C102, §1(i) Article 1 ECSS***
*The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.*

***Article 23. C102 and ECSS***
*The benefit specified in Article 22 shall, in a contingency covered, be secured at least to a person protected who has completed such qualifying period as may be considered necessary to preclude abuse.*

***See under Part III-5.***

## IV - 6. Minimum duration of Benefit and Waiting Period

***Article 24. C102 and ECSS***
*1. The benefit specified in Article 22 shall be granted throughout the contingency, except that its duration may be limited*
*(a) where classes of employees are protected, to 13 weeks within a period of 12 months,* [or to 13 weeks in each case of suspension of earnings - ECSS]; *or*
*(b) where all residents whose means during the contingency do not exceed prescribed limits are protected, to 26 weeks within a period of 12 months;* [provided that the duration of the prescribed benefit, guaranteed without means test, may be limited in accordance with sub-paragraph a of this paragraph - ECSS].

*2. Where national laws or regulations provide that the duration of the benefit shall vary with the length of the contribution period and/or the benefit previously received within a prescribed period, the provisions of paragraph 1 of this article shall be deemed to be fulfilled if the average duration of benefit is at least 13 weeks within a period of 12 months.*

*3. The benefit need not be paid for a waiting period of the first seven days in each case of suspension of earnings, counting days of unemployment before and after temporary employment lasting not more than a prescribed period as part of the same case of suspension of earnings.*

*4. In the case of seasonal workers the duration of the benefit and the waiting period may be adapted to their conditions of employment.*

***See under Part III-6.***

## IV - 7. Suspension of Benefit

***Article 69. C102, Article 68. ECSS***
*A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to X of this Convention may be suspended to such extent as may be prescribed--*
*(a) as long as the person concerned is absent from the territory of the Member;*
*(b) as long as the person concerned is maintained at public expense, or at the expense of a social security institution or service, subject to any portion of the benefit in excess of the value of such maintenance being granted to the dependants of the beneficiary;*
*(c) as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, and during any period in respect of which he is indemnified for the contingency by a third party, subject to the part of the benefit which is suspended not exceeding the other benefit or the indemnity by a third party;*
*(d) where the person concerned has made a fraudulent claim;*
*(e) where the contingency has been caused by a criminal offence committed by the person concerned;*
*(f) where the contingency has been caused by the wilful misconduct of the person concerned;*

*(h) in the case of unemployment benefit, where the person concerned has failed to make use of the employment services placed at his disposal;*
*(i) in the case of unemployment benefit, where the person concerned has lost his employment as a direct result of a stoppage of work due to a trade dispute, or has left it voluntarily without just cause; and*

***See under Part III-8.***

## IV – 8. Right of complaint and appeal

***See under Part III-9.***

## IV - 9. Financing and Administration

***See under Part III-10.***

# Part V. Old-age Benefit

***The United Kingdom has accepted the obligations resulting from Part V of C102 and Part V of the ECSS.***

## List of applicable legislation

### State Pension

Aside from annual orders to protect pensions from inflation there has been no significant further state pensions legislation since the Pensions Act 2014 and its underpinning regulations, the State Pension Regulations 2015.

**Pension Credit**
The State Pension Credit Act 2002
The State Pension Credit Regulations 2002 (S.I. 2002/ 1792)
The State Pension Credit (Northern Ireland) Act 2002
The State Pension Credit (Northern Ireland) Regulations 2003 (S.R.2003/28)

***See under Part I. General provisions. Articles 1-6. C102 and ECSS.***

## V - 1. Regulatory framework

***Article 25. C102 and ECSS***
*Each Member (Contracting Party) for which this part of this Convention (Code) is in force shall secure to the persons protected the provision of old age benefit in accordance with- the following Articles of this Part.*

**Legislative changes: State Pension**
The Pensions Act 2014 introduced the new State Pension for people reaching state pension age on or after 6 April 2016, radically simplifying state pension provision.

Qualification for the new state pension is based on an individual's National Insurance record, with a minimum qualifying period of 10 years usually required to receive any pension. In steady state, the full rate of the new State Pension (previously referred to as the single-tier pension) is based on 35 qualifying years of National Insurance contributions or credits. Transitional arrangements are in place for those who have qualifying years before 6 April 2016.

**State Second Pension**

The State Second Pension (also known as additional State Pension) ended in April 2016 and with it the ability to contract out of the State Second Pension. Up until this point some people were contracted out of the State Second Pension into a private or workplace pension. While the additional State Pension has ended it will remain in payment, to those with entitlement who reached state pension age before 6 April 2016. A proportion of an additional State Pension can be inherited by surviving wives, husbands and civil partners beyond April 2016.

**Northern Ireland**

Northern Ireland measures corresponding to the Pensions Act 2014 were approved by the Northern Assembly on 11 May 2015. The measures include the introduction, in 2016, of a single-tier State Pension designed to reduce the complexity of the current system, support the introduction of workplace pension reform and pay a higher weekly amount than the current State Pension. The new system recognises pre-2016 National Insurance contributions so that individuals are not disadvantaged and builds on the existing range of National Insurance credits awarded to those who have had care responsibilities.

**Legislative changes : Pension Credit**

- The Welfare Reform Act 2012 (Commencement No. 31 and Savings and Transitional Provisions) (Amendment) Order 2024 (S.I. 2024/604)
- The Social Security (State Pension age Claimants: Closure of Tax Credits) (Amendment) Regulations 2024 (S.I. 2024/611)

These instruments amended existing secondary legislation to provide for the transfer to either Pension Credit or Universal Credit of approximately 30,000 Tax Credit recipients over State Pension age as a consequence of the closure of Tax Credits from April 2025. Between July and December 2024, single pensioners and pensioner couples in receipt of Child Tax Credit (CTC) who were not already also in receipt of Pension Credit were notified to apply for Pension Credit in order to continue receiving financial support for children or qualifying young persons they were responsible for. Over the same period, the awards for those who were receiving CTC and Pension Credit were reassessed to replace the CTC with the equivalent Pension Credit additional amounts for children/ young persons. Pensioners who were working and in receipt of Working Tax Credit, or couples where only one partner was over pension age, were notified to apply for Universal Credit, as a benefit intended to support those in work or seeking work, in order to continue receiving financial support.

Eligible pensioners who would otherwise have received a lower rate of Pension Credit or Universal Credit than the Tax Credit they were receiving at the point of transfer qualified for a transitional additional amount of the relevant benefit to make up the difference. This transitional amount will reduce as other Pension Credit or Universal Credit elements increase, for example, as a result of the annual up-rating of benefits.

## V - 2. Contingency covered

***Article 26. C102 and ECSS***
*1. The contingency covered shall be survival beyond a prescribed age.*
*2. The prescribed age shall be not more than 65 years or such higher age* [that the number of residents having attained that age is not less than 10 per cent of the number of residents under that age but over 15 years of age - ECSS] *as may be fixed by the competent authority with due regard to the working ability of elderly persons in the country concerned*
*3. National laws or regulations may provide that the benefit of a person otherwise entitled to it may be suspended if such person is engaged in any prescribed gainful activity or that the benefit, if contributory, may be reduced where the earnings of the beneficiary exceed a prescribed amount and, if non-contributory, may be reduced where the earnings of the beneficiary or his other means or the two taken together exceed a prescribed amount.*

**State Pension**

**State Pension age**

Raising State Pension age has been the policy of successive administrations over many years. Increases to State Pension age have been in legislation since the Pensions Act 1995. There have since been a number of legislated increases to State Pension age introduced under successive Governments.

State Pension age is currently 66 years and set to rise to 67 years between 2026 and 2028 as set out in the Pensions Act 2014.

The Pensions Act 2014 also included, under Section 27, a statutory requirement for the Secretary of State to periodically review whether the existing rules about State Pension age are appropriate. There have been two State Pension age reviews to date, one in 2017 and one in 2023.

The 2017 review can be found at: https://www.gov.uk/government/publications/state-pension-age-review-final-report.
The 2023 review can be found at: https://www.gov.uk/government/publications/state-pension-age-review-2023-government-report/state-pension-age-review-2023.

Having had regard to life expectancy and other relevant factors, both reviews concluded that the planned increase in State Pension age from 66 to 67 would take place between 2026-2028.

**State Pension: Northern Ireland**

Under the Pensions Act (Northern Ireland) 2012, State Pension age for men and women was equalised at age 65 in October 2018. State Pension age increased incrementally to reach age 66 by October 2020. The State Pension age will increase from 66 to 67 between 2026 and 2028 under the Pensions Act (Northern Ireland) 2015. The timing of the increase from 67 to 68 remains set to happen between 2044 to 2046 as set out in the Pensions Act (Northern Ireland) 2008.

**Pension Credit**

The qualifying age for Pension Credit (see V – 3 below) is state pension age for women, and for men, the age at which a man born on the same day as a woman would reach state pension age. This ensured that prior to equalisation of state pension age at 65 in 2018, men were treated equally in respect of access to the income related support provided by Pension Credit. The qualifying age will rise in line with the increases in state pension age described above.

## V - 3. Persons protected

***Article 27. C102 and ECSS***
*The persons protected shall comprise:*
*(a) prescribed classes of employees, constituting not less than 50 per cent of all employees; or*

*(b) prescribed classes of the economically active population, constituting not less than 20 per cent of all residents; or*
*(c) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67.*

**State Pension**

The persons protected are those with at least 10 qualifying years of National Insurance contributions or credits. These are years they were:

- working and paying National Insurance
- getting National Insurance Credits, for example for unemployment, sickness or as a parent or carer
- paying voluntary National Insurance contributions, or
- combining two or all of the above.

The Office for National Statistics estimate that there were 43.2m people aged 16 to 65, and 12.0m aged 66 or greater in the UK in mid-2022. It is estimated that the number of people aged over State Pension age (SPa) in mid-2022 is approximately 27.8% of the number of people over 15 years of age and under SPa.[1]

**Pension Credit**

Pension Credit is a non-contributory income-related benefit for people over state pension age living in GB or Northern Ireland that can provide a minimum weekly income of a specified amount (see V – 4) for a single person or for a couple, by topping up their other income, if any, to that amount. These minimum amounts – known as the "standard minimum guarantee" – can be increased to include additional amounts for specified circumstances, including where the pensioner is severely disabled, is providing care for a severely disabled person, or is responsible for a dependent child or young person in full-time education or training.

If the beneficiary's other income is equal to, or more than, the minimum level applicable in their circumstances, no Pension Credit is payable. If it is less, they are entitled to the amount of Pension Credit needed to make up the shortfall.

Pension Credit is assessed on a household basis. This means that members of a couple (married, in a civil partnership or co-habiting) may not claim individually, and the income of both members is taken into account in the assessment.

Most forms of income, including State and private pension income, are deducted in full in calculating Pension Credit but some forms of income are either ignored completely (such as Attendance Allowance and other benefits intended to meet the additional costs of disability) or partially. Any income or savings of a child or young person included in the assessment is also ignored completely.

The first £10,000 of any savings is ignored. There is no upper limit on the amount of savings a person may have, but an income is assumed from savings at the weekly rate of £1 for every £500 above £10,000.

Approximately 1.4m pensioner households in GB and 60,000 in Northern Ireland receive Pension Credit.

## V - 4. Level and Calculation of Benefit

***Article 28. ECSS***
*The benefit shall be a periodical payment calculated as follows:*
*(a) where classes of employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66;*
*(b) where all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 67.*

***Title I of RF/C102/ECSS (Article 66).***

*Please state the amount of the wage of the ordinary adult labourer wage (standard wage).*

| 2024/25 | Weekly | Monthly |
|---|---|---|
| Gross | £503.70* | £2182.70* |

*Provisional and subject to deductions for Income Tax and National Insurance.

***TITLE III of RF/C102/ECSS (Article 66),*** *according to which the standard beneficiary is a man with a wife of pensionable age.*

*Amount of benefit granted during the time basis.*

**State Pension**

The new State Pension was introduced for people reaching State Pension age from 6 April 2016. The full rate of the new State Pension for 2024/25 was £221.20 a week. Individuals who did not make National Insurance contributions or get National Insurance credits before 6 April 2016 will receive the full rate if they accrue 35 qualifying years. If they accrue 30 qualifying years, they will receive 30/35ths of the full amount, £189.60 a week in 2024/25 rates. A standard beneficiary of a man and a wife both of pensionable age, who have 30 qualifying years each and did not make National Insurance contributions or get National Insurance credits before 6 April 2016, would receive £379.20 a week in 2024/25 rates. Note that it is currently not possible to accrue 30 qualifying years and to have not made National Insurance contributions or received National Insurance credits before 6 April 2016 – the figure is for illustrative purposes only. For individuals who did make National Insurance contributions or get National Insurance credits before 6 April 2016, there are transitional arrangements which mean that individuals could receive less or more than the full rate of the new State Pension, depending on their individual circumstances.

