



HM Revenue  
& Customs

GUARDIAN'S ALLOWANCE  
BG1 NOTES 2006

# Claiming Guardian's Allowance

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# Claiming Guardian's Allowance

This booklet will help you make your claim to Guardian's Allowance, answer most of your questions and tell you how to get more help and information.

## How to contact us

### Help and advice

If you want to ask us anything about your claim you can phone or write to us.

When you get in touch with us, please tell us your full name, your National Insurance number (see page 6) and daytime phone number, if you have one. Please also tell us your Child Benefit number if you have claimed before.

### In England, Scotland and Wales

#### By phone

You can phone us Monday to Friday between 08.00 and 17.00, but not on public holidays. The number is 0845 302 1464.

Please phone us if you want a braille or large print version of this booklet.

If your first language is not English, we provide a telephone interpreting service on request.

#### For people with hearing or speech difficulties

If you have a problem with speech or hearing and use a textphone, ring 0845 302 1474. If you do not have your own textphone system, they are available in some libraries or Citizens Advice Bureau offices.

#### By writing

Please write to us at  
Guardian's Allowance Unit  
Child Benefit Office  
PO Box 1  
Newcastle upon Tyne  
NE88 1AA

### By the internet

Guardian's Allowance information has now been published on the HMRC website. The address is [www.hmrc.gov.uk](http://www.hmrc.gov.uk)

### In Northern Ireland

If you live in Northern Ireland you can contact us on the telephone number shown below. The postal and website addresses are the same as England, Scotland and Wales.

### By phone

You can phone us Monday to Friday between 08.00 and 20.00, but not on public holidays. The number is 0845 603 2000.

## What is Guardian's Allowance?

### Who is Guardian's Allowance paid to?

Guardian's Allowance is a tax free benefit paid to someone who is looking after a child whose parents have died. In some circumstances it can be paid when only one parent has died. It does not matter how much money you have or how much you earn.

## Who can get Guardian's Allowance?

You can get Guardian's Allowance if you get Child Benefit for a child whose parents have died. You cannot get Guardian's Allowance if

- both parents of the child are still alive or
- you are the surviving parent of the child.

You can get Guardian's Allowance if

- you are getting Child Benefit for the child. (If you have not claimed Child Benefit, please contact us for a claim pack), and
- both parents of the child are dead

or

- one parent is dead and
  - at the time of the death you did not know where the other parent was, and
  - you have tried but failed to trace the other parent

or

- the parents are divorced, one parent is dead and the surviving parent
  - does not have custody, or
  - is not maintaining the child, and
  - there is no court order, or
  - Child Support Agency assessment (calculation)

or

- the mother is dead and child's parents were not married to each other and the father is not known

or

- one parent is dead and the surviving parent is in prison serving a sentence of 2 years or more

or

- one parent is dead and the surviving parent is detained in hospital by order of the Court under
  - Section 37(1), 38 or 45A of the Mental Health Act 1983, or
  - Section 5 of the Criminal Procedure (Insanity) Act 1964, or
  - Section 6 or 14 of the Criminal Appeal Act 1968, or
  - Section 57, 58 or 59A of the Criminal Procedure (Scotland) Act 1995.

## Your National Insurance number

Your National Insurance number (NINO) helps us to deal with your claim quickly, so it is important that you give us your NINO on the claim form and each time you contact us after making the claim. If you do not tell us your NINO on the claim form, it may take us longer to deal with your claim.

You can find your NINO on your NI card, letters from social security or payslips.

If you do not have a NINO or you have a temporary NINO that begins with ZZ, we will get in touch with you.

## Residency conditions

### Countries in the European Economic Area

Austria	Latvia
Belgium	Liechtenstein
Cyprus	Lithuania
Czech Republic	Luxembourg
Denmark	Malta
Estonia	Netherlands
Finland	Norway
France	Poland
Germany	Portugal
Greece	Slovakia
Hungary	Slovenia
Iceland	Spain
Ireland	Sweden
Italy	UK

One of the parents of the child must have been

- born in the United Kingdom (by United Kingdom we mean England, Scotland, Wales or Northern Ireland), or
- a national, or a member of the family of a national of a country in the European Economic Area (EEA), who was insured under United Kingdom social security legislation, or
- present in the United Kingdom for at least 52 weeks in any period of 2 years since they were 16 – serving in the British armed forces or merchant services may count as being in the United Kingdom.

There are special rules for people who have lived abroad, or have been insured under another country's social security scheme.

If you need more information, please phone us, the numbers are on pages 3 and 4 of this booklet.

## Finding a surviving parent

Guardian's Allowance is payable where one parent has died and the whereabouts of the surviving parent is not known. You must show that you have made reasonable efforts to find out where the surviving parent is living.

