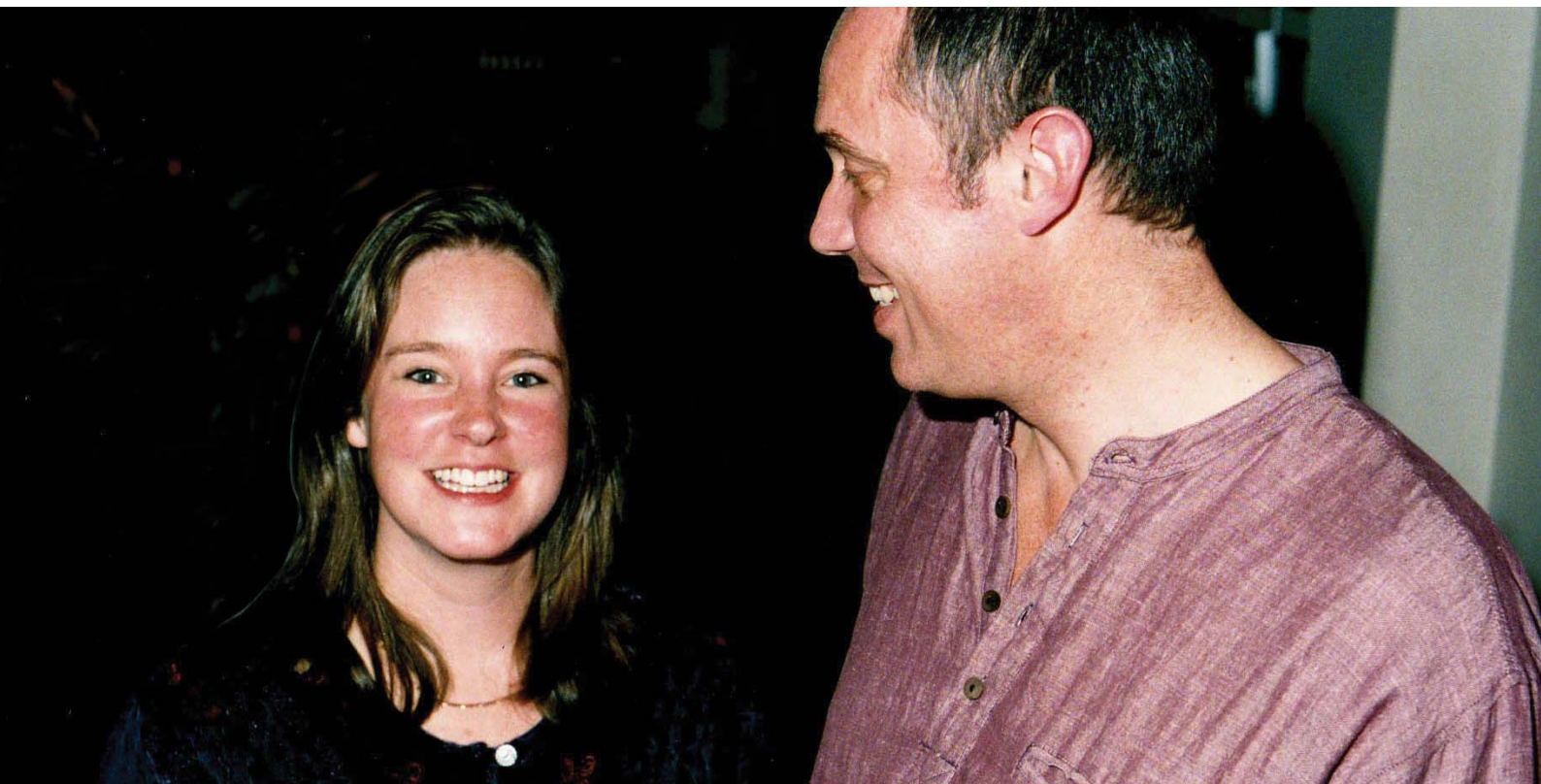


# Benefits & livingtogether



## “I was worried about losing my financial independence”

“ When Joe and I had been going out for a few months he started spending more and more time at my house. I’ve got two little girls and it is sometimes hard to get babysitters, so it was the obvious solution. When we’d been together for nearly a year Joe realised he was actually spending more time at my flat than he was in his own and he asked if he could move in full-time.

The weird thing was that, after we had decided it was what we wanted to do emotionally (I already considered us a family), we had to think about what it

meant practically. Yes, he’d save money on his rent, but Joe’s a decorator and earns good money, so my benefits would go down. We realised that between us we would save a little money overall, but I was worried about losing my financial independence.

When Joe moved in my Income Support stopped, but I still got Child Benefit and we started getting some Child Tax Credit. These were both paid to me so at least I felt like I had some of my own money.



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## Does not being married affect our benefits?

### The good news

For most benefits, couples that live together are treated in exactly the same way as married couples.

