

This guide is written and produced by the Welfare Benefits Unit and funded by North Yorkshire County Council and City of York Council.

This guide is available, free of charge, to all residents in North Yorkshire. If you would like the guide in another format, such as large print, please contact us.

If you have any comments or suggestions about the guide, or if you would like to order a copy, contact us at:

**WELFARE BENEFITS UNIT  
FREEPOST YO 175  
YORK  
YO1 6ZA**

[admin@welfare-benefits-unit.org.uk](mailto:admin@welfare-benefits-unit.org.uk)

The benefit rates increase every April, if you are reading this after April 2011, contact us for an up-to-date copy of this guide.

# CONTENTS

Disability Living Allowance . . . . .	4
Attendance Allowance . . . . .	12
Carer's Allowance . . . . .	14
Employment and Support Allowance . . . . .	17
Severe Disablement Allowance and Incapacity Benefit . . . .	24
Rules about Working. . . . .	30
Tax Credits. . . . .	32
Disablement Schemes . . . . .	35
Income Support . . . . .	38
Pension Credit. . . . .	41
Jobseeker's Allowance . . . . .	43
Housing Benefit . . . . .	44
Council Tax and Council Tax Benefit . . . . .	46
Health Costs . . . . .	48
Care Homes. . . . .	54
Benefits in Hospital . . . . .	57
Social Fund . . . . .	61
Independent Living Fund . . . . .	64
Help and Information . . . . .	65

# INTRODUCTION

This guide tells you about the benefits and tax credits you can get if you are disabled or ill. Some of these benefits are non-means-tested – you can get them without having to declare how much income or savings you have.

You don't have to have paid National Insurance contributions to get any of the benefits in this guide, except for contributory Employment and Support Allowance, Incapacity Benefit and contribution-based Jobseeker's Allowance.

This guide has been written for people who are living at home, but also has sections on what happens to your benefits if you have a stay in hospital or a care home.

If you already get a means-tested benefit such as Income Support or Housing Benefit, any new benefits you claim might affect what you get. You will find a note with each of the benefits in this guide saying how your means-tested benefits will be affected.

If you're not sure about whether you qualify for any of the benefits or tax credits, or if you want more information, you can get free advice from your local disability organisation (see page 65) or Citizens Advice Bureau (see back page).

There are a number of rules regarding being in and living in Great Britain. Your right to benefit may also be affected by your immigration status. For more information see the UK Border Agency website [www.biahomeoffice.gov.uk](http://www.biahomeoffice.gov.uk)

## DISABILITY LIVING ALLOWANCE

Disability Living Allowance is for people with a physical or mental illness or disability who need:

- help with personal care or supervision to avoid danger to themselves or others, **or**
- help with getting around outdoors, **or**
- help with both of these.

You can only get Disability Living Allowance if you first need help with personal care or getting around before you are 65. Once it is awarded it will continue to be paid irrespective of age, provided the criteria continue to be met. There is no help with mobility needs if you first need help with getting around after you are 65. If you are over the age of 65 you may get help with personal care needs by claiming Attendance Allowance (see page 12).

Disability Living Allowance is non-contributory, tax-free and paid on top of other benefits. You can be working and entitled to Disability Living Allowance.

### CONDITIONS OF ENTITLEMENT

Disability Living Allowance has two separate components:

- a care component, paid at three levels
- a mobility component, paid at two levels

You can claim either or both components.

#### Qualifying period

You must have needed the help for three months and be likely to need it for the next six months to qualify for the benefit, unless you are terminally ill, in which case you can qualify straightaway.

## How much is Disability Living Allowance?

Care Component	Mobility Component
£71.40 higher rate	£49.85 higher rate
£47.80 middle rate	£18.95 lower rate
£18.95 lower rate	

## Can I get the care component of Disability Living Allowance?

You can claim if you or your child need attention or supervision due to some physical or mental disability.

You can qualify for the lower care component (£18.95) if you need help for part of the day with personal care, or if you are 16 or over and you cannot prepare a cooked main meal for yourself if the ingredients are provided.