UK policy is that each individual should build up a qualifying year for every year that they contribute to UK society: https://www.gov.uk/national-insurance-credits/eligibility.

**Pension credit**

Rates of standard minimum guarantee

| **Year** | **Single rate** | **Couple rate** |
|---|---|---|

| | | |
|---|---|---|
| 2024/25 | £218.15 | £332.95 |

There is no set "net" amount of Pension Credit that may be awarded, as it will vary according to individual circumstances. The following calculations are for illustrative purposes only. All rates shown are weekly amounts for **2024-25**.

(1) Single pensioner with State Pension of £210.05, no savings and no additional requirements. Income topped up to standard minimum guarantee (£**218.15**): replacement rate: **43%**

| | |
|---|---|
| State Pension | £210.05 |
| Pension Credit | £8.10 |
| Total income | **£218.15** |

(2) Single disabled pensioner, receiving lower-rate Attendance Allowance (£72.65) and State Pension of £221.20. They have savings of less than £10,000. Income, excluding Attendance Allowance which is ignored, is topped up to **£299.65** (standard minimum guarantee £218.15 plus extra amount for severe disability £81.50): replacement rate excluding Attendance Allowance: **59%**

| | |
|---|---|
| State Pension | £221.20 |
| Pension Credit | £78.45 |
| Attendance Allowance | £72.65 |
| Total income | **£372.30** |

Note: to qualify for the extra amount for severe disability the pensioner must receive a qualifying disability benefit such as Attendance Allowance or Personal Independence Payment, live alone (or be treated as living alone) and not have a carer.

(3) Pensioner couple, with State Pensions totalling £324.35 and savings of £13,000 from which income of £6 is assumed[26], total income topped up to standard minimum guarantee £**332.95**: replacement rate: **69.7%.**

| | |
|---|---|
| State Pension (husband) | £210.00 |
| State Pension (wife) | £114.35 |
| Assumed income from savings | £6.00 |
| Pension Credit | £2.60 |

[26] Income from savings assumed at £1 per £500 in excess of £10,000 – see page 54.

| | |
|---|---|
| Total income | **£270.30** |

(4) Pensioner couple with State Pensions totalling £369.05. Husband receives Personal Independence Payment (PIP) daily living enhanced rate £108.55 which is ignored in calculating Pension Credit. His wife is also his carer. They have savings of less than £10,000. Their total income, excluding PIP, is topped up to £**378.55** (standard minimum guarantee £332.95 plus £45.60 Carer Addition): replacement rate excluding PIP **75%.**

| | |
|---|---|
| State Pension (husband) | £205.00 |
| State Pension (wife) | £164.05 |
| Pension Credit | £9.50 |
| Personal Independence Payment | £108.55 |
| Total income | **£487.10** |

*Amount of family allowance, payable during employment, for a period equal to the time basis.*

See State Pension and Pension Credit sections above.

*Sum of Old-Age Benefit and family allowance payable during contingency per cent of sum of standard wage and family allowance payable during employment.*

State Pension
75%

***TITLE V of RF/C102/ECSS (Article 66),*** *according to which the beneficiary is a woman employee.*

*Amount of benefit granted during the time basis.*

See State Pension and Pension Credit sections above.

*Amount of Old-Age Benefit per cent of the standard wage, payable during the contingency, for a period equal to the time basis.*

| Year | State Pension[1] | Pension Credit[2] |
|---|---|---|
| 2024/25 | 37% | 43% |

[1] based on new State Pension with 30 qualifying years
[2] based on Pension Credit standard minimum guarantee

## V - 5. Adjustment of benefits

***§10 Article 65, §8 Article 66. C102 and ECSS***
*The rates of current periodical payments in respect of old age, employment injury (except in case of incapacity for work), invalidity and death of breadwinner, shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.*

**State Pension uprating**

The Consumer Prices Index is the Government's preferred measure for the indexation of benefits and tax credits. The full rate of the basic and new State Pensions must be increased each year by *at least* the rise in earnings.

The "triple lock" is a government commitment to increase the full rates of the basic and new State Pensions by the highest of:

- average weekly earnings;
- inflation, measured by the Consumer Price Index; or
- 2.5%.

Additional elements of the basic and new State Pensions will continue to be uprated by the growth in prices. These include State Earnings Related Pension Scheme (SERPS), State Second Pension (S2P), increments for deferral, Graduated Retirement Benefit and new State Pension protected payments.

Additional Pension is different to the basic State Pension, because people can contract out of it into occupational or private schemes. It has only ever been uprated by prices, in line with the indexation arrangements for second tier pensions generally. To increase Additional Pension by more than prices would put it out of kilter with occupational and private pension schemes.

For the purposes of the 2024/25 uprating, earnings was the highest of the three triple lock benchmarks, meaning that:

- the New State Pension (for those reaching State Pension age on or after 6 April 2016) is £221.20 per week in 2024/25 (up from £203.85. in 2023/24)
- the Basic State Pension (the core amount in the old State Pension system) is £169.50. per week in 2024/25 (up from £156.20 in 2023/24).

**Pension Credit uprating**

The triple lock commitment does not apply to Pension Credit, but the Pension Credit standard minimum guarantee must also be increased at least in line with earnings.

In April 2024, it rose by 8.5%, in line with the increase in average weekly earnings in the reference period, an increase of £17.10 for a single pensioner and £28.15 for a couple. Uprating of the other components of Pension Credit is discretionary but in practice they are uprated in line with prices, and in April 2024 were increased by 6.7%.

## V - 6. Qualifying period

***§1(f) Article 1 C102, §1(i) Article 1 ECSS***

*The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.*

***Article 29. C102 and ECSS***

*1. The benefit specified in Article 28 shall, in a contingency covered, be secured at least:*
*(a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 30 years of contribution or employment, or 20 years of residence; or*

*(b) where, in principle, all economically active persons are protected, to a person protected who has completed a prescribed qualifying period of contribution and in respect of whom while he was of working age, the prescribed yearly average number of contributions has been paid.*
*2. Where the benefit referred to in paragraph 1 of this article is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:*
*(a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of 15 years of contribution or employment; or*
*(b) where, in principle, all economically active persons are protected, to a person protected who has completed a prescribed qualifying period of contribution and in respect of whom, while he was of working age, half the yearly average number of contributions prescribed in accordance with paragraph 1.b of this Article has been paid.*
*3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part XI but at a percentage of ten points lower than shown in the Schedule appended to that Part for the standard beneficiary concerned is secured at least to a person protected who has completed, in accordance with prescribed rules, ten years of contribution or employment, or five years of residence.*
*4. A proportional reduction of the percentage indicated in the Schedule appended to Part XI may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds ten years of contribution or employment but is less than 30 years of contribution or employment; if such qualifying period exceeds 15 years, a reduced benefit shall be payable in conformity with paragraph 2 of this Article.*
*5. Where the benefit referred to in paragraphs 1, 3 or 4 of this Article is conditional upon a minimum period of contribution or employment, a reduced benefit shall be payable under prescribed conditions to a person protected who, by reason only of his advanced age when the provisions concerned in the application of this Part come into force, has not satisfied the conditions prescribed in accordance with paragraph 2 of this Article, unless a benefit in conformity with the provisions of paragraphs 1, 3 or 4 of this Article is secured to such person at an age higher than the normal age.*

**State Pension**

Qualification for the new state pension is based on an individual's National Insurance record, with a minimum qualifying period of 10 years usually required to receive any pension. For someone with no National Insurance record prior to 6 April 2016, the full rate of the new State Pension (previously referred to as the single-tier pension) will be based on 35 qualifying years of National Insurance contributions or credits.

Transitional arrangements are in place for those who have qualifying years before 6 April 2016, which take someone's previous National Insurance contributions into account and mean that people could receive less or more than the full rate, depending on their National Insurance record.

**Pension Credit**

A person must be in Great Britain or Northern Ireland to be eligible for Pension Credit. A person who has come to the UK from abroad will be required to have the right to reside in the UK with access to public funds and will normally need to satisfy a 3-month "habitual residence" test.

## V -7. Duration of Benefit

***Article 30. C102 and ECSS***
*The benefits specified in Articles 28 and 29 shall be granted throughout the contingency.*

### State Pension

Once eligible, the new State Pension is payable for the rest of the person's life.

### Pension Credit

An award of Pension Credit lasts for as long as the conditions of entitlement continue to be met.

## V - 8. Suspension of Benefit

***Article 69. C102, Article 68. ECSS***
*A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to X of this Convention may be suspended to such extent as may be prescribed:*
*(a) as long as the person concerned is absent from the territory of the Member;*
*(b) as long as the person concerned is maintained at public expense, or at the expense of a social security institution or service, subject to any portion of the benefit in excess of the value of such maintenance being granted to the dependants of the beneficiary;*
*(c) as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, and during any period in respect of which he is indemnified for the contingency by a third party, subject to the part of the benefit which is suspended not exceeding the other benefit or the indemnity by a third party;*
*(d) where the person concerned has made a fraudulent claim;*
*(g) in appropriate cases, where the person concerned neglects to make use of the medical or rehabilitation services placed at his disposal or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries;*

**Social Security Contributions and Benefits Act 1992**

**Section 113. Disqualification and suspension**
(1) Except where regulations otherwise provide, a person shall be disqualified for receiving any benefit under Parts II to V of this Act, and an increase of such benefit shall not be payable in respect of any person as the beneficiary's wife, husband or civil partner, for any period during which the person:
(a) is absent from Great Britain; or
(b) is undergoing imprisonment or detention in legal custody.
(2) Regulations may provide for suspending payment of such benefit to a person during any period in which he is undergoing medical or other treatment as an inpatient in a hospital or similar institution.
(3) Regulations may provide for a person who would be entitled to any such benefit but for the operation of any provision of this Act [the Administration Act or Chapter II of Part I of the Social Security Act 1998] to be treated as if entitled to it for the purposes of any rights or obligations (whether his own or another's) which depend on his entitlement, other than the right to payment of the benefit.

Corresponding Northern Ireland legislation: the Social Security Contributions and Benefits (Northern Ireland) Act 1992 – section 113.

## V - 9. Right of complaint and appeal

***See under Part XIII-2***

## V - 10. Financing and Administration

***See under Part XIII-3***

Financing principle: contributions and state guarantee.

# Part VI. Employment Injury Benefit

***The United Kingdom has accepted the obligations resulting from C12, 17, 42, A report on C19 is included for ILO Article 22 reporting purposes.***

The United Kingdom (UK) is unable to accept Part VI of the European Code of Social Security because UK law and practice are not compatible with the requirements of Article 34 2(b) and (e).

The position remains unchanged. Prescription charges and the costs of dental treatment are borne by recipients of industrial injuries benefits on the same basis as they are borne by people receiving other state benefits. This is at variance with the requirement of Article 34 that persons suffering employment related injury should not contribute to their cost of medical care.

These exceptions apart, the requirements of Part VI are met by the provisions in the UK scheme which ensure that all employed workers ('employed earners') are compulsorily protected against employment injury and disease.

## List of applicable legislation

**<u>Great Britain</u>**

Social Security Contributions and Benefits Act 1992 c. 4.

Social Security Administration Act 1992 c. 5.

Social Security Act 1998 c. 14.