If you live together, regardless of whether you are married or not, you must claim as a couple, you will receive the couple rate where there is one, and they will take both of your incomes and savings into account when working out if you are entitled to benefits.

Until recently this has only been true of male-female couples, but the law is about to change. From December 5th 2005 same-sex couples will have to make joint claims too.

### The bad news

However, benefits based on National Insurance contributions do treat unmarried couples differently, and this means that you may lose out in some circumstances.

### State pension

Currently, married women are entitled to a pension based on their husband's National Insurance contributions. And husband's and civil partners will be entitled to a pension based on their wife's/partner's contributions if they will retire after April 2010. But this right isn't available to couples that live together.

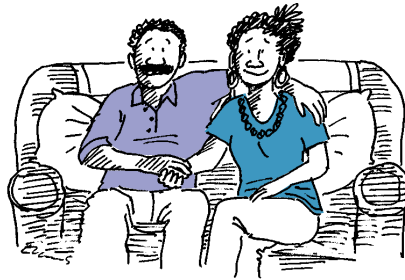
For most couples this isn't a problem – if you claim a pension based on someone else's contributions you only get 60% of the amount they receive – so most people would get a better state pension in their own right anyway. However, if one of you doesn't work for many years it can become a problem.

If you are in this position, you should ensure that the non-worker will still have a good pension in their own name. Get regular pension forecasts to see how much state pension he/she would be entitled to. You should also consider setting up a personal pension in their name that the working partner pays into.

For more detailed advice and information about state and private pensions see our Pensions leaflet.

### THE GOOD NEWS:

FOR MOST BENEFITS COUPLES LIVING TOGETHER ARE TREATED AS MARRIED.



### THE BAD NEWS:

BENEFITS BASED ON NATIONAL INSURANCE TREAT UNMARRIED COUPLES DIFFERENTLY.



## Looking after children?

If you do not work because you are looking after children, you will automatically receive 'Home Responsibilities Protection'. This means that you need fewer years of National Insurance contributions in order to qualify for your basic pension. So don't panic, even if you've been off work for fifteen years, you may still receive the full basic pension in your own right.

## Would I be better off married/in a civil partnership?

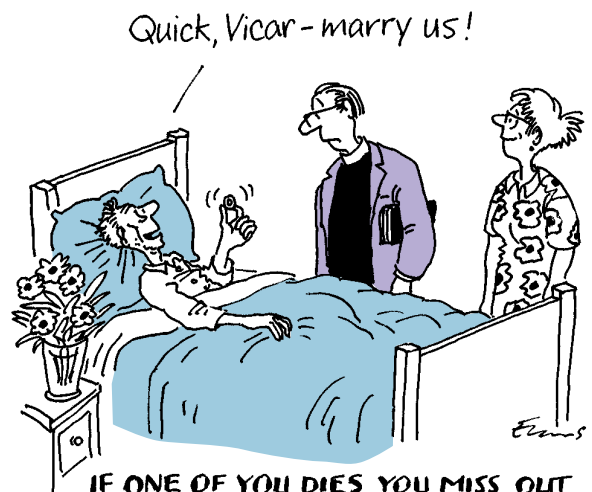
It is true that some couples might be better off married or in a civil partnership. However, for many people it makes little or no difference when it comes to benefits. Whether you would be better off married or in a civil partnership depends on how good your state pensions are, when you will retire, whether you're on means-tested benefits, and something none of us can know – how old you and your partner will be when one of you dies.

If you are concerned about this issue, go to see an adviser – he or she will be able to work out what your position would be in both circumstances, so you can make an informed decision about what is best for you.

## Bereavement Allowance

If you live with your partner you also miss out on bereavement benefits when one of you dies. Bereavement Allowance or Widowed Parent's Allowance, and the one-off Bereavement Payment can not be paid to unmarried bereaved partners – just husbands, wives, and civil partners.

Unfortunately, there is no way to get around this – you might want to consider taking out a life insurance policy to help provide for your partner if you die.



## I'm moving in with my boyfriend – will I lose benefit?

You might do. If you are receiving means-tested benefits (see box below) your boyfriend's earnings and savings will be added to yours when they work out if you are entitled to benefit, and how much. You need to consider this possible financial loss (and the loss of your financial independence) before you move in with your partner.

Similarly, if each of you brings children from a previous relationship to the new family, only one child can count as the eldest for child benefit purposes. This is important because you receive an extra £5.45 for the eldest child.

If you are receiving Bereavement Allowance, your payments will stop when you move in with your boyfriend. If your relationship ends however, your claim can be re-instated. After the age of 60 for women (and 65 for men) you cannot receive Bereavement Allowance anyway, and will receive your pension instead.