You must satisfy at least **one** of the following conditions to qualify for the **middle** rate of care component. If you satisfy **both**, or are **terminally ill**, you qualify for the **higher** rate of the care component.

**By day**, you must:

- need frequent help throughout the day with 'bodily functions', **or**
- need continual supervision to avoid substantial danger to yourself or others.

**By night**, you must:

- need prolonged or repeated attention in connection with your 'bodily functions', **or**
- need watching over in order to avoid substantial danger to yourself or others.

The kind of things that count as **attention with bodily functions** are:

- getting in or out of bed
- taking a bath or shower
- getting dressed or undressed
- getting up or down stairs
- using the toilet or commode
- eating
- washing yourself
- shaving
- doing your hair
- seeing (eg. someone reading things for you)
- hearing (eg. someone interpreting for you)

When you look at supervision ask yourself – do you need someone close by because, for example, you:

- are unsteady on your feet
- are liable to have falls and accidents
- cannot pull yourself up in bed or out of a chair
- cannot see or hear very well
- find it hard to make simple decisions
- don't really understand when something is dangerous
- are likely to have fits or seizures and you can't always call somebody before the attack starts

You can get Disability Living Allowance whether or not you have somebody who looks after you or you live alone.

Special rules apply if you are undergoing **renal dialysis** that help you to qualify for the middle rate of the care component. You must undergo renal dialysis two or more times a week. You must also require the attendance or supervision of another person because of the type of dialysis it is or because of your circumstances (eg. visual impairment). These rules may not help you pass the disability test for the care component if you are an outpatient and have help from hospital staff.

If you are applying for a child under 16, you need to show that the child needs substantially more help, or help of a different kind, than a child of his or her age would need.

### **Terminal illness**

You normally have to wait until you have needed help for three months before you can get Disability Living Allowance. However, if you have a terminal illness you should qualify for the higher rate care component immediately, regardless of the amount of care you need.

Terminal illness means an illness which is likely to limit life expectancy to six months or less.

Another person can apply on behalf of someone who is terminally ill, without their knowledge or consent.

## How much is the care component?

If you need care both day and night, or you are terminally ill, you will get the higher rate of £71.40 per week.

If you need care either by day or by night you will get the middle rate of £47.80 per week.

If you need help during just part of the day, you will get the lower rate of £18.95 per week.

If you are 16 or over and you cannot plan, prepare and cook a main meal by yourself (even if you never have to do this) – you will get the lower rate of £18.95 per week.

## Can I get the mobility component of Disability Living Allowance?

The mobility component may be paid if you need help to get around. It is paid at two levels, lower and higher. The **higher** rate mobility component can be claimed from the age of 3; the **lower** rate from age 5. You must claim before you reach the age of 65. Once payable there is no upper age limit providing you continue to satisfy the criteria.

### Am I entitled?

For the **higher** rate, £49.85 per week:

- you are unable to walk because of a physical disability, **or**
- virtually unable to walk because of a physical disability, **or**
- the exertion required to walk would constitute a danger to your health, **or**
- you have had both legs or feet amputated or were born without legs or feet, **or**
- you are both deaf and blind and you need someone with you when you are outdoors, **or**

- you are severely mentally impaired **and** have severe behavioural problems **and** you qualify for the highest rate of Disability Living Allowance care component.
  - From 2011 you will be eligible for the higher
  - rate if you are registered blind.

For the **lower** rate, £18.95 per week:

- you have a physical or mental disability and need guidance or supervision from someone else most of the time when walking out of doors on routes you are not familiar with.

## How do I claim?

You can get a claim form from the Benefit Enquiry Line (see below).

- The **Benefit Enquiry Line** is a benefits help line
- for people with disabilities, their carers and
- representatives. It is part of the Department
- for Work and Pensions. They offer confidential
- advice and information on benefits and how to
- claim them. They can also send out leaflets and
- claim packs.
- Tel: 0800 88 22 00, Textphone 0800 24 33 55
- 8.30am - 6.30pm Monday - Friday
- 9am - 1pm Saturday

You can also download a claim form or claim online at [www.direct.gov.uk](http://www.direct.gov.uk)

There is a claim pack for people over the age of 16 years and a different one for children. The claim form is very long and detailed. It helps the Disability and Carers Service deal with your claim more quickly if a statement about your care/mobility needs is counter-signed by someone who knows about how your illnesses or disabilities affect you. This could be someone who looks after you, a carer, a relative, a friend, a social worker, a nurse or a doctor. The person counter-signing the form does **not** have to verify all the detailed care needs or mobility problems you describe in your claim.