The Welfare Reform Act 2012 – Part 3 – Industrial Injuries Benefit
The Pneumoconiosis etc. (Workers' Compensation) Act 1979
Mesothelioma Act 2014
Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985 (SI 1985 No. 967)
Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988 (SI 1988 No. 668)
The Welfare Reform Act 2012 – Part 3 – Industrial Injuries Benefit
The Diffuse Mesothelioma Payment Scheme Regulations 2014 (SI 2014 No. 916)
The Diffuse Mesothelioma Payment Scheme (Levy) Regulations 2014 (SI 2014 No. 2904)
The Diffuse Mesothelioma Payment Scheme (Amendment) Regulations 2015 SI 2015/367

Social Security (Industrial Injuries) (Mariners' Benefits) Regulations 1975 (SI 1975 No. 470)
Social Security (Industrial Injuries) (Airmen's Benefits) Regulations 1975 (SI 1975 No. 469)
Social Security (Employed Earners' Employments for Industrial Injuries Purposes) Regulations 1975 (SI 1975 No. 467)
Social Security Benefit (Persons Abroad) Regulations 1975 (SI 1975 No. 563)
Social Security (Overlapping Benefits) Regulations 1979 (SI 1979 No. 597)
Social Security (General Benefit) Regulations 1982 (SI 1982 No. 1408)
Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985 (SI 1985 No. 967)

Social Security (Claims and Payments) Regulations 1987 (SI 1987 No. 1968)
Social Security (Industrial Injuries) (Regular Employment) Regulations 1990 (SI 1990 No. 256)
Social Security and Child Support (Decisions and Appeals) Regulations 1999 (SI 1999 No. 991)
Social Security (Industrial Injuries) (Reduced Earnings Allowance and Transitional) 1987 (SI 1987 No. 415)
Social Security (Industrial Injuries) (Dependency Payments) Regulations 1988 (SI 1988 No. 544)
Social Security (Industrial Injuries and Diseases) Miscellaneous Provisions Regulations 1986 (SI 1986 No. 1561)
Industrial Injuries Benefit (Employment Training Schemes and Courses) Regulations 2013 (SI 2013 No. 2540)
Pneumoconiosis etc. (Workers' Compensation) (Determination of Claims) Regulations 1985 (SI 1985 No. 1645)
Pneumoconiosis etc. (Workers' Compensation) (Prescribed Occupations) Order 2007 (SI 2007 No. 2000)
Pneumoconiosis etc. (Workers' Compensation) (Specified Diseases) Order 1985 (SI 1985 No. 2034)

**Northern Ireland**

Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979
Part 5 Social Security Contributions and Benefits (Northern Ireland) Act 1992
Mesothelioma, etc., Act (Northern Ireland) 2008

The Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986 SR 1986 No. 179
The Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) Regulations (Northern Ireland) 1988 SR 1988 No. 242
The Mesothelioma Lump Sum Payments (Claims and Reconsiderations) Regulations (Northern Ireland) 2008 SR 2008 No. 353
The Mesothelioma Lump Sum Payments (Conditions and Amounts) Regulations (Northern Ireland) 2008 SR 2008 No. 354

**Statutory Instruments**

**2024**

Great Britain

- The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2024 (SI 2024 No. 240) https://www.legislation.gov.uk/uksi/2024/240/contents/made
- The Pneumoconiosis etc. (Workers' Compensation) (Specified Diseases and Prescribed Occupations) (Amendment) Regulations 2024 (SI 2024 No. 199) https://www.legislation.gov.uk/uksi/2024/199/contents/made

Northern Ireland

- The Pneumoconiosis, etc., (Workers' Compensation) (Specified Diseases and

Prescribed Occupations) (Amendment) Order (Northern Ireland) 2024 (SR 2024 No 46)
- The Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2024 (SR 2024 No 47)
- The Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment No. 2) Regulations (Northern Ireland) 2024 (SR 2024 No 48)
- The Mesothelioma Lump Sum Payments (2023 Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2024 (SR 2024 No 70)
- The Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2024 (SR 2024 No 75)https://www.legislation.gov.uk/nisr/2024/48/contents

**2025**

Great Britain

- The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2025 (SI 2025 No. 347) https://www.legislation.gov.uk/uksi/2025/347/contents/made

Northern Ireland

- The Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2025 (SR 2025 No 36)
- The Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2025 (SR 2025 No 66)

## VI - 1. Contingencies and regulatory framework

***Article 1. C12***
*Each Member of the International Labour Organisation which ratifies this Convention undertakes to extend to all agricultural wage-earners its laws and regulations which provide for the compensation of workers for personal injury by accident arising out of or in the course of their employment.*

***Article 1. C17***
*Each Member of the International Labour Organisation which ratifies this Convention undertakes to ensure that workmen who suffer personal injury due to an industrial accident, or their dependants, shall be compensated on terms at least equal to those provided by this Convention.*

***§1 Article 1. C42***
*Each Member of the International Labour Organisation which ratifies this Convention undertakes to provide that compensation shall be payable to workmen incapacitated by occupational diseases, or, in case of death from such diseases, to their dependants, in accordance with the general principles of the national legislation relating to compensation for industrial accidents.*

Agricultural workers are not covered by a special system of social insurance. They are covered by the general Industrial Injuries Benefits schemes in operation in Great Britain and Northern Ireland respectively and that cover all employed earners. The provisions described in the concurrent Reports in respect of Conventions No. 17 (Accident) and No. 42 (Occupational Diseases) apply equally to agricultural workers, for the reference period.

The regulations set out in the list of applicable legislation modify the provisions described in previous reports by, amongst other things, up-rating the various benefits and making changes to the list of prescribed diseases (PDs).

**Industrial Injuries Benefits Scheme**

Industrial Injuries Benefits are provided for by the Social Security Contributions and Benefits Act 1992, the Social Security Administration Act 1992 and the Social Security Act 1998. These Acts of Parliament provide the framework for more detailed rules contained in secondary legislation.

The main benefit under the Industrial Injuries Benefits Scheme is Disablement Pension (more commonly known as Industrial Injuries Disablement Benefit, or IIDB). This provides compensation for disablement due to loss of faculty arising from an industrial accident or a prescribed industrial disease suffered through employed earner's employment. The level of compensation is based on the extent of the customer's disablement (assessed as a percentage). It does not take into account economic losses due to an injury when determining the level of compensation.

To be eligible under the scheme, it needs to be demonstrated that the injury or disease is work related. For prescribed disease claims, this is achieved with a schedule of prescribed diseases for which work causation is assumed, provided pre-defined exposure criteria are met. Work relatedness can also be demonstrated by showing that a specific work-related incident has resulted in the injury or the disease. Certain injuries and diseases have a prescribed level of disablement set out in secondary legislation.

Where the extent of disablement for IIDB purposes is assessed at 100% and the customer requires constant care due to a loss of faculty, the customer may be eligible to receive an increase for Constant Attendance Allowance (CAA). The amount the customer receives is dependent upon the amount of care they require. Where CAA is paid at an intermediate or higher rate and this is likely to be permanent, the customer may also receive an increase for Exceptionally Severe Disablement Allowance (ESDA).

Customers who have an industrial injury or disease may additionally be entitled to Reduced Earnings Allowance (REA) which compensates for the loss of earnings' capacity where, as a result of an industrial accident or disease, an individual cannot return to their regular occupation, nor carry out other work producing the same level of earnings. The amount of Reduced Earnings Allowance payable generally depends on the difference between a person's earnings in their 'regular occupation' and 'suitable alternative' employment.

There is no entitlement to Reduced Earnings Allowance for –

- An accident which occurred on or after 1 October 1990.

- A prescribed disease with a date of onset on or after 1 October 1990 or which was added to the list of prescribed diseases on or after 10 October 1994 irrespective of the date of onset, or an extension to a prescribed disease made on or after 10 October 1994 irrespective of the date of onset.

Reduced Earnings Allowance is converted to Retirement Allowance when a customer reaches state pension age provided that the level of Reduced Earnings Allowance payable was at least £2 per week and the customer is not in regular employment as defined by Regulations.

**England and Wales**

The Department for Work and Pensions continues to deliver and administer industrial injuries benefits under Agency Agreement to people in Scotland, under the same procedures and rules as apply in England and Wales.

**Scotland**

A number of social security powers, including industrial injuries benefits, were devolved from the UK Government to the Scottish Government through the Scotland Act 2016. On 1 April 2020 executive competence for industrial injuries benefits transferred to Scottish Ministers.

**Northern Ireland**

Social security is a transferred matter in Northern Ireland, albeit parity has long been a guiding principle. The Department for Communities administers a separate but corresponding Industrial Injuries Benefits Scheme in Northern Ireland.

**The Pneumoconiosis etc. (Workers' Compensation) Act 1979**

The Department for Work and Pensions also administers a lump sum compensation scheme pursuant to the Pneumoconiosis etc. (Workers' Compensation) Act 1979 ('the 1979 Act Scheme'). The 1979 Act Scheme makes provision for one-off lump sum compensation payments to those who have contracted certain dust-related diseases as a result of employed earners' employment, or their dependants.

The 1979 Act Scheme applies across Great Britain. The Department for Communities administers a separate but corresponding scheme in Northern Ireland under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979.

**The Mesothelioma Act 2014**

The 2014 Act Scheme compensates eligible customers with diffuse mesothelioma (diagnosed on or after 25th July 2012), or their eligible dependants. The 2014 Act Scheme is intended to cover those who in principle have a good claim in negligence against their employer (due to asbestos exposure at work) but who are unable to recover civil compensation as their employer no longer exists and their insurer cannot be traced.

The 2014 Act Scheme applies across the United Kingdom.

## VI - 2. Persons protected

***Articles 2. C17***

*1. The laws and regulations as to workmen's compensation shall apply to workmen, employees and apprentices employed by any enterprise, undertaking or establishment of whatsoever nature, whether public or private.*

*2. It shall nevertheless be open to any Member to make such exceptions in its national legislation as it deems necessary in respect of:*

*(a) persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employer's trade or business;*

*(b) out-workers;*

*(c) members of the employer's family who work exclusively on his behalf and who live in his house;*

*(d) non-manual workers whose remuneration exceeds a limit to be determined by national laws or regulations.*

All employed earners are covered by the Industrial Injuries benefits Scheme.

It is a condition of entitlement that Industrial Injuries Disablement Benefit is payable in respect of the disease (or would be payable but for the disablement not amounting to the appropriate percentage). Therefore, the conditions of entitlement regarding employed earners' employment which apply to Industrial Injuries Disablement Benefit are also relevant to the 1979 Act Scheme.

## VI – 3. Definition of Occupational Diseases

***Article 2. C42***

*Each Member of the International Labour Organisation which ratifies this Convention undertakes to consider as occupational diseases those diseases and poisonings produced by the substances set forth in the Schedule appended hereto, when such diseases or such poisonings affect workers engaged in the trades, industries or processes placed opposite in the said Schedule, and result from occupation in an undertaking covered by the said national legislation.*

| List of diseases and toxic substances | List of corresponding trades, industries and processes |
|---|---|
| Poisoning by lead, its alloys or compounds and their sequelae. | ▪ Handling of ore containing lead, including fine shot in zinc factories.<br>▪ Casting of old zinc and lead in ingots.<br>▪ Manufacture of articles made of cast lead or of lead alloys.<br>▪ Employment in the polygraphic industries.<br>▪ Manufacture of lead compounds.<br>▪ Manufacture and repair of electric accumulators.<br>▪ Preparation and use of enamels containing lead.<br>▪ Polishing by means of lead files or putty powder with a lead content.<br>▪ All painting operations involving the preparation and manipulation of coating substances, cements or colouring substances containing lead pigments. |
| Poisoning by mercury, its amalgams and compounds and their sequelae. | ▪ Handling of mercury ore.<br>▪ Manufacture of mercury compounds. |

| | |
|---|---|
| | ▪ Manufacture of measuring and laboratory apparatus.<br>▪ Preparation of raw material for the hatmaking industry.<br>▪ Hot gilding.<br>▪ Use of mercury pumps in the manufacture of incandescent lamps.<br>▪ Manufacture of fulminate of mercury primers. |
| Anthrax infection. | ▪ Work in connection with animals infected with anthrax.<br>▪ Handling of animals carcasses or parts of such carcasses including hides, hoofs and horns.<br>▪ Loading and unloading or transport of merchandise. |
| Silicosis with or without pulmonary tuberculosis, provided that silicosis is an essential factor in causing the resultant incapacity or death. | Industries or processes recognised by national law or regulations as involving exposure to the risk of silicosis. |
| Phosphorous poisoning by phosphorous or its compounds, and its sequelae. | Any process involving the production, liberation or utilisation of phosphorous or its compounds. |
| Arsenic poisoning by arsenic or its compounds, and its sequelae. | Any process involving the production, liberation or utilisation of arsenic or its compounds. |
| Poisoning by benzene or its homologues, their nitro- and amido-derivatives, and its sequelae. | Any process involving the production, liberation or utilisation of bezene or its homologues, or their nitro- or amido-derivatives. |
| Poisoning by the halogen derivatives of hydrocarbons of the aliphatic series. | Any process involving the production, liberation or utilisation of halogen derivatives of hydrocarbons of the aliphatic series designated by nationals laws or regulations. |
| Pathological manifestations due to:<br>▪ a) radium and other radioactive substances;<br>▪ b) X-rays. | Any process involving exposure to the action of radium, radioactive substances, or X-rays. |
| Primary epitheliomatous cancer of the skin. | Any process involving the handling or use of tar, pitch, bitumen, mineral oil, paraffin, or the compounds, products or residues of these substances. |

Industrial Injuries Benefits shall be payable when an employed earner contracts a prescribed disease or injury which is due to the nature of their employment[12]. A list of prescribed diseases and injuries is set out in Schedule 1 to the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985.