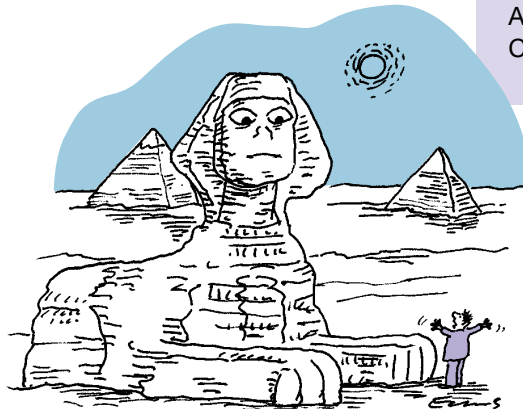
If you are unsure what effect moving in with your partner might have on your benefits see an adviser. They will be able to calculate if you would lose money, and how much.

## Do you get means tested benefits?

Means-tested benefits are: Income Support, Income-based Jobseekers Allowance, Housing Benefit, Council Tax Benefit, Pension Credit, Child Tax Credit, Working Tax Credit.

## My boyfriend's benefits have been stopped because they say that I live with him. I spend a lot of time there but I live somewhere else. What counts as living together?

This is a common problem. Sometimes people will tell you that it counts as living together if you stay there for more than 2 or 3 nights a week – this is a myth. In order to be treated as a couple for benefits you have to be living together at the same address. If you have another address where you receive your post, keep your things, pay bills etc you clearly don't live with your boyfriend. Other situations can be more difficult to prove to the Benefits Agency. If you have this problem you should go to an advice centre.



SEE AN ADVISER IF YOU HAVE WORRIES

## When John died...

*"John and I had been together for twenty-two years when he died at 58. John's health had been bad for years, he'd been unable to work and I gave up work to look after him. After he died I was only concerned with how awful it was, and how much I missed him, but my sister was so worried about my mounting bills she made an appointment for me at the local advice centre. The adviser helped me sort things out. I was entitled to a grant to help pay for John's funeral which was a big help, and my income support went up now that I was single. The adviser told me that if we'd had been married I would have been entitled to a one-off payment of £2,000 because John had paid enough National Insurance. I was hurt and angry that I wasn't entitled to it, I'd always seen myself as John's wife but that wasn't good enough."*

## Useful contacts

For more information about Benefits and National Insurance

[www.dwp.gov.uk/](http://www.dwp.gov.uk/)

For more information about the State Pension

[www.thepensionerservice.gov.uk](http://www.thepensionerservice.gov.uk)

You can request a State Pension forecast online or by calling **0845 3000 168**

For more information about occupational and private pensions

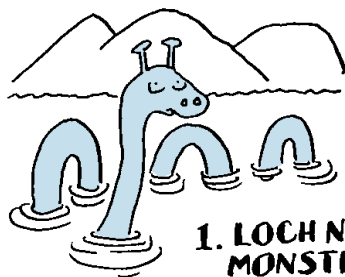
See our pensions leaflet at [www.advicenow.org.uk/livingtogether](http://www.advicenow.org.uk/livingtogether)

To find your nearest Advice Service

Look in Yellow Pages or use Community Legal Service (CLS) Direct's directory [www.clsdirect.org.uk](http://www.clsdirect.org.uk).

Alternatively, you could phone CLS Direct on **0845 345 4345**.

## THREE THINGS THAT DON'T EXIST.



1. LOCH NESS  
MONSTER



2. CATS' NINE  
LIVES



3. COMMON LAW  
MARRIAGE

This leaflet is one of a series produced by  
[advicenow.org.uk](http://advicenow.org.uk)'s LivingTogether campaign.

The LivingTogether campaign aims to increase awareness and understanding of the legal issues around living together. We explain exactly what rights couples living together *really* have, and show you practical ways you can protect yourself and your partner.

We provide information and practical material to help you ensure your partner will inherit from you if you die; understand your housing rights and show you how to protect them with a Living Together agreement, explaining financial implications and what you can do to minimise them, and how to ensure your partner is treated as your next of kin in an emergency.

For more information about your rights when you are living with your partner see [www.advicenow.org.uk/livingtogether](http://www.advicenow.org.uk/livingtogether)

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alliance

ONE  
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ONE

The LivingTogether campaign is led by Advice Services Alliance in partnership with One Plus One ([www.oneplusone.org.uk](http://www.oneplusone.org.uk)) and is funded by the Department for Constitutional Affairs.

Advice Services Alliance (ASA), the co-ordinating body for UK advice services. ASA members include Advice<sup>UK</sup>, Age Concern England, Citizens Advice, DIAL UK, Law Centres Federation, Shelter and Youth Access. ASA works with its membership and government to develop policy on delivery of legal and advice services; champions the development of high quality information, advice and legal services; and provides supporting services to advice networks.

The LivingTogether Campaign applies to England and Wales only. The law in Scotland and Northern Ireland is significantly different.

Written by Mary Webber. November 2005.

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