



## Winter Fuel Payments: people in residential care

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The Winter Fuel Payment is a tax-free annual payment to help older people with the cost of their winter fuel bills. The “standard” rates are £200 per eligible household where the oldest person is under 80, and £300 for households containing a person aged 80 or over.

People in residential care do not however qualify for the full rate of Winter Fuel Payment. Those receiving income-based Jobseeker’s Allowance or Pension Credit receive no payment. Other residents receive half the full rate (£100, or £150 for people aged 80 or over).

This note describes the rules as they apply to people in care homes, and explains the rationale behind them.

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## 1 What are Winter Fuel Payments?

The Winter Fuel Payment is a tax-free annual payment to help older people meet the cost of their winter fuel bills. The “standard” rates are £200 per eligible household where the oldest person is under 80, and £300 for households containing a person aged 80 or over. For the winters 2008/2009 to 2010/2011, additional payments worth £50 (or £100 for households where the oldest person was 80 or over) were made alongside the standard Winter Fuel Payment. These additional payments have not been made since 2010/2011.

To be eligible for a Winter Fuel Payment, a person must have reached the relevant age threshold before the end of the “qualifying week” (for this year, 16-22 September 2013). The qualifying age is linked to the State Pension age for women, which is increasing gradually. This means that, to receive a payment this winter, a person must have been born on or before 5 January 1952. Further information on the rules, details of the payment arrangements for this winter and claim forms are available at the [GOV.UK website](#). Recent developments and debates about the future of the Winter Fuel Payment are covered in a Library standard note, [Winter Fuel Payments update](#).

In 2012-13, 12.5 million people in over 9 million households in Great Britain received a Winter Fuel Payment. Total expenditure was around £2.15 billion.

## 2 Who cannot receive a Winter Fuel Payment?

The Winter Fuel Payments regulations provide that three classes of person who would otherwise meet the criteria for the Winter Fuel Payment are not entitled to a payment. They are people who, during the qualifying week, were-

- receiving free treatment as a hospital in-patient, and had been receiving treatment for more than 52 weeks; or
- detained in custody under a sentence imposed by a court; or
- in residential care and receiving Pension Credit, income-based Jobseeker’s Allowance or income-related Employment and Support Allowance.<sup>1</sup>

A person is in residential care if they have been there, disregarding any temporary absences, throughout the qualifying week and for the period 12 weeks immediately before the qualifying week. The “qualifying week” for this year was 16-22 September 2013. The 12 week rule was introduced from winter 2000/2001, replacing the previous rule which referred simply to residence in the qualifying week, to safeguard the entitlement of people temporarily in residential care.<sup>2</sup>

People in residential **not** in receipt of Pension Credit, income-based JSA or income-related ESA are entitled to a Winter Fuel Payment, but at half the full rate (£100, or £150 for people aged 80 or over).

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<sup>1</sup> Regulations 2 and 3 [Social Fund Winter Fuel Payment Regulations 2000; SI 2000/729](#) as amended

<sup>2</sup> HC Deb 20 July 2000 cc 271-2w

### 3 What is “residential care” for these purposes?

The Winter Fuel Payments regulations state that a person is to be regarded as in residential care if they reside in-

- a care home; or
- an independent hospital; or
- accommodation provided under section 3(1) of the *Polish Resettlement Act 1947*<sup>3</sup>

A “care home” is a home which, in England and Wales, is covered by section 3 of the *Care Standards Act 2000*; or, if in Scotland, one which is defined by paragraph 2 of schedule 12 to the *Public Services Reform (Scotland) Act 2010*. This is the same definition of “care home” as in the legislation governing means-tested benefits such as Income Support. The DWP’s Technical Guide IS20, *A guide to Income Support* (April 2013), explains:

#### **What is meant by a care home?**

A care home is any home (not a hospital or clinic) which provides accommodation, together with nursing or personal care, for any person who is or has been ill (including mental disorder), is disabled or infirm, or who has a past or present dependence on drugs or alcohol. Personal care includes assistance with bodily functions. This may include, for instance, assistance with bathing, dressing and eating for people who are unable to do these things without help.

A care home is registered with the Commission for Social Care Inspection.

#### **What is meant by a care home service in Scotland?**

A care home service is a service which provides accommodation, together with nursing, personal care or personal support, for persons by reason of their vulnerability or need; but does not include hospitals or independent health care services.

‘Vulnerability or need’ means vulnerability or need arising by reason of that person being affected by infirmity or ageing; disability, illness or mental disorder; or being, or having been, dependent on alcohol or drugs.

‘Personal care’ means care which relates to day-to-day physical tasks and needs, for example eating and washing; and to mental processes related to those tasks and needs, such as remembering to eat or wash.

‘Personal support’ means counselling, or other help, provided as part of a planned programme of care.

A care home service is registered with the Scottish Commission for the Regulation of Care.

Independent sector care homes can be run privately or by voluntary organisations (often both are called independent homes). If you are not sure what type of service a particular home provides, ask the people that run it.<sup>4</sup>

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<sup>3</sup> Regulations 1(3)(a) *Social Fund Winter Fuel Payment Regulations 2000*; SI 2000/729. Ilford Park Polish Home (IPPH) is now the last remaining home run by the Ministry of Defence under the *Polish Resettlement Act 1947*.

<sup>4</sup> pp71-72

#### **4 Why can't people in care homes get the full Winter Fuel Payment?**

The reason for not giving a Winter Fuel Payment to care home residents in receipt of means-tested benefits, and for paying others in care homes half the usual amount, was given by the then DWP Minister Mike O'Brien in a written answer in February 2008. He explained:

Residents of care homes who are not in receipt of Pension Credit are entitled to a shared Winter Fuel Payment of either £100 if they are aged 60 to 79 or £150 if they are aged 80 or over. [...] This is because they share the accommodation with other people who are also entitled to the payment and are responsible for a share of the heating costs.

Residents of care homes who are in receipt of Pension Credit are not entitled to a Winter Fuel Payment. This is because historically people living in a care home and in receipt of an income-related benefit have received public funding for their care and accommodation costs including heating. Originally this was through the income-related benefit itself but for many years now has been through funding from the local authority. As this is still the case for the vast majority of people receiving Pension Credit, the Winter Fuel Payment is not payable.<sup>5</sup>

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<sup>5</sup> HC Deb 15 September 2008 c2089w