The Secretary of State for Work and Pensions is advised by the Industrial Injuries Advisory Council (IIAC), an independent scientific body, on changes to the list of prescribed diseases / injuries for which Industrial Injuries Disablement Benefit can be paid. The IIAC will only recommend prescription if:

a) the risk to workers in a certain occupation is substantially greater than the risk to the general population, and
b) the link between the injury / disease and the occupation can be established or presumed with reasonable certainty.

## VI – 4. Benefits in cash

***Article 5. C17***
*The compensation payable to the injured workman, or his dependants, where permanent incapacity or death results from the injury, shall be paid in the form of periodical payments; provided that it may be wholly or partially paid in a lump sum, if the competent authority is satisfied that it will be properly utilised.*

***Article 7. C17***
*In cases where the injury results in incapacity of such a nature that the injured workman must have the constant help of another person, additional compensation shall be provided.*

***§2 Article 1. C42***
*The rates of such compensation shall be not less than those prescribed by the national legislation for injury resulting from industrial accidents. Subject to this provision, each Member, in determining in its national law or regulations the conditions under which compensation for the said diseases shall be payable, and in applying to the said diseases its legislation in regard to compensation for industrial accidents, may make such modifications and adaptations as it thinks expedient.*

**Cash benefits paid due to employment injury**

*Industrial injuries disablement benefit (social insurance):* The amount of Industrial Injuries Disablement Benefit awarded depends on the assessed percentage disablement of the relevant loss of faculty. The maximum award of Industrial Injuries Disablement Benefit is paid to those assessed at 95% (or higher) disablement following assessment. This applies even if the person has several assessments (e.g. for multiple accidents / prescribed diseases) which add up to over 100%.

The rate of payment of IIDB varies from £44.30 a week (as of April 2024) for an assessed degree of disability of 20%, to £221.50 a week (as of April 2024) for an assessed degree of disability of 100%.[27]

Typically there is no entitlement to Industrial Injuries Disablement Benefit for the 90 days, disregarding Sundays, beginning with the date of the accident or date of onset in prescribed disease claims. However, entitlement arises from the date of onset in claims for certain prescribed diseases as set out in the relevant Industrial Injuries legislation.

*Constant-attendance allowance*: Where the extent of disablement for IIDB purposes is assessed at 100% and the individual requires constant care due to a loss of faculty, the customer may be eligible to receive an increase for Constant Attendance Allowance. There are four rates of Constant Attendance Allowance based on the amount of attendance required: part-time (£44.35 per week), normal maximum (£88.70 per week), intermediate (£133.05 per week) and exceptional (£177.40 per week) as of April 2024[28].

**Death benefits**
***See under Part X-2-Survivors benefits for information relation to Bereavement Support Payment***

**Articles 5. C17, Article 1. C42**

[27] Benefit and pension rates 2024 to 2025 Link
[28] Benefit and pension rates 2025 to 2026 Link

**Level of benefits**

1. Examples of weekly rates of Industrial Injuries Benefits, and associated increases payable during the period under consideration are shown below:

| **(£GB)** | **2024/25** | **2025/26** |
|---|---|---|
| IIDB (100% disablement) | 221.50 | 225.30 |
| IIDB (20% disablement) | 44.30 | 45.06 |
| Reduced Earnings Allowance*<br><br>(maximum rate) | 88.60 | 90.12 |
| Retirement Allowance (maximum rate) | 22.15 | 22.53 |
| Constant Attendance Allowance<br><br>(maximum rate) | 177.40 | 180.40 |
| Exceptionally Severe Disablement Allowance | 88.70 | 90.20 |

*Reduced Earnings Allowance is not payable in respect of accidents or diseases arising on or after 1 October 1990.

**The Pneumoconiosis etc. (Workers' Compensation) Act 1979 Scheme:**
Rates are based on the customer's level of disablement and their age when it was first determined that they had the disease for IIDB purposes. Highest amounts are paid to younger customers with the highest level of disablement. Dependants are eligible to claim if the deceased person with the disease did not claim an award in their lifetime. Dependants are generally paid a lower amount.

**The Mesothelioma Act 2014 Scheme:**
Rates are based on the customer's age at diagnosis. Dependents are eligible to claim if the deceased person with the disease did not make a claim in their lifetime.

## VI – 5. Benefits in kind

***Article 9. C17***
*Injured workmen shall be entitled to medical aid and to such surgical and pharmaceutical aid as is recognised to be necessary in consequence of accidents. The cost of such aid shall be defrayed either by the employer, by accident insurance institutions, or by sickness or invalidity insurance institutions.*

***§1. Article 10. C17***
*1. Injured workmen shall be entitled to the supply and normal renewal, by the employer or insurer, of such artificial limbs and surgical appliances as are recognised to be necessary: provided that national laws or regulations may allow in exceptional circumstances the supply and renewal of such artificial limbs and appliances to be replaced by the award to*

*the injured workmen of a sum representing the probable cost of the supply and renewal of such appliances, this sum to be decided at the time when the amount of compensation is settled or revised.*
*2. National laws or regulations shall provide for such supervisory measures as are necessary, either to prevent abuses in connection with the renewal of appliances, or to ensure that the additional compensation is utilised for this purpose.*

**Supply and renewal of artificial limbs and surgical appliances**

The NHS will supply the appropriate prosthetic device to meet the clinical needs of the patient regardless as to the reason for amputation.

In respect of pharmaceutical products outside the hospital, the position continues to be that prescription charges and the costs of dental treatment are borne by recipients of industrial injuries benefits on the same basis as they are borne by people receiving other state benefits. Assistance may be available for example, because of receipt of a qualifying income-related benefit, because of specified conditions related to age or health. These costs are reviewed annually.

NHS prescription charges - NHS

**Northern Ireland**

In respect of pharmaceutical products outside the hospital the position is that all Health Service prescriptions dispensed in Northern Ireland are free of charge for everyone.

https://www.nidirect.gov.uk/articles/help-with-health-costs

**Scotland**

Prescription charges were abolished in Scotland in 2011.

**Wales**

There is no charge for a NHS prescription that has been prescribed by an NHS Wales healthcare professional and has been dispensed in Wales.

## VI - 6. Waiting period

***Article 6. C17***
*In case of incapacity, compensation shall be paid no later than as from the fifth day after the accident, whether it be payable by the employer, the accident insurance institution, or the sickness insurance institution concerned.*

Typically, there is no entitlement to Industrial Injuries Disablement Benefit for the 90 days, disregarding Sundays, beginning with the date of the accident or date of onset in prescribed disease claims. Other provisions outside of the Industrial Injuries Scheme may apply during this period for employees with temporary incapacity to work, such as Statutory Sick Pay (SSP).

SSP is paid when the employee is sick for more than 3 days in a row (including non-working days). Through the Employment Rights Bill, the Government has committed to removing the Lower Earnings Limit (LEL) to make SSP available to all employees regardless of their weekly earnings. For some lower earners, including those earning below the LEL, their rate of SSP will be calculated as 80% of their earnings instead of the flat weekly rate. The Employment Rights Bill will also remove waiting days from the SSP system and amend the Period of Incapacity for Work rules, so that eligible employees are entitled to SSP from their first full day of sickness absence, rather than the fourth. The Employment Rights Bill has not yet received Royal Assent, the date for when changes to SSP will come into effect will be announced by Government shortly. More details on SSP can be found on GOV.UK.

Universal Credit or New Style Employment and Support Allowance are also available for those who require additional financial support or for those who do not qualify for SSP or for those whose SSP entitlement has run out. Further information on these benefits is contained elsewhere in this report.

Compensation is paid by central government with the exception of Occupational and Statutory Sick Pay which are paid by employers.

## VI - 7. Insolvency of employer

***Article 11. C17***1*The national laws or regulations shall make such provision as, having regard to national circumstances, is deemed most suitable for ensuring in all circumstances, in the event of the insolvency of the employer or insurer, the payment of compensation to workmen who suffer personal injury due to industrial accidents, or, in case of death, to their dependants.*

For the Industrial Injuries Benefits Scheme, eligibility requires that at the time of the accident or disease exposure, the individual must have been engaged in employed earners employment, i.e. they should have been an employee at the time of accident/exposure. There is no requirement for the employer to be solvent at the time of a claim to the Industrial Injuries Scheme.

Claims are paid on a no-fault basis so employer liability need not be proven. Awards are paid for the duration of the disablement which could be anything that the Department deems appropriate – this may include a final assessment made for a fixed term or for life, or a provisional assessment where the prognosis is uncertain.

For the Pneumoconiosis etc. (Workers' Compensation) Act 1979 Scheme it is a condition of entitlement that all relevant employers, as defined by legislation, have ceased business.

## VI - 8. Financing and Administration

***Article 8. C17***
*The national laws or regulations shall prescribe such measures of supervision and methods of review as are deemed necessary.*

***§2. Article 10. C17***
*National laws or regulations shall provide for such supervisory measures as are necessary, either to prevent abuses in connection with the renewal of appliances, or to ensure that the additional compensation is utilised for this purpose.*

The total amount of Industrial Injuries Benefits Annually Managed Expenditure for the financial year ending each March (GB £ million, nominal terms) was as follows[29]:

| 2024/25 | 2025/26 |
|---|---|
| 753<br>(forecast) | 740<br>(forecast) |

The costs of estates, IT support, central services and the administrative costs of actually paying the benefit are not available.

The cost of Industrial Injuries benefits (IIB) in Northern Ireland for the financial years ending March were as follows: (in £GB millions):

| **2024** | **2025** |
|---|---|
| 31 | 34<br>(forecast) |

The Industrial Injuries Scheme in Great Britain is administered by the Department for Work and Pensions, through two dedicated regional Industrial Injuries Benefit delivery centres.

The Industrial Injuries Scheme in Northern Ireland is administered by the Department for Communities.

**ILO Convention 19**

If a non-GB national meets all the eligibility criteria for receipt of an industrial injuries benefit, then they would be awarded this on the same basis as GB nationals.

See Part 1. General provisions for information on the schemes of Social Security operated in Great Britain and Northern Ireland and 'List of applicable legislation' section for legislation relating to employment injury benefits.

[29] Benefit expenditure and caseload tables Spring Budget 2021 Link (Table 1a, Row 34)

# Part VII. Family Benefit

***The United Kingdom has accepted the obligations resulting from Part VII of C102 and Part VII of the ECSS.***

## List of applicable legislation

- The Child Maintenance and other payments Act 2008 https://www.legislation.gov.uk/ukpga/2008/6/contents
- Tax Credits Act 2002[30] http://www.legislation.gov.uk/ukpga/2002/21/pdfs/ukpga_20020021_en.pdf
- The Scottish Child Payment Regulations 2020 (SSI 2020 no 351) The Scottish Child Payment Regulations 2020 (legislation.gov.uk)

## VII - 1. Regulatory framework

***Article 39. C102 and ECSS***
*Each Member (Contracting Party) for which this Part of this Convention (Code) is in force shall secure to the persons protected the provision of family benefit in accordance with the following Articles of this Part.*

His Majesty's Revenue and Customs (HMRC) is the Department responsible for administering Child Benefit , and Guardian's Allowance. HMRC was also responsible for Child Tax Credit and Working Tax Credit until 6 April 2025, when these were replaced by Universal Credit (or Pension Credit for some pension-age claimants).

Child Benefit is paid where a claimant is responsible for a child under 16 (or under 20 if they're in approved education or training). Only one person can get Child Benefit in respect of a particular child or Qualifying Young Person in any one week. Child Benefit is not means tested and is a non-contributory benefit which is not treated as taxable income.

As of January 2013, Child Benefit claimants may be liable to the 'High Income Child Benefit Charge', a tax charge for families with Child Benefit payments on higher incomes. Being liable for this charge does not affect entitlement to Child Benefit for a child. From 6 April 2024 (following an announcement at Spring Budget 2024), the High-Income Child Benefit Charge applies to anyone with an adjusted net income of £60,000 or more who gets Child Benefit, or whose partner gets it.

The charge increases gradually for those with an adjusted net income between £60,000 and £80,000 and is equal to one per cent of a family's Child Benefit for every extra £200 of income that is over £60,000 each year. Where adjusted net income is £80,000, the tax charge is equal to that individual's total Child Benefit award. Child Benefit claimants do have the option to opt-out of receiving Child Benefit, thereby ceasing their payments,

[30] Tax credits were abolished by the Welfare Reform Act 2012; however, much of tax credits legislation has remained in effect for the necessary administration of tax credits.

which means that they are not subject to the tax charge. The HICBC threshold was £50,000 up to the 2024/25 tax year.

Further information on the HICBC measure can be found at https://www.gov.uk/government/publications/income-tax-increasing-the-high-income-child-benefit-charge-threshold/the-high-income-child-benefit-charge-threshold#general-description-of-the-measure

Universal Credit replaced Child Tax Credit (CTC) and Working Tax Credit (WTC) on 6 April 2025. The following information therefore applies only to the period up to and including 5 April 2025.