The majority of people who claim Disability Living Allowance will be assessed on the evidence they give in the claim pack. However, the Department for Work and Pensions may seek further medical evidence from your GP about your condition, or you may be asked to undergo a medical examination.

## **What if I disagree with the decision?**

If you are not happy with a decision made by the decision maker, you have a choice:

- you can ask for a revision of your claim, with the option to appeal to a tribunal if you are not happy with the revision decision, **or**
- you can appeal to the independent Tribunal Service.

You should make your request within one month of the date the decision was sent to you.

If you ask for a revision the Department for Work and Pensions will look again at the evidence, and you will be given a written decision saying whether the original decision has been upheld or changed. If you apply within one month of the original decision, any benefit awarded can be backdated to your original claim.

If you want to appeal to a tribunal you must normally do so in writing, within one month of the decision you disagree with. This time-limit can sometimes be extended up to 13 months if you have 'special reasons', but it is best to appeal within the one month limit if at all possible.

When asking for a revision or appeal it is worth getting advice from an independent advice agency, such as a Citizens Advice Bureau.

## **Will Disability Living Allowance affect my other benefits?**

Disability Living Allowance is paid on **top** of all other benefits including the following **means-tested benefits**: Income Support, Pension Credit, income-based Jobseeker's Allowance, income-related Employment and Support Allowance, Housing Benefit, Council Tax Benefit, and tax credits. If you, or your child, get any rate of Disability Living Allowance you may qualify for an **extra** amount of any means-tested benefits you claim. If you receive the middle or higher level of the care component your carer (if you have one) may be entitled to Carer's Allowance and the carer premium or addition on their means-tested benefits.

## **Motability, road tax and Blue Badge**

If you get the **higher rate** of mobility component, you can use the money towards leasing a car under the Motability Scheme if you wish. You need an award of at least 12 months to do this. For further details contact the Motability scheme by ringing 0845 456 4566 (textphone 0845 675 009) or visit their website [www.motability.co.uk](http://www.motability.co.uk). You will also be entitled to free road tax from the Vehicle Licensing Agency and a Blue Badge, from Social Services, to help with parking.

## ATTENDANCE ALLOWANCE

Attendance Allowance is paid to people aged 65 or over who need help with personal care or supervision.

Attendance Allowance is non-contributory, tax-free and can be paid on top of other benefits.

### Can I get Attendance Allowance?

The qualifying conditions are the same as the higher and middle rate care components of Disability Living Allowance, (see page 5).

You will qualify if you:

- need help with bodily functions, like washing, dressing, using the toilet, seeing, hearing and so on, **or**
- need continual supervision to avoid danger to yourself or others, **or**
- are terminally ill (see page 7).

You must have needed this help for the last six months (unless you are terminally ill).

You can get Attendance Allowance whether or not you have anybody who looks after you or you live on your own.

There are special rules if you are undergoing **renal dialysis** to help you qualify for Attendance Allowance at the lower rate. See the section for Disability Living Allowance care component on page 5 to see who qualifies.

### How much will I get?

If you need care both during the day **and** at night, or if you are terminally ill, you will get the higher rate of £71.40.

If you need care during either the day **or** the night, you will get the lower rate of £47.80.

## **How do I claim?**

You can get a claim form from the Benefit Enquiry Line by ringing 0800 88 22 00 (textphone 0800 24 33 55). You can also claim online at [www.direct.gov.uk](http://www.direct.gov.uk)

It is important to give full details about your needs.

Most claims for Attendance Allowance are assessed on the evidence you give in the claim pack. However, the Department for Work and Pensions may seek further medical evidence from your GP about your condition, or you may be asked to undergo a medical examination.

