

## **Section 4 – Benefits for children**

Child Benefit

Guardian's Allowance

## CHILD BENEFIT

### 1. INTRODUCTION

#### 1.1 GENERAL

Child Benefit (CHB) is payable to people who are responsible for a child or young person living with them, or are contributing to a child's or young person's maintenance at a rate at least equal to the rate of CHB payable for that child or young person (provided no-one else is already receiving child benefit for that child or young person).

The child or young person must be:

- under the age of 16; or
- 16 or over but under the age of 20 and still in full-time education or approved training of more than 12 hours per week and studying for a qualification up to and including GCE "A" level standard or equivalent (The child or young person must have commenced that full-time education prior to their 19<sup>th</sup> birthday).

#### 1.2 CHB is -

- (i) non-contributory;
- (ii) not income-related; and
- (iii) taxable.

#### 1.3 Leaflet - CH1(IOM) – A Guide to Child Benefit and Guardian's Allowance

Claim form - CH2(IOM)

#### 1.4 Telephone contact - 685107

### 2. BASIC QUALIFYING CONDITIONS

#### Residence and presence conditions

To qualify for CHB, a customer or the child or young person being claimed for must have been resident on the IOM or in the United Kingdom for more than 182 days in the 52 weeks immediately preceding the claim.

CHB can be considered for people who do not satisfy this condition if:

- the customer or their spouse
  - \* starts work;
  - \* pays National Insurance contributions; and
  - \* intends to stay on the Island for at least six months; or
  - \* is from a country with which the Isle of Man has a reciprocal agreement; or
  - \* is a member of HM Forces, the Civil Service or other special category working abroad; or
  - \* has had, or their spouse has had, previous entitlement to Child Benefit within 156 weeks prior to the week of current entitlement.

### 3. NO ENTITLEMENT TO CHILD BENEFIT

There is no entitlement to Child Benefit if the child or young person

- has been looked after by the DHSS or a Local Authority or is in prison/legal custody for more than 8 weeks;
- is boarded out with foster parents;
- is living with a person who has left school as their spouse (Note: the child's, or young person's, partner may not claim CHB either);
- is receiving Income Support, Income-based Jobseeker's Allowance, Incapacity Benefit (in the case of persons incapacitated in youth), Disability Working Allowance or Family Income Supplement;

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- is receiving training for which an allowance is paid; or
- stays in hospital for more than 12 weeks and the customer is not incurring regular expenditure on the child or young person.

### 4. HOW TO CLAIM

To claim Child Benefit customers must complete a claim form (CH1 for the first child or young person and CH3 for additional children) and take or send it with the child's or young person's birth certificate to the Child Benefit Unit, General Benefits Section, Ground Floor, Markwell House, Market Street, Douglas or any of the district offices (see page 121).

### 5. PAYMENT

Payment is made either by:

- order which can be cashed weekly at a Post Office; or
- direct credit every 4 weeks into a bank or building society account.

### 6. WHEN TO CLAIM

Claims should be made as soon as possible after the birth of the child or when a person takes up responsibility for the child or young person.

### 7. CHILD LEAVES FULL-TIME EDUCATION

Where a child or young person is aged 16 or over and leaves full-time non-advanced education, CHB will no longer be payable in respect of that child after:

- the first Monday in January;
- the Monday following Easter Monday; or
- the first Monday in September,

whichever first occurs. Unless, before any of those dates, the child:

- begins a new course of advanced education;
- receives Income Support, Income-based Jobseeker's Allowance or Incapacity Benefit;
- reaches age 20; or
- starts a training scheme with the Department of Trade and Industry,

in which case entitlement in respect of that child ends immediately.

### 8. DEATH OF CHILD

Child Benefit continues to be paid for eight weeks after the death of a child or young person. Child Benefit can also be paid for up to eight weeks where a child does not survive until the Monday following birth.

### 9. PRIORITY

The claim must be made by a parent or other person responsible for the child.

In a two-parent family where one of the parents is not working, the parent who is not working should claim Child Benefit, because they may also qualify for **Home Responsibilities Protection** (see page 102).

Where more than one person claims (for example, where the child's or young person's parents are separated), the person with whom the child or young person normally lives will usually be awarded Child Benefit.

### 10. DIFFERENCES BETWEEN THE IOM AND UK

The rates of Child Benefit are higher in the IOM than in the UK. Also, since 6<sup>th</sup> April 2000, in the IOM Child Benefit has been taxable, whereas it is not so in the UK and where it is supplemented by Child Tax Credit (which can reduce a person's income tax liability by up to £10 per week).

## GUARDIAN'S ALLOWANCE

### 1. INTRODUCTION

#### 1.1 GENERAL

Guardian's Allowance (GA) is payable to a person who is responsible for a child or young person (other than one of the child's or young person's parents) who is in receipt of Child Benefit in respect of that child or young person where special circumstances apply to the child or young person.

#### 1.2 GA is -

- (i) tax-free;
- (ii) non-contributory; and
- (iii) not income-related.

#### 1.3 Leaflet – CH1(IOM) – A Guide to Child Benefit and Guardian's Allowance

Claim form - BG1

#### 1.4 Telephone contact - 685107

### 2. BASIC QUALIFYING CONDITIONS

GA is payable to a customer if a child or young person is:

- living with them; or
- being maintained by them.

A customer can only receive GA if they are entitled to Child Benefit in respect of that child or young person and:

- both parents of the child or young person are dead;
- one parent is dead and the whereabouts of the other parent were unknown at the time of that death and remain unknown;
- one of the child's or young person's parents is dead and the other is in prison and serving a prison sentence with two years or more remaining at the time of the death of the other parent;
- the parents were divorced, one parent is dead and the other parent -
  - \* did not have custody of the child or young person, and
  - \* was not paying maintenance for that child or young person voluntarily, and
  - \* was not liable for maintenance or custody under a court order; or
- the child's or young person's parents never married and the mother is dead and the father is not known.

### 3. RESIDENCE CONDITIONS

One of the child's or young person's deceased parents must have been

- born on the Isle of Man; or
- present on the Isle of Man for a total of 52 weeks in any two-year period after the age of 16.

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### 4. EXCLUSIONS

GA is not payable

- if the child or young person is legally adopted prior to the claim for GA being made; or
- to a Statutory or voluntary organisations caring for the child or young person.

### 5. HOW TO CLAIM

The customer must complete the relevant claim form and take or send it to the Child Benefit Unit, General Benefits Section, Ground Floor, Markwell House, Market Street, Douglas or any of the district offices (see page 121).

### 6. WHEN TO CLAIM

A claim should be made as soon as possible after the qualifying conditions are met.

### 7. PAYMENT

Payment is either by

- weekly order which can be cashed at a Post Office; or
- direct credit every 4 weeks into a bank or building society account.

### 8. RELATED BENEFITS

Any entitlement to a child dependency increase provided with another Social Security benefit for the same child may be reduced or extinguished by the amount of GA payable.

### 9. DIFFERENCE BETWEEN THE IOM AND UK

There are no significant differences between IOM and UK provisions for Guardian's Allowance.