- CTC was a means-tested form of support for families (with children) who were in or out of work and living in the UK.
- WTC provided financial support on top of earnings for in-work households with low incomes who lived in the UK. It was paid to families with or without children. Additional support was available for disabled workers. The "childcare element" of WTC was paid directly to the main carer of the child or children along with Child Tax Credit. Where a claimant was entitled to WTC, whether on its own or in addition to Child Tax Credit, and their family's annual income was below a certain threshold (most recently £7,955 in the 2024/25 tax year), they received the maximum amount of all the elements that they qualified for. Where their income was over that threshold, the maximum amount was reduced by 41 pence for every pound of income over the threshold.
- Further information on eligibility for tax credits and how awards were calculated is published in leaflet WTC 2 entitled A Guide to Child Tax Credit and Working Tax Credit.

The replacement of tax credits by Universal Credit began in 2013 and has now been completed across the whole of the UK by the Department for Work and Pensions in Great Britain, and the Department for Communities in Northern Ireland.

From 1 February 2019, HMRC did not accept any new claims for tax credits unless an exception applied. Existing claims could initially be ended in one of two ways: (i) where a tax credits recipient proactively made a claim to Universal Credit; or (ii) where a tax credits recipient reported a change in their circumstances, such as a different household make-up or loss of employment.

From 2022, a managed migration exercise was in place to ensure a more structured and accelerated movement of tax credits claims. This exercise was fully concluded by 5 April 2025.

**Scotland**

Scottish Child Payment (SCP) is a means tested form of support for families (with children) in or out of work resident in Scotland. Eligible families must be in receipt of a qualifying UK benefit. SCP was introduced in February 2021 and is currently paid at a rate of £108.60 every 4 weeks to eligible families for each child under the age of 16. It is administered by Social Security Scotland, an agency of the Scottish Government.

## VII - 2. Contingency covered

***Article 40. C102 and ECSS***
*The contingency covered shall be responsibility for the maintenance of children as prescribed.*

***§h Article 1. ECSS***
*the term "child" means a child under school leaving age or under 15 years of age, as may be prescribed.*

Child Benefit is paid to those responsible for children (aged under 16) or qualifying young people. A qualifying young person is a person who is aged 16 or over but under 20 years old and:

- is in full time non advanced education at a school or college which is not provided by virtue of their employment.. A person can undertake education at a place other than a school or college but only if they received education at that place as a child
- is undertaking approved training which is not provided by means of a contract of employment
- A person who is aged 19 is only a qualifying person if they began or were accepted or enrolled for a course of education or training before their 19th birthday.

## VII - 3. Persons protected

***Article 41. C102 and ECSS***
*The persons protected shall comprise,* [as regards the periodical payments specified in Article 42 - ECSS]:
*(a) prescribed classes of employees, constituting not less than 50 per cent of all employees; or*
*(b) prescribed classes of the economically active population, constituting not less than 20 per cent of all residents.*
[(c) all residents whose means during the contingency do not exceed prescribed limits – C102].

The number of families receiving Child Benefit in the UK for 2023/24 is 6.91 million, this figure includes foreign nationals and not known.

The number of families receiving Child Tax Credit and/or Working Tax Credit in the UK for the year 2022/23 was 1.20 million, comprising some 2.26 million children.

The Child and Working Tax Credits statistics: finalised annual awards - 2022 to 202 can be found by following the link below: [Child and Working Tax Credits statistics: Finalised Annual Awards – 2022 to 2023 - GOV.UK]

See Part III of this report for figures on Universal Credit (UC).

**Child Tax Credit**

Average number of families in receipt of CTC and children for whom CTC is being claimed for CTC 2019-23

*Thousands*

| | 2019-20 | 2020-221 | 2021-22 | 2022-23 |
|---|---|---|---|---|
| Families | 2,322 | 1,801 | 1,376 | 1,086 |
| Children | 4,803 | 3,735 | 2,875 | 2,263 |

## VII - 4. Types of Benefit

***Article 42. C102 and ECSS***

*The benefit shall be:*

*(a) a periodical payment granted to any person protected having completed the prescribed qualifying period; or*

*(b) the provision to or in respect of children of food, clothing, housing, holidays or domestic help; or*

*(c) a combination of (a) and (b).*

**The Child Tax Credit annual rates for the period of this Report.**[31]

| Child Tax Credit | From April 2024 | From April 2025[32] |
|---|---|---|
| Family element[33] | 545 | N/A |
| Child element[34] | 3,455 | N/A |
| Disabled child element[35] | 4,170 | N/A |
| Severely disabled child element[36] | 1,680 | N/A |
| Income thresholds and withdrawal rates | | |
| Income threshold | 7,955 | N/A |
| First withdrawal rate (per cent) | 41 | N/A |

[31] Tax credits, Child Benefit and Guardian's Allowance — rates and allowances - GOV.UK

[32] Tax credits were replaced by Universal Credit from 6th April 2025; there were no changes to rates as there are no tax credits awards from 2025 onwards.

[33] From 6th April 2017, family element was not payable for children born on or after this date.

[34] From 6th April 2017 the "two child limit" was introduced.

[35] The disabled child and severely disabled child are not separate elements. They are the same element paid at two rates.

[36] The disabled child and severely disabled child are not separate elements. They are the same element paid at two rates.

| Child Tax Credit | From April 2024 | From April 2025[32] |
|---|---|---|
| Income threshold for those entitled to CTC only | 19,995 | N/A |
| Income rise disregard | 2,500 | 2,500 |
| Income fall disregard | 2,500 | 2,500 |

**Child Benefit weekly rates for the period of this Report**

| From | Child Benefit |
|---|---|
| April 2024 | £25.60 eldest child |
| | £16.95 each other child |
| April 2025 | £26.05 eldest child |
| | £17.25 each other child |

**Scottish Child Payment**

Entitlement to SCP is based on being resident in Scotland and being in receipt of a qualifying UK benefit for each child that a family is responsible for under the age of 16. It is paid at a rate of £27.15 per week per eligible child. As of 31 December 2024, it is estimated that the families of more than 326,000 under-16 were actively benefiting from Scottish Child Payment.

## VII - 5. Qualifying period

***§1(i) Article 1. C102/ECSS***
*The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.*

***Article 43. ECSS***
*The benefit specified in Article 42 shall be secured at least to a person protected who, within a prescribed period, has completed a qualifying period which may be one month of contribution or employment, or six months of residence, as may be prescribed.*

***Article 43. C102***
*The benefit specified in Article 42 shall be secured at least to a person protected who, within a prescribed period, has completed a qualifying period which may be three months of contribution or employment, or one year of residence, as may be prescribed.*

**Eligibility to Child Benefit**

Only one person can get Child Benefit for a child.

You normally qualify for Child Benefit if you're responsible for a child under 16 (or under 20 if they stay in approved education or training) and you live in the UK.

You'll usually be responsible for a child if you live with them or you're paying at least the same amount as Child Benefit (or the equivalent in kind) towards looking after them. In these cases, we would usually need to see evidence of expenditure towards the child's upbringing.

Examples of contributions are:

- money
- clothes
- birthday and Christmas presents
- food
- pocket money

**Eligibility to Child Tax Credit**

Until it was replaced by Universal Credit on 6 April 2025, Child Tax Credit was available to individuals who were responsible for a child and:

- had a right to reside in the UK
- paid National Insurance contributions in the UK

Eligibility to Child Benefit for those coming to the UK from abroad can be found at the following links:
https://www.gov.uk/child-benefit-move-to-uk
https://www.gov.uk/tax-credits-if-moving-country-or-travelling/moving-to-the-uk

**Eligibility for Scottish Child Payment**

Only one person can get SCP. Eligibility is based on being resident in Scotland, in receipt of a qualifying UK benefit and having responsibility for a child or children under the age of 16.

## VII - 6. Level and Calculation of Benefit

***Article 44. C102 and Protocol to the ECSS***
*The total value of the benefits granted in accordance with Article 42 to the persons protected shall be such as to represent:*
[(a) 3 per cent. of the wage of an ordinary adult male labourer, as determined in accordance with the rules laid down in Article 66, multiplied by the total number of children of persons protected; - *C102 ] or*
*(b) 1.5 per cent. of the said wage, multiplied by the total number of children of all residents.*

HMRC produces figures for total expenditure on Tax Credit and Child Benefit in the "HMRC Tax Receipts and National Insurance Contributions for the UK", which can be found at the following the link :
https://www.gov.uk/government/statistics/hmrc-tax-and-nics-receipts-for-the-uk

Expenditure data for tax credits and Child Benefit from 1999/2000 to 2020/21 can be found on the right hand side of the HM Revenue and Customs expenditure table. This figure covers both Working Tax credit (WTC) and CTC.

Total UK child benefit expenditure in 2023-24[37] was £12.51bn. Based on a reference wage of £468.80[38] per week, (annual - £24377 x 1.5% = £365.66) and taking the Office for National Statistic's child population estimates of 15.66m UK children as a proxy, the amount the UK would need to spend in order to be in compliance with the Code is £5.73bn, which the UK's expenditure for Child Benefit alone exceeds.

**Scottish Child Payment**

Between 15 February 2021 and 31 December 2024, the total value of Scottish Child Payments issued was £1 billion.

## VII – 7. Duration of Benefit

***Article 45. ECSS***
*Where the benefit consists of a periodical payment, it shall be granted throughout the contingency.*

Child Benefit is paid every four weeks for the duration of the period of eligibility.

## VII - 8. Suspension of Benefit

***Article 69. C102, Article 68. ECSS***
*A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to X of this Convention may be suspended to such extent as may be prescribed--*
*(a) as long as the person concerned is absent from the territory of the Member;*
*(b) as long as the person concerned is maintained at public expense, or at the expense of a social security institution or service, subject to any portion of the benefit in excess of the value of such maintenance being granted to the dependants of the beneficiary;*
*(c) as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, and during any period in respect of which he is indemnified for the contingency by a third party, subject to the part of the benefit which is suspended not exceeding the other benefit or the indemnity by a third party;*e*(d) where the person concerned has made a fraudulent claim;*

**Child Benefit for children in hospital or care**
Child Benefit payments might be affected if the child goes into:

- care for more than 8 weeks
- hospital or 'residential care' for more than 12 weeks

Residential care is accommodation paid for by local councils, usually because the child has a mental or physical disability. This is different to 'care'.

**After 8 or 12 weeks**
Usually, recipients are no longer entitled to Child Benefit after the time limit. There are exceptions to this rule, for example:

- for children in care - if they spend at least 24 hours a week at home
- for children in a UK hospital or residential care - if the recipient is regularly spending money on them
- for children in hospital abroad - if the recipient is back in the UK and regularly spending money on them.

[37] Next publication due Summer 2025
[38] Reference wage for 2023/24

The recipient's money will only count if they are married or civil partnered and living together.

https://www.gov.uk/child-benefit-for-children-in-hospital-or-care

**Child Benefit if the child lives with someone else**

A claimant will usually get Child Benefit for 8 weeks after the child goes to live with someone else (e.g. a friend or relative), if nobody else claims. It can continue for longer if the claimant makes contributions to the child's upkeep.

The Child Benefit Office will tell claimants if they get a claim from someone else for the same child. They will help with decisions regarding who should claim if the individuals cannot decide for themselves.

**Contributions to upkeep**

Payments could continue for more than 8 weeks if the individual contributes to the child's upkeep by the same amount or more than the Child Benefit payment.

Upkeep includes clothes, presents, food and pocket money and financial contributions to provide the child with somewhere to live.

**Tax credits**

Prior to their replacement by Universal Credit on 6 April 2025, payments of tax credits were able to be suspended in cases where insufficient information had been provided by the customer (for example, they did not provide a home address or a bank account) or where the outcome of a court decision on entitlement was pending. The full circumstances where payments of tax credits could be suspended (or postponed) are set out in Regulation 11 of The Tax Credits (Payments by the Commissioners) Regulations 2002

## VII – 9. Right of complaint and appeal

***See under Part XIII-2***

## VII - 10. Financing and Administration

***See under Part XIII-3***

# Part X. Survivors' benefit

***The United Kingdom has accepted the obligations resulting from Part X of C102.***

## List of applicable legislation

- Pensions Act 2014
- The Bereavement Support Payment Regulations 2017

Northern Ireland

- Pensions Act (Northern Ireland) 2015
- The Bereavement Support Payment (No.2) Regulations (Northern Ireland) 2019

***See under Part I. General Provisions. Articles 1-6.***

## X - 1. Regulatory framework

***Article 59. C102M***
*Each Member (Contracting Party) for which this Part of this Convention (Code) is in force shall secure to the persons protected the provision of survivors' benefit in accordance with the following Articles of this Part.*

### Basic principles

Bereavement Support Payment (BSP) supports working-age survivors through the immediate period following the death of their spouse or civil partner. It is also available to surviving cohabitees with children. Entitlement depends on the deceased having paid sufficient National Insurance Contributions.