What we mean by reasonable efforts

You have to show that you have tried everything possible to trace the surviving parent. For example, you could try contacting

- the last known address
- relatives or friends.

## Some special cases

Adoption

If a child has been legally adopted, the adoptive parents are treated as the natural parents of the child for the purposes of Guardian's Allowance.

If only one person adopted the child, Guardian's Allowance might be payable when that person dies.

If you are the natural parent of a child who has been adopted and the adoptive parents have died, you may be able to get Guardian's Allowance.

If you get Guardian's Allowance and later adopt the child, you would normally carry on getting the allowance.

Step-parents

Guardian's Allowance can be paid even though the step-parent of the child is still alive. In some circumstances, a step-parent who is bringing up the child can get Guardian's Allowance.

Foster parents

Guardian's Allowance cannot be paid for a child who has been placed with foster parents by a local authority under the Foster Placement (Children) Regulations 1991, the Fostering of Children (Scotland) Regulations 1996 or the Foster Placement (Children) Regulations (NI) 1996.

Surviving parent in prison or detained in hospital

If you get Guardian's Allowance because the child's surviving parent is

- serving a prison sentence of 2 years or more, or
- detained in hospital by order of the Court

it will stop as soon as the parent is released. If the parent starts to pay towards the child's maintenance before release, you must tell us straight away. The weekly amount of Guardian's Allowance will go down by the amount that parent pays you.

## Who should claim?

Payment is normally made to the person who is getting Child Benefit for the child.

If you are a married couple living at the same address, the wife should make the claim. But payment can be made to either her or her husband, unless she asks for payment not to be made to him.

## How to claim

Fill in claim form BG1 and send it to us in the envelope provided.

Please make sure you

- answer all the questions that apply to you
- include a full birth certificate for each child showing the parentage of the child
- the death certificate of each parent.

Please note that we cannot accept photocopies of certificates.

If you need help filling in the form, please get in touch with us.

Our contact information is shown on pages 3 and 4 of this booklet.

Guardian's Allowance can be backdated for up to three months or to the date of the award of Child Benefit. If for some reason, you cannot apply for Guardian's Allowance straight away, make sure you have sent in your Child Benefit claim form.

## When your claim is received

After we get your claim we will

- send you an acknowledgement which will give you a contact name and phone number
- return any certificates you sent with your claim.

## When your claim is decided

We will write to tell you about our decision on your claim.

If you are not the child's legal guardian and you are not related to the child, you must tell the local authority (in Northern Ireland, Health and Social Services Board or Trust) if you get Guardian's Allowance.

## Guardian's Allowance and other benefits

From April 2006

The current rate of Guardian's Allowance is £12.50 each week.

If you get any extra money for the child on a National Insurance Benefit such as Incapacity Benefit, you cannot get that increase as well as Guardian's Allowance. Depending on your circumstances, you may be better off if you stop claiming the increase of benefit when you get Guardian's Allowance. Ask at your local Jobcentre Plus office (in Northern Ireland, Social Security office or Jobs and Benefits office).

If you get Income Support or income-based Jobseeker's Allowance, Working Tax Credit or Child Tax Credit, you will get Guardian's Allowance on top of this.

## How is Guardian's Allowance paid?

We pay Guardian's Allowance with Child Benefit.

Child Benefit paid direct into an account

Guardian's Allowance will be paid with Child Benefit direct into the same account at the same time. We will write to you about this.

Finding out how much is paid into the account

You can check your benefit payments on your account statements. Your statements may show your Child Benefit number next to the payments that are from us. If you think the payment is wrong, please contact us.

If too much or too little money is paid into an account

If not enough money is paid into your account, we will make another payment to you or we will add the money we owe to your next payment. We will contact you to tell you what we are going to do.

If we pay too much money into your account, for example, if you give us some information which means you are entitled to less money but we do not have time to change your regular payment, you will have to pay back any money that you are not entitled to. We will contact you to tell you how to do this.

## Data Protection Act

HM Revenue & Customs is a Data Controller under the Data Protection Act 1998. We hold information for the purposes specified in our notification to the Information Commissioner, including the assessment and collection of tax and duties, the payment of benefits and the prevention and detection of crime, and may use this information for any of them.

We may get information about you from others, or we may give information to them. If we do, it will only be as the law permits to

- check the accuracy of information
- prevent or detect crime
- protect public funds.

We may check information we receive about you with what is already in our records. This can include information provided by you, as well as others, such as other government departments or agencies and overseas tax and customs authorities. We will not give information to anyone outside HM Revenue & Customs unless the law permits us to do so. For more information go to [www.hmrc.gov.uk](http://www.hmrc.gov.uk) and look for *Data Protection Act* within the *Search* facility.