## **What if I disagree with the decision?**

If you are not happy with a decision you can ask the Department for Work and Pensions to consider your claim again or appeal to the Tribunal Service. See page 10 for more details.

## **Will Attendance Allowance affect my other benefits?**

Attendance Allowance is paid on top of all other benefits. It will not reduce any other benefit and it may actually increase others. Attendance Allowance can also qualify you for the severe disability addition so you might get extra Pension Credit, Housing Benefit or Council Tax Benefit. See the sections in this guide about Pension Credit, Housing Benefit and Council Tax Benefit.

## CARER'S ALLOWANCE

If somebody is caring for you they might be able to get **Carer's Allowance**, if:

- you are getting Disability Living Allowance higher or middle rate care component, or any rate of Attendance Allowance, **and**
- the carer looks after you for at least 35 hours a week (it does not have to be every day), **and**
- the carer is not earning more than £100 a week on average, **and**
- the carer is aged 16 or over **and**
- the carer does not study for 21 hours or more a week.

Carer's Allowance is non-contributory and taxable.

Carer's Allowance is also available if you are caring for a child on Disability Living Allowance higher or middle rate care component. It doesn't matter if the carer is related to, or lives with you.

### How much is it?

£53.90 for the person who does the caring plus an extra amount of £31.70 for a spouse or partner in some cases.

### How does my carer claim?

Claim by calling the Carers' Allowance Unit on 0845 608 4321 (textphone 0845 604 5312) or Jobcentre Plus on 0800 0 55 66 88 (textphone 0800 023 48 88) or by ringing the Benefit Enquiry Line on 0800 88 22 00 (see page 9).

You can download a claim form or claim online at [www.direct.gov.uk](http://www.direct.gov.uk)

The claim pack includes a statement to be signed by the disabled person to verify that they know someone is claiming Carer's Allowance for looking after them for 35 hours a week.

## **How does Carer's Allowance affect other benefits?**

Some carers who are getting other benefits will be no better off in immediate cash terms if they claim Carer's Allowance. This is because you cannot be **paid** Carer's Allowance at the same time as you get certain other benefits such as contribution-based Jobseeker's Allowance, State Pension, Incapacity Benefit or bereavement benefits. If you qualify for Carer's Allowance **and** one of these overlapping benefits, you will normally get whichever of them is the higher.

Carer's Allowance counts in full as income for means-tested benefits such as Income Support, Pension Credit and Housing Benefit.

If a carer is *either* paid Carer's Allowance or is entitled to it but is not paid because of the overlapping benefits rules, then:

- An extra amount (the carer premium or addition) will be added to means-tested benefits, giving up to £30.05 a week more benefit.
- £20 a week of any earnings they have will be ignored in working out any means-tested benefits they claim.
- Each week Carer's Allowance is claimed, they will be credited with Class 1 National Insurance contributions and credits for the State Second Pension.
- They will get a £10 Christmas Bonus.

If the carer does not receive these benefits, they could check any possible entitlement with the Citizens Advice Bureau or a carer's organisation.

- **Note:** See also, information about the severe
- disability premium on page 39.
- A person being cared for cannot get the severe
- disability premium or addition if their carer is
- **paid** Carer's Allowance – seek advice.

# EMPLOYMENT AND SUPPORT ALLOWANCE

If you are unable to work or have limited capability for work because of illness or disability you can claim Employment and Support Allowance. This benefit was introduced from 27 October 2008 and replaced both Incapacity Benefit and Income Support, paid on the grounds of incapacity, for new claims.

There are two types of Employment and Support Allowance, **contributory** and **income-related**. To qualify for either you must be aged at least 16, under pension age and have limited capability for work.

## Contributory Employment and Support Allowance

To qualify for Contributory Employment and Support Allowance usually you must have paid enough National Insurance contributions. If you are under 20, or in some cases 25, when your period of 'limited capability for work' began and you have had 'limited capability for work' for 196 days you do not have to satisfy the National Insurance contribution conditions.