BSP is not an ongoing income-replacement benefit – that is the function of other benefits. Universal Credit or New Style Employment and Support Allowance are available for those who require additional financial support. Further information on these benefits is contained elsewhere in this report

## X - 2. Contingency covered

***Article 60. C102***
*1. The contingency covered shall include the loss of support suffered by the widow or child as the result of the death of the breadwinner; in the case of a widow, the right to benefit may be made conditional on her being presumed, in accordance with national laws or regulations, to be incapable of self-support.*
*2. National laws or regulations may provide that the benefit of a person otherwise entitled to it may be suspended if such person is engaged in any prescribed gainful activity or that the benefit, if contributory, may be reduced where the earnings of the beneficiary exceed a prescribed amount, and, if non contributory, may be reduced where the earnings of the beneficiary or his other means or the two taken together exceed a prescribed amount.*

### Types of benefits

BSP supports working age people through the immediate period following a bereavement. It is available to surviving spouses and civil partners and is a contributory benefit, entitlement depending on the deceased having paid a certain level of Class 1(employed earner) or Class 2 (self-employed) National Insurance contributions (NICs) or having died because of an accident at work or a disease caused by work.

BSP consists of an initial lump sum of £2,500 plus £100 a month for up to 18 months for those without dependent children. Those with dependent children or pregnant get a lump sum of £3,500 plus £350 a month for up to 18 months. BSP is not taxed and is paid in addition to other benefits.

Child Benefit is also available for those with dependent children. Guardian's Allowance can support those bringing up a child where both parents, or in some circumstances one parent, has died.

Additionally, Funeral Expenses Payments contribute to the cost of a funeral arranged by someone in receipt of income-related benefits. The scheme pays all reasonable "necessary costs" (largely burial/cremation fees) and additional costs (eg. coffin, funeral director's fees) up to £1,000. Support for funeral costs is devolved in Scotland, their equivalent being Funeral Support Payments.

BSP is not a means-tested benefit. Thus, entitlement is not contingent on whether the survivor is capable of self-support, nor does it depend on the survivor's earnings. Like its predecessors since 2001, BSP is available to both men and women. As mentioned earlier it is not intended to meet ongoing living costs that is the function of other benefits such as Universal Credit.

On 9 February 2023, the Bereavement Benefits (Remedial) Order 2023 extended the higher rate of BSP to eligible cohabitees with dependent children in respect of entitlement from 30 August 2018 onwards.

BSP replaced the previous suite of bereavement benefits, namely Widowed Parent's Allowance (WPA), Bereavement Allowance and the Bereavement Payment, from 6 April 2017.

**Legislative provisions**

The primary legislation relating to Bereavement Support Payment can be found at Part 5 of the Pensions Act 2014. Section 30 covers the entitlement conditions for BSP, and Section 31 the National Insurance contribution conditions.

The regulations covering BSP are the Bereavement Support Payment Regulations 2017.These cover the details of the scheme such as the rate of benefit, period of payment, who is entitled to the higher rate and exclusion of people in prison.

The Bereavement Benefits (Remedial) Order 2023 became law on 9 February 2023, and it extended the higher rate of BSP and the legacy benefit, WPA, to cohabitees with dependent children. It covered those entitled to either of these benefits from 30 August 2018.

## X - 3. Persons protected

***§1(c) Article 1 C102***
*The term wife means a wife who is maintained by her husband.*

***Article 61. C102***
*The persons protected shall comprise:*
*(a) the wives and the children of breadwinners in prescribed classes of employees, which classes constitute not less than 50 per cent of all employees; or*
*(b) the wives and the children of breadwinners in prescribed classes of the economically active population, which classes constitute not less than 20 per cent of all residents; or*
*(c) all resident widows and resident children who have lost their breadwinner and whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67.*

***See under Part X-1,2***

## X - 4. Level and Calculation of Benefit

***Article 62. C102***
*The benefit shall be a periodical payment calculated as follows:*
*(a) where the wives and children of breadwinners in classes of employees or classes of the economically active population are protected, in such manner as to comply either with the requirements of Article 65 or with the requirements of Article 66;*
*(b) where all resident widows and resident children whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 67.*

***Title I of RF/C102/ECSS (Article 66).***
*Please state the amount of the wage of the ordinary adult labourer wage (standard wage).*

| 2024/25 | Weekly | Monthly |
|---|---|---|
| Gross | £503.70* | £2182.70 |

*Provisional and subject to deductions for Income Tax and National Insurance.

***Title IV of RF/C102/ECSS (Article 66)****, according to which the standard beneficiary is a widow with two children.*

*Amount of Survivors' benefit granted during the time basis*

- Eligible survivors without children get an initial payment of £2,500 and 18 subsequent monthly payments of £100. Those with children receive an initial payment of £3,500 and 18 subsequent payments of £350.
- BSP is intended to provide working age people with short-term financial support following the death of a spouse, civil partner, (or cohabiting partner with dependent children) to help towards the additional costs associated with a death.
- The rate of BSP is reviewed each year as part of the annual uprating process, but there is no legal requirement to uprate it as it is not a cost of living benefit. Following this year's review, BSP remains unchanged for 2025/26.

£9,800 over 18 months for people with children, £4,300 over 18 months for those without.

*Amount of family allowance, payable during employment, for a period equal to the time basis.*

Family allowances, payable during employment and the contingency, (where applicable) comprise £25.60 Child Benefit for the eldest qualifying child, £16.95 for the second qualifying child.

*Sum of Survivors' Benefit and family allowance payable during contingency per cent of sum of standard wage and family allowance payable during employment.*

In 2024/25 the total survivors' benefit and family allowance was £13,118.90. This was 30.79% of the average wage (article 66) and family allowance stated above.

However, survivors' benefits were originally intended to support widows when, due to the conventions of the time, they were not expected to be self- sufficient following the death of their spouse. BSP is more reflective of modern society, providing both men and women with help with bereavement expenses, rather than ongoing income replacement.

Where additional support is needed, the survivor can look to other benefits, in particular Universal Credit or New Style Employment and Support Allowance[39] which are both mentioned in more detail elsewhere in this report. BSP is tax free and can be paid in addition to income-replacement benefits, thus helping those on lower incomes the most.

See Part III for information on Universal Credit

***TITLE V of RF/C102/ECSS (Article 66),*** *according to which the beneficiary is a woman employee.*

*Amount of benefit granted during the time basis.*

A childless woman employee may be eligible for benefits such as UC.

*Amount of Survivors' Benefit per cent of the standard wage, payable during the contingency, for a period equal to the time basis.*

The standard rate of the survivors benefit is 11% of the 2024/25 standard wage (Article 66).

BSP is not an income related benefit and the survivor would be expected to look to other benefits such as Universal Credit and New Style ESA to provide an adequate level of income.

### X – 5. Adjustment of benefits

***§10 Article 65, §8 Article 66. C102***
*The rates of current periodical payments in respect of old age, employment injury (except in case of incapacity for work), invalidity and death of breadwinner, shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.*

Bereavement Support Payment is not a cost-of-living benefit and there is no legal requirement to uprate it. However, it must be reviewed every year as part of the annual uprating process. Following this year's review, BSP was not uprated for 2025/26.

[39] New Style Employment and Support Allowance - GOV.UK

## X - 6. Qualifying period

***§1(f) Article 1 C102***
*The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.*

***Article 63. C102***
*1. The benefit specified in Article 62 shall, in a contingency covered, be secured at least:*
*(a) to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period which may be 15 years of contribution or employment, or 10 years of residence; or*
*(b) where, in principle, the wives and children of all economically active persons are protected, to a person protected whose breadwinner has completed a qualifying period of three years of contribution and in respect of whose breadwinner, while he was of working age, the prescribed yearly average number of contributions has been paid. ꞇ2. Where the benefit referred to in paragraph 1 of this article is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:*
*(a) to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of five years of contribution or employment; or*
*(b) where, in principle, the wives and children of all economically active persons are protected, to a person protected whose breadwinner has completed a qualifying period of three years of contribution and in respect of whose breadwinner, while he was of working age, half the yearly average number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid. 3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part XI but at a percentage of ten points lower than shown in the Schedule appended to that part for the standard beneficiary concerned is secured at least to a person protected whose breadwinner has completed, in accordance with prescribed rules, five years of contribution, employment or residence. .4. A proportional reduction of the percentage indicated in the Schedule appended to Part XI may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds five years of contribution or employment but is less than 15 years of contribution or employment; a reduced benefit shall be payable in conformity with paragraph 2 of this Article.*
*5. In order that a childless widow presumed to be incapable of self-support may be entitled to a survivor's benefit, a minimum duration of the marriage may be required.*

A person may be entitled to BSP their partner has either:

- paid Class 1 (employed earner) or Class 2 (self-employed) National Insurance contributions at 25 times the Lower Earnings Limit for any one tax year since 6 April 1975 prior to their death.
- died because of an accident at work or a disease caused by work

when they died the person must have been:
- under state pension age
- living in the UK or [a country that pays bereavement benefits]:
- married to their partner, in a civil partnership with them, or cohabiting with them as if they were married (and with dependent children).

By “partner” we mean spouse or civil partner. We also mean cohabiting partner but only where there are dependent children.

## X - 7. Duration of Benefit

***Article 64. C102***
*The benefit specified in Articles 62 and 63 shall be granted throughout the contingency.*

Eligible survivors without children get an initial payment of £2,500 and up to 18 subsequent monthly payments of £100. Those with children receive an initial payment of £3,500 and up to 18 subsequent payments of £350. Payments cease if the survivor reaches State Pension age during this period.

## X - 8. Suspension of Benefit

***Article 69. C102***
*A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to X of this Convention may be suspended to such extent as may be prescribed:*
*(a) as long as the person concerned is absent from the territory of the Member;*
*(b) as long as the person concerned is maintained at public expense, or at the expense of a social security institution or service, subject to any portion of the benefit in excess of the value of such maintenance being granted to the dependants of the beneficiary;*
*(c) as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, and during any period in respect of which he is indemnified for the contingency by a third party, subject to the part of the benefit which is suspended not exceeding the other benefit or the indemnity by a third party;*
*(d) where the person concerned has made a fraudulent claim;*
*(e) where the contingency has been caused by a criminal offence committed by the person concerned;*
*(f) where the contingency has been caused by the wilful misconduct of the person concerned;*
*(j) in the case of survivors' benefit, as long as the widow is living with a man as his wife.*

Payment stops once the survivor reaches state pension age. It is not paid for any period during which the survivor is a prisoner.

