# Backdating your Universal Credit Claim Toolkit

Know when you can request your claim to be backdated and what to do if your request is refused.

In some circumstances you can ask for your benefit to be paid from an earlier date than that of application, if you have not been in receipt of an alternative means tested benefit or there has been a break in between one benefit ending and your application for Universal Credit (UC) starting. The maximum period of backdating can be awarded is one month before the date the claim is made.

You no longer need to request backdated pay when applying for UC or before the decisions is made. You can apply for a revised UC decision and be awarded it from the earlier date.

However, if possible, you should add a note to your UC journal before the claim is decided asking for it to be backdated (the note is treated as an amendment of the claim and the claim is treated as if it had always included the backdate request). That should ensure that the question of whether to backdate the claim is considered when the claim is being decided.

This toolkit is designed to help you make a request for backdating and in it you will find:

1. The grounds for backdating
2. Top tips for making a backdating request
3. A template letter you can use to request backdating - you can change this letter to reflect your individual circumstances and send it to the DWP

If you need assistance with using this toolkit, please contact our Sight Loss Advice Service for further assistance by calling or email our Helpline.

## The grounds for backdating

A claim for Universal Credit can be backdated for a maximum of **one month** if you **could not have reasonably been expected to make a claim from an earlier date** and your circumstances fall within one of the following grounds:

1. You were previously in receipt of Jobseekers Allowance or Employment and Support Allowance and were not notified that your entitlement was going to end
2. You have a disability
3. You were unwell, and this prevented you from claiming earlier (you will need to provide medical evidence showing this)
4. You could not claim earlier due to a system failure or planned system maintenance, and have made a claim on the first day following this
5. You had a joint claim for Universal Credit which stopped due to a breakdown in a relationship and you are now claiming as a single person
6. You made a joint claim for Universal Credit which was either stopped or turned down because your partner did not accept the claimant commitment and you have now ceased to be a couple and are now claiming as a single person.

Please note that if you have made a joint claim, you will both need to satisfy one of the grounds above.

If you have sight loss the following grounds may apply to you:

### Disability

If you are registered sight impaired or severely sight impaired, you will meet the definition of 'disability' under the Equality Act 2010 and point 2 above may apply to your circumstances.

If you were unable to make a claim for Universal Credit because of your sight loss you may have reasonable grounds to ask for your claim to be backdated.

### Ill-heath / long term heath condition

If you are not registered as sight impaired or severely sight impaired, you may be able to show you meet the criteria under point 3 above.

**Note - you may be covered under one of the other grounds depending on your circumstances.**

## Top tips for making your request

If you meet the above grounds, you should make a formal request for your claim to be backdated. You can make this request by calling the **Universal Credit helpline on 0800 328 5644**. You can also make this request in writing through your online journal.

In your request give as much **information about why your claim is late** and provide a **copy of any relevant medical evidence** if you are relying on your disability or illness as a reason for the lateness.

You can use the template letter – ‘Request for backdating’ to help you make this request. Remember to change this letter to fit your individual circumstances.

### What can I do if I am refused?

If the DWP refuses your backdating request, you have the right to challenge this decision. You will have **one month** from the date of the decision to request a **mandatory reconsideration.**

It is recommended that you seek advice at this stage by calling RNIB’s helpline, as our Sight Loss Advice Service may be able to assist you.

### What if I have been given wrong advise or information by the DWP?

If you have been given wrong advise or information by the DWP you cannot ask for your claim to be backdated. However, if this advice or information contributed to your claim being late, we would recommend that you **make a complaint and ask for compensation** for any losses you have suffered.

This could include things like if the DWP have given you the wrong information, if there was a long delay before your enquiry was dealt with or difficulty contacting the office, for example if you had to wait a long time before talking to someone.

You can use the template letter – ‘Maladministration complaint' to help you make this complaint. Remember to change this letter to fit your individual circumstances. We would suggest also sending a copy of this letter to your local MP.

### What can I do if I am refused?

If the DWP refuses to pay you compensation you should seek advice by calling our Helpline.

## How we can help

If you would like any more information about backdating your Universal Credit payment, you can speak to our Sight Loss Advice service by calling our Helpline. Our advisors can also carry out a full benefit check with you and give advice about applying for other benefits you may be missing out on.

Our Welfare Benefit Sight Loss Advisers are available to offer you help if you would like to challenge a benefit decision or think you should be awarded more than you have been, our advisers can help you with the mandatory reconsideration and First-Tier Tribunal (appeals) process.

RNIB’s Legal Rights service is available to offer you help with more complex benefit queries and appeals, such as those to the Upper Tribunal, once the initial appeals process to the First Tier Tribunal has been completed.

### RNIB Helpline

If you need someone who understands sight loss, call our Helpline on **0303 123 9999**, say **“Alexa, call RNIB Helpline”** to an Alexa-enabled device, or email **helpline@rnib.org.uk**. Our opening hours are weekdays from 8am – 8pm and Saturdays from 9am – 1pm.

### Sight Advice FAQ

Sight Advice FAQ answers questions about living with sight loss, eye health or being newly diagnosed with a sight condition. It is produced by RNIB in partnership with other sight loss organisations. **sightadvicefaq.org.uk**

### Connect with others

Meet or connect with others who are blind or partially sighted online, by phone or in your community to share interests, experiences and support for each other. From book clubs and social groups to sport and volunteering, our friendly, helpful and knowledgeable team can link you up with opportunities to suit you. Visit **rnib.org.uk/connect** or call **0303 123 9999**.

The factsheet gives general guidance only and is not an authoritative statement of the law.



**RNIB Legal Rights Service**

**April 2024**

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