## X – 9. Right of complaint and appeal

***See under Part XIII-2***

## X - 10. Financing and Administration

***See under Part XIII-3***

BSP is funded from working age Annually Managed Expenditure (AME)

# Part XI. Standards to be complied with by periodical payments

***Article 66. C102 and ECSS***

*1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain, in respect of the contingency in question, for the standard beneficiary indicated in the Schedule appended to this Part, at least the percentage indicated therein of the total of the wage of an ordinary adult male labourer and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.*

*2. The wage of the ordinary adult male labourer, the benefit and any family allowances shall be calculated on the same time basis.*

*3. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.*

*4. For the purpose of this Article, the ordinary adult male labourer shall be:*

*(a) a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery; or*

*(b) a person deemed typical of unskilled labour selected in accordance with the provisions of the following paragraph.*

*5. The person deemed typical of unskilled labour for the purpose of subparagraph (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising the largest number of such persons or breadwinners; for this purpose, the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, and reproduced in the Annex to this Convention, or such classification as at any time amended, shall be used.*

*6. Where the rate of benefit varies by region, the ordinary adult male labourer may be determined for each region in accordance with paragraphs 4 and 5 of this Article.*

*7. The wage of the ordinary adult male labourer shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national laws or regulations, where applicable, or by custom, including cost-of-living allowances if any; where such rates differ by region but paragraph 6 of this Article is not applied, the median rate shall be taken.h8. The rates of current periodical payments in respect of old age, employment injury (except in case of incapacity for work), invalidity and death of breadwinner, shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.*

***Article 67. C102 and ECSS***

*In the case of a periodical payment to which this Article applies:*

*(a) the rate of the benefit shall be determined according to a prescribed scale or a scale fixed by the competent public authority in conformity with prescribed rules;*

*(b) such rate may be reduced only to the extent by which the other means of the family of the beneficiary exceed prescribed substantial amounts or substantial amounts fixed by the competent public authority in conformity with prescribed rules;*

*(c) the total of the benefit and any other means, after deduction of the substantial amounts referred to in subparagraph (b), shall be sufficient to maintain the family of the beneficiary in health and decency, and shall be not less than the corresponding benefit calculated in accordance with the requirements of Article 66;*
*(d) the provisions of subparagraph (c) shall be deemed to be satisfied if the total amount of benefits paid under the Part concerned exceeds by at least 30 per cent. the total amount of benefits which would be obtained by applying the provisions of Article 66 and the provisions of:*
*(i) Article 15 (b) for Part III;*
*(ii) Article 27 (b) for Part V;*
*(iii) Article 55 (b) for Part IX;*
*(iv) Article 61 (b) for Part X.*

| Part | Contingency | Standard Beneficiary | Percentage |
|---|---|---|---|
| III | Sickness | Man with wife and two children | 45 |
| IV | Unemployment | Man with wife and two children | 45 |
| V | Old age | Man with wife of pensionable age | 40 |
| VI | Employment injury: | | |
| | Incapacity of work | Man with wife and two children | 50 |
| | Invalidity | Man with wife and two children | 50 |
| | Survivors | Widow with two children | 40 |
| VIII | Maternity | Woman | 45 |
| IX | Invalidity | Man with wife and two children | 40 |
| X | Survivors | Widow with two children | 40 |

### Standard Reference Wage

The reference wage has been calculated as the median gross weekly earning (excluding overtime) for full-time male employees who are classified as typical of unskilled labour selected in accordance with the provisions of the Article 66 (4)(b) and 66 (5). The reference wage is derived from the Annual Survey of Hours and Earnings (ASHE) median wage for a male employee under classification SOC 91[40] (Elementary Trade and Related Occupations). The figures are from the Annual Survey of Hours and Earnings (ASHE).

| 2024/25 | Weekly | Monthly |
|---|---|---|
| Gross | £503.70* | £2182.70* |
| Net** | £430.24* | £1864.38* |

*Provisional and subject to deductions for Income Tax and National Insurance.

** Net figures are calculated based on the gross value rounded to the nearest £1.

[40] Earnings and hours worked, occupation by four-digit SOC: ASHE Table 14 - Office for National Statistics

# Part XII. Equality of treatment of non-national residents

***The UK has accepted the obligations resulting from Part XII of C102***

***§1(b) Article 1 C102, §1(e) Article 1 ECSS***

*The term residence means ordinary residence in the territory of the Member and the term resident means a person ordinarily resident in the territory of the Member.*

***Article 68. C102***

*1. Non-national residents shall have the same rights as national residents: Provided that special rules concerning non-nationals and nationals born outside the territory of the Member may be prescribed in respect of benefits or portions of benefits which are payable wholly or mainly out of public funds and in respect of transitional schemes.*

*2. Under contributory social security schemes which protect employees, the persons protected who are nationals of another Member which has accepted the obligations of the relevant Part of the Convention shall have, under that Part, the same rights as nationals of the Member concerned: Provided that the application of this paragraph may be made subject to the existence of a bilateral or multilateral agreement providing for reciprocity.*

In common with many nations, the UK's social security and welfare provisions are primarily for those who are lawfully resident and settled in the UK. Temporary migrants and those in the UK without lawful status are generally subject to a no recourse to public funds (NRPF) condition which prevents them from accessing some benefits and services.

Not all temporary migrants are subject to an NRPF condition, including refugees and those granted humanitarian protection.

In order be eligible to access certain benefits and other support and assistance, non-British citizens will need to be living in the UK (for example having indefinite permission to stay or enter or having a no time limit on their stay) and are not subject to an NRPF condition.

Departments that administer benefits operate residence tests to assess the entitlement of individuals to access certain benefits and services. As part of these tests, most applicants for income-related benefits must demonstrate that they are ordinarily or habitually resident in the UK, even if they have lawful status. This is also true of British citizens.[41]

Contributory Benefits

Entitlement to contributory benefits is not dependent on nationality; anyone, regardless of nationality, who has paid sufficient national insurance contributions can access these benefits.

Health

[41] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/970377/public-funds-guidance-v17.0-gov-uk.pdf

The measure of residence that the UK uses to determine entitlement to free NHS healthcare is known as 'ordinary residence'.

Individuals who are not ordinarily resident in the UK may be required to pay for their care when they are in England.

A summary of the amendments made to the NHS (Charges to Overseas Visitors) Regulations 2015 since 2021 are as follows:

| Date | Change Summary |
|---|---|
| 01/06/23 | The National Health Service (Charges to Overseas Visitors) (Amendment) (No. 2) Regulations 2023<br><br>Added Ascension and Tristan da Cunha, Bermuda, Cayman Islands, and Pitcairn, Henderson, Ducie and Oeno Islands into the list of countries and territories in Schedule 2. |
| 18/02/23 | The National Health Service (Charges to Overseas Visitors) (Amendment) Regulations 2023<br><br>Made clear late EUSS applicants who are not granted status should not be charged for their application period and be refunded if already charged. |
| 28/12/22 | The National Health Service (Charges to Overseas Visitors) (Amendment) (No. 4) Regulations 2022<br><br>Replaced domestic violence with domestic abuse definition.<br><br>Makes clear that exemptions extend to family members of victims of modern slavery and dependents of refugees.<br><br>Ensured consistency with other legislation regarding healthcare arrangements.<br><br>Added Bailiwick of Guernsey, Iceland, Liechtenstein, and Malta to list of healthcare arrangements in Schedule 2. |
| 08/06/22 | The National Health Service (Charges to Overseas Visitors) (Amendment) (No. 3) Regulations 2022<br><br>Included "Monkeypox" (MPox) into Schedule 1 (diseases for which no charge is to be made for treatment). |
| 17/03/22 | The National Health Service (Charges to Overseas Visitors) (Amendment) (No. 2) Regulations 2022<br><br>Provided exemptions from charging in relation to overseas visitors who are lawfully present in UK but are ordinarily resident in Ukraine, as well as exemptions for their family members, and authorised companions. |

| | |
|---|---|
| 14/02/22 | The National Health Service (Charges to Overseas Visitors) (Amendment) Regulations 2022<br><br>Provided exemption for some overseas visitors participating in the Commonwealth Games in Birmingham in 2022, and reflect changes to the national price charged. |
| 07/10/21 | The National Health Service (Charges to Overseas Visitors) (Amendment) Regulations 2021<br><br>Included Switzerland into list of countries in Schedule 2. |

# Part XIII. Common provisions

## XIII – 1. Suspension of benefit

Regulation 16 of The Social Security and Child Support (Decisions and Appeals) Regulations 1999 and Regulation 44 of The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013 set out the conditions for the suspension of payment of social security benefits.

Where benefit is in payment, that payment would only be suspended where there is a doubt about the continuing entitlement to the benefit, the decision relating to the award of the benefit should be revised, whether any amount is recoverable, notification relating to the award is not the last address or if an appeal is pending against the decision in the specified circumstances.

Where an issue arises which creates doubt for the Secretary of State, the claimant is given 14 days (or longer at the discretion of the Secretary of State) to resolve the doubt by supplying the relevant information requested relating to the award, or payment will be suspended. Claimants are warned of this consequence and given the opportunity to explain to the Secretary of State during the 14-day period that they need more time or that the information cannot be obtained, depending on the type of information required and the circumstances of the customer (e.g. disability or reliance on a third party).

The claimant can also make representations, both before and after a suspension is imposed, that it would cause them hardship. If the Secretary of State agrees, payment would not be suspended. A decision to suspend is not appealable but can be reviewed. If payment is suspended, the claimant is given a further month (or longer at the discretion of the Secretary of State) to comply or entitlement will be terminated. This decision is appealable.

## XIII – 2. Right of complaint and appeal

***Article 70. C102, Article 69. ECSS***
*1. Every claimant shall have a right of appeal in case of refusal of the benefit or complaint as to its quality or quantity.*
*2. Where in the application of this Convention (Code) a government department responsible to a legislature is entrusted with the administration of medical care, the right of appeal provided for in paragraph 1 of this article may be replaced by a right to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.t3. Where a claim is settled by a special tribunal established to deal with social security questions and on which the persons protected are represented, no right of appeal shall be required.*

**<u>Health</u>**

Complaint and redress – NHS: https://www.gov.uk/government/publications/the-nhs-constitution-for-england/how-do-i-give-feedback-or-make-a-complaint-about-an-nhs-service.

## Benefits

Information on DWP and HMRC benefits appeals can be found here.

The Welfare Reform Act 2012, effective from April 2013, was introduced to ensure that more disputes involving Department for Work and Pensions (DWP) decisions could be resolved without the need for referral to His Majesty's Courts and Tribunals Service (HMCTS). The Tax Credits Act 2002 was amended[42] in 2014 to give the same effect for tax credits, which were administered by HMRC. DWP and HMRC are committed to preventing disputes, reducing the escalation of disputes, resolving disputes and learning from disputes.

DWP and HMRC will reconsider all decisions before an appeal if requested within the relevant time frames. If someone disagrees with a decision, they will normally need to ask DWP or HMRC to reconsider the decision before they can appeal to HMCTS. This is known as "mandatory reconsideration". The aim is to make sure that people understand the decision and to encourage people to provide additional evidence earlier in the process. Reviewing a decision without the need for an appeal should also help ensure that people receive the right decision earlier in the process.

Following a Court of Appeal Judgement in January 2024[43], the provision in the Tax Credits Act 2002 which required tax credits claimants to have requested a mandatory reconsideration from HMRC before appealing to tribunal was struck out as ultra vires. This judgement only applied to Great Britain and did not affect similar provisions for Northern Ireland. Consequently, from January 2024, tax credits claimants in Great Britain have been able to appeal a tax credits decision directly at a tribunal without first requesting a mandatory reconsideration.

Appeals are made directly to HMCTS. After DWP or HMRC has reconsidered a decision, if someone still disagrees with the decision and wishes to appeal, they must send their appeal, with the outcome of their mandatory reconsideration, directly to HMCTS. This is known as "direct lodgement". It brings the process for Social Security, child maintenance and HMRC administered benefits appeals into line with other major tribunal jurisdictions handled by HMCTS.

DWP must return appeal responses to HMCTS within 28 calendar days in benefits cases.

HMRC must return appeal responses to HMCTS within 28 calendar days for Child Benefit, Guardians Allowance and Tax Credit cases.

Corresponding provision is made in the Northern Ireland Welfare Reform (NI) Order 2015.

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[42]Section 38(1A) of the Tax Credits Act 2002, which required claimants to request a mandatory reconsideration by HMRC before they could appeal a decision at a tribunal, was introduced by The Tax Credits, Child Benefit and Guardian's Allowance Reviews and Appeals Order 2014. It was struck out as *ultra vires* by the Court of Appeal judgment HMRC vs Arrbab [2024] EWCA Civ 16 on 19 January 2024.

**Legislation**

The Tribunals, Courts and Enforcement Act 2007;
http://www.legislation.gov.uk/ukpga/2007/15/contents

The Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008;
http://www.legislation.gov.uk/uksi/2008/2685/contents/made

The Tribunal Procedure (Upper Tribunal) Rules 2008;
http://www.justice.gov.uk/downloads/tribunals/general/upper-tribs-rules.pdf

The Social Security and Child Support (Decisions and Appeals) Regulations 1999;
http://www.legislation.gov.uk/uksi/1999/991/contents/made

The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013.
http://www.legislation.gov.uk/uksi/2013/381/contents/made

The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 SR 1999 No. 162
http://www.legislation.gov.uk/nisr/1999/162/contents/made

The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016 SR 2016 No. 221
http://www.legislation.gov.uk/nisr/2016/221/contents/made

The Child Benefit and Guardian's Allowance (Decisions and Appeals) Regulations 2003
https://www.legislation.gov.uk/uksi/2003/916/contents/made

Tax Credits Act 2002 (sections 38, 39 and 39A)
https://www.legislation.gov.uk/ukpga/2002/21/contents

The Tax Credits (Late Appeals) Order 2014
https://www.legislation.gov.uk/uksi/2014/885/made

The Tax Credits, Child Benefit and Guardian's Allowance Reviews and Appeals Order 2014
https://www.legislation.gov.uk/uksi/2014/886/contents/made

The Tax Credits, Child Benefit and Guardian's Allowance Appeals (Appointed Day) (Northern Ireland) Order 2014
https://www.legislation.gov.uk/uksi/2014/2881/contents/made

**Right to be represented and assisted before relevant courts and tribunals, including access to funding**

From 1 April 2013 the Legal Aid, Sentencing and Punishment of Offenders Act 2012 http://www.legislation.gov.uk/ukpga/2012/10/contents/enacted removed most welfare benefits cases from the scope of legal aid for appeal to the First-tier Tribunal (it should be noted that before the change it was only available at the advice stage and not for representation at the hearing). However, it has been retained for advice on welfare benefit appeals to the Upper Tribunal, and advice and legal representation for onward appeals to the Court of Appeal and Supreme Court.

Under rule 11 of The Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008, claimants can appoint a person to represent them before a First-tier Tribunal; similar provision is made in rule 11 of The Tribunal Procedure (Upper Tribunal) Rules 2008.

**Practical procedures**

The Government's Gov.UK website sets out clear and concise instructions on to how to apply for legal aid. https://www.gov.uk/legal-aid/overview

**Right to be able to challenge malpractices by social security administration before competent inspection and supervisory bodies and to request their intervention**

The Departments have a formal complaints procedure both for complaints and expressions of dissatisfaction with DWP or HMRC policy, administration or members of staff.

DWP and HMRC does its utmost to ensure that, where possible, all such complaints are resolved in house.

Each of the DWP's five customer serving business units has its complaints procedures, with a commitment to respond within two weeks by either accepting the complaint, with details of what is being done to put matters right, or, if not accepted, giving reasons why. If not satisfied, the complaining customer can request a review by a more senior staff member. DWP has an online complaints service mechanism for these purposes.

HMRC has dedicated teams responsible for reviewing complaints, investigating what happened and what should have happened, HMRC aim to respond in full to all complaints within 6 weeks. If not satisfied, the customer can request a second-tier review. HMRC has an online complaints service mechanism for complaints.

**Northern Ireland**

**Mandatory Reconsiderations**

Article 107 of the Welfare Reform (Northern Ireland) Order 2015 contains the power for mandatory reconsideration regulations.

Article 13 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (NI 10)) makes provision for an individual to appeal to the Tribunal if they are dissatisfied with a decision made by the Department for Communities. An individual has one month from the date they are notified of the mandatory reconsideration outcome to appeal a decision.

**Scottish redeterminations, appeals and complaints**

Any determination made by Social Security Scotland on an individual's entitlement to a particular type of assistance can be challenged, with or without further evidence, and a new decision will be made independently and afresh by a new decision maker separate from the original case manager in a process known as re-determination. If an applicant is dissatisfied with the outcome of the re-determination, an appeal can be made to the independent First-tier Tribunal for Scotland. A specialist Social Security Chamber was created in the Scottish Tribunals system for the purpose of hearing these appeals.

Provisions relating to re-determinations appear in ss41-45 and 61 of the Social Security (Scotland) Act 2018 www.legislation.gov.uk/asp/2018/9/part/2/chapter/3/crossheading/redetermination-by-the-scottish-ministers/enacted.

The timescales for re-determinations are set out in regulations relative to the form of assistance in question. The Act establishes that if a client misses the deadline to request a re-determination, Social Security Scotland will consider a late request up to a year from the original determination if a good reason for lateness is provided. If timelines for Social Security Scotland to complete a re-determination are not met, the client can appeal to the First-tier Tribunal without waiting for the re-determination to be made.

For Best Start Foods and Job Start Payment, an individual can request an internal review within 31 calendar days. Social Security Scotland can consider a late request for up to a year on the condition that the client can provide a good reason for lateness.

Ss46-49 of the Social Security (Scotland) Act 2018 www.legislation.gov.uk/asp/2018/9/part/2/chapter/3/crossheading/appeal-against-the-scottish-ministers-determination/enacted provide a right for an individual to appeal to the First-tier Tribunal if they disagree with the outcome of a re-determination, or if the re-determination has not been carried out within the prescribed timescales. Individuals appeal by sending their appeal form to Social Security Scotland, and Social Security Scotland forwards the appeal form and relevant information to the Tribunal. An individual has 31 calendar days from the date they are notified about the outcome of a re-determination to make an appeal. If an individual makes an appeal after the 31 days but within a year, the First-tier Tribunal will then decide whether to accept the late appeal.

The Scottish Government has committed to providing Short-term Assistance where Social Security Scotland has made a decision to reduce or stop an ongoing award of a disability benefit and that decision is subject to a request for re-determination or an appeal. Short-term assistance will in effect maintain the amount paid to an individual at their longstanding award level until that individual's re-determination rights and appeal rights to the First-tier Tribunal have been exhausted. Clients will not need to pay back any Short-term Assistance they are entitled to, regardless of their re-determination or appeal outcome. STA is only recoverable in the case of fraud or an error that a person contributed to or could reasonably be expected to notice. The policy intention is to ensure that an individual is not discouraged from challenging a decision or from accessing administrative justice by having to manage, for a period, with a reduced income.

As a public body in Scotland, Social Security Scotland's complaints process complies with the Scottish Public Services Ombudsman's (SPSO) complaints handling procedure. The

SPSO procedure requires a 2-stage internal complaints process that aims to resolve complaints at the first point of contact if possible. A client can choose to provide their details or make the complaint anonymously.

## XIII – 3. Financing and Administration

***Article 71. C102, Article 70. ECSS***

*1. The cost of the benefits provided in compliance with this Convention (Code) and the cost of the administration of such benefits shall be borne collectively by way of insurance contributions or taxation or both in a manner which avoids hardship to persons of small means and takes into account the economic situation of the Member (Contracting Party) and of the classes of persons protected.*
*2. The total of the insurance contributions borne by the employees protected shall not exceed 50 per cent of the total of the financial resources allocated to the protection of employees and their wives and children. For the purpose of ascertaining whether this condition is fulfilled, all the benefits provided by the Member (Contracting Party) in compliance with this Convention (Code), except family benefit and, if provided by a special branch, employment injury benefit, may be taken together. 3. The Member (Contracting Party) shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention (Code), and shall take all measures required for this purpose; it shall ensure, where appropriate, that the necessary actuarial studies and calculations concerning financial equilibrium are made periodically and, in any event, prior to any change in benefits, the rate of insurance contributions, or the taxes allocated to covering the contingencies in question.*

***Article 72. C102, Article 71. ECSS***
*1. The Member (Contracting Party) shall accept general responsibility for the proper administration of the institutions and services concerned in the application of the Convention (Code).*
*2. Where the administration is not entrusted* [to an institution regulated by the public authorities or – C102] *to a Government department responsible to a legislature, representatives of the persons protected shall participate in the management, or be associated therewith in a consultative capacity, under prescribed conditions; national laws or regulations may likewise decide as to the participation of representatives of employers and of the public authorities.*

**Financing**

**National Insurance Contributions**

The basis of indexation of all National Insurance Contributions (NICs) rates, limits and thresholds has been by reference to at least Consumer Price Index (CPI) since 2011, except where the government has made specific policy decisions.

The Class 1 Secondary Threshold (ST) was frozen at GBP 9,100 by the previous Government up to the 2027-28 tax year. Following the announcement made at Autumn Budget 2024, the ST was reduced to GBP 5,000 from the 2025-26 tax year and will be frozen at this level up to the 2027-28 tax year. The secondary Class 1 NICs rate has also been increased by 1.2 percentage points to 15 per cent from the 2025-26 tax year in line with the Autumn Budget 2024 announcement. The Employment Allowance allows eligible employers to reduce their annual secondary Class 1 NICs liability. It was announced at Autumn Budget that the Employment Allowance will increase from GBP 5,000 to GBP 10,500 from April 2025, and all employers will be eligible through the removal of the GBP 100,000 eligibility threshold.

At Autumn Budget 2024 the Government also announced that the Class 2 and Class 3 NICs rates, as well as the Class 1 Lower Earnings Limit (LEL) and the Class 2 Small Profits Threshold (SPT) would be uprated by the September CPI figure of 1.7 per cent for the 2025-26 tax year.

The Class 1 LEL will increase to GBP 6,500.

The Class 2 SPT will increase to GBP 6,845. Self-employed earners with profits at or above the SPT are treated as having paid Class 2 NICs. Self-employed earners with profits below the SPT can pay voluntary Class 2 NICs to protect their entitlement to certain contributory benefits. The flat cash rate of voluntary Class 2 NICs will increase to GBP 3.50 per week.

The flat cash rate of Class 3 NICs will increase to GBP 17.45 per week.

All other NICs rates, limits and thresholds were fixed at their 2024/25 levels for the 2025/26 tax year.

Full details of National Insurance contribution rates can be found here: https://www.gov.uk/government/publications/rates-and-allowances-national-insurance-contributions/rates-and-allowances-national-insurance-contributions

At Autumn Budget 2024, the government extended the zero-rate relief on secondary Class 1 contributions up to the veterans' upper secondary threshold (GBP 50,270 per year), by a further year for employers of veterans for the tax year 2025-26.

At Autumn Budget 2024, the government reaffirmed their commitment to Investment Zones and Freeports. The Freeport Upper Secondary Threshold (FUST) and Investment Zone Upper Secondary Threshold (IZUST) will remain at the annual amount of GBP 25,000 for tax year 2025-26.

Further information on the announcements made at Autumn Budget 2024 can be found at: Autumn Budget 2024 (HTML) - GOV.UK

**Government Actuary's Report 2025**

The Report of the Government Actuary on the potential impact on the National Insurance Fund of the draft Social Security Benefits Up-rating Order 2025, and the Social Security (Contributions) (Limits and Thresholds, National Insurance Funds Payments and Extension of Veterans Relief) Regulations 2025 that were made to introduce the 2025 annual rates of Contributions and Benefits can be viewed via the following link: Report to Parliament on the 2025 re-rating and up-rating orders - GOV.UK

For UK Government tax and National Insurance Contributions receipts, see: https://www.gov.uk/government/statistics/hmrc-tax-and-nics-receipts-for-the-uk.

For benefits expenditure, including a detailed breakdown of expenditure by benefit, see: Benefit expenditure and caseload tables 2024 GOV.UK

*RF/C102/ECSS: please state to which extent responsibility has been assumed by the Member for the provision of benefits.*

Details provided throughout the report.

*RF/C102/ECSS: please indicate the principal changes that have been made during the period covered by the reports as regards benefit:*

Benefits are increased annually as provided for in the Social Security Benefits Up-rating Orders. See The Social Security Benefits Up-rating Order 2025

*RF/C102/ECSS: please indicate the principal changes that have been made during the period covered by the reports as regards rates of contribution:*

See 'National Insurance Contributions' above.

*RF/C102/ECSS: please state whether the necessary actuarial studies and calculations concerning the financial equilibrium are made periodically. Where this has not already been done, please forward the results of any such studies and calculations.*

See Report to Parliament on the 2025 re-rating and up-rating orders - GOV.UK

## Administration

The **Department of Health and Social Care** (DHSC) supports ministers in leading the nation's health and social care to help people live more independent, healthier lives for longer.

DHSC is a ministerial department, supported by 23 agencies and public bodies.

The **Department for Work and Pensions** (DWP) is responsible for welfare, pensions and child maintenance policy. As the UK's biggest public service department it administers the State Pension and a range of working age, disability and ill health benefits to around 20 million claimants and customers.

DWP is a ministerial department, supported by 12 agencies and public bodies.

**His Majesty's Revenue and Customs** (HMRC) is the Department responsible for Child Benefit, Guardian's Allowance and tax credits (Child Tax Credit and Working Tax Credit)[44].

### Social Security Scotland

Social Security Scotland is an executive agency of the Scottish Government, Its purpose is to administer the Scottish social security system effectively, in accordance with the principles in the Social Security (Scotland) Act 2018 and Charter.

[44] Tax credits ended on 5th April 2025

Social Security Scotland's priority is to ensure the safe and secure transition of 700,000 client awards from the Department for Work and Pensions by the end of 2025.

In 2023-24 Social Security Scotland spent almost £5.2 billion on benefit expenditure, with £1.9 billion administered directly by Social Security Scotland and the remaining through Agency Agreements with DWP.

Social Security Scotland's Corporate Plan for 2024-2027 sets out the agency's strategic objectives: Social Security Scotland - Corporate Plan 2024-2027.

Headquartered in Dundee, with a base in Glasgow, Social Security Scotland delivers vital financial support by delivering 15 benefits, seven of which are only available in Scotland, to around 1.4 million people. At the end of December 2024, the total number of directly employed staff was 4,108.

Benefits Social Security Scotland currently deliver:

Best Start Grant Pregnancy and Baby Payment, Best Start Grant Early Learning Payment, Best Start Grant School Age Payment, Best Start Foods, Carer's Allowance Supplement, Funeral Support Payment, Job Start Payment, Young Carer Grant, Child Winter Heating Payment , Scottish Child Payment, Child Disability Payment, Adult Disability Payment Winter Heating Payment, Carer Support Payment.

More information is available at www.socialsecurity.gov.scot/.