### How much is it?

#### Weekly Rate:

##### Basic allowance

Age 16-24 (weeks 1-13):	£51.85
Age 16-24 (from week 14):	£65.45
Age 25 or over:	£65.45

**Work-related activity component** £25.95

**Support component** £31.40

Your contributory Employment and Support Allowance will be reduced if you have a personal or occupational pension or personal health insurance (arranged by your employer and paid after you have left employment) over £85 gross a week. The reduction will be 50% of any amount over £85.

■ **Example** ■

■ Joe claims contributory Employment and Support ■  
■ Allowance . His basic allowance is £65.45. He gets ■  
■ £120 a week occupational pension. The first £85 ■  
■ is ignored. 50% of the remainder, £17.50, is taken ■  
■ off his Employment and Support Allowance. ■  
■ Joe will get £47.95 Employment and Support ■  
■ Allowance instead of £65.45. ■

## **Income-related Employment and Support Allowance:**

To qualify for income-related Employment and Support Allowance you must:

- satisfy a means-test;
- be working less than 16 hours a week, and your partner, if you have one, is working less than 24 hours a week;
- be studying less than 16 hours a week, unless you get Disability Living Allowance.

If you qualify for both contributory and income-related Employment and Support Allowance, you can be paid both at the same time. The contributory part is paid in full and the income-related part is paid to 'top up' your income to your applicable amount.

## How much income-related Employment and Support Allowance will I get?

The amount of income-related Employment and Support Allowance you are entitled to is worked out according to a needs figure for you, and your partner if you have one, and any relevant housing costs. You will be allowed a certain amount to live on depending on your circumstances. The needs figure for a single person aged 25 or over is £65.45; for a couple, both 18, it is £102.75. A person under 25 in the **main phase** of Employment and Support Allowance will have a personal needs figure of £65.45.

Extra amounts called components (see page 17) are included in the main phase and extra amounts called premiums for other circumstances.

The **severe disability premium** and the **carer premium** are included in income-related Employment and Support Allowance see page 39.

There is **no disability premium** in income-related Employment and Support Allowance.

The **enhanced disability premium** is included in your needs figure if you or your partner get Disability Living Allowance higher care component or you are in the **support group** and you are the claimant.

Your mortgage interest may also be allowed as part of your needs figure, seek advice.

The needs figure is compared with the income you and your partner are treated as having each week. Income-related Employment and Support Allowance tops up the difference between your needs and your income.

## THE WORK CAPABILITY ASSESSMENT

Weeks **1 to 13** of your claim are known as the **assessment phase**. During the assessment phase you are paid a basic allowance. You may also be entitled to one or more of the following premiums: severe disability, enhanced disability, carer or pensioner.

During the assessment phase you have a **work capability assessment**. This is made up of three stages:

### 1. Limited capability for work assessment

This decides whether or not you are entitled to Employment and Support Allowance. If you are assessed as not having limited capability for work then you can claim Jobseeker's Allowance instead or appeal against the decision.

The assessment looks at a series of activities that relate to both your physical and mental health. It gives you points depending on how much difficulty you have with the activities listed in the assessment. If the total reaches 15 points then you are assessed as having limited capability for work and are entitled to Employment and Support Allowance.

The **physical** descriptors include walking, standing, using your hands, seeing or controlling your bladder and bowels.

The **mental health** descriptors include awareness of hazard, memory, concentration and coping with social situations.

If you do not reach the points needed to be assessed as having limited capability for work but you are found to have a severe life threatening disease that is uncontrolled or uncontrollable by recognised procedures, providing there is medical evidence, it is accepted that you have 'limited capability for work'.

You are automatically treated as having limited capability for work and placed in the support group if you are:

- terminally ill
- receiving or recovering from certain types of chemotherapy
- pregnant and there is a serious risk to you or your baby's health or the pregnancy is within 6 weeks of the expected date of confinement or up to 2 weeks after the birth.

### Exceptional Circumstances

If, at your assessment, you are found to be suffering from a condition that would cause a substantial risk to your physical or mental health if you were found not to have limited capability for work, you will be treated as having limited capability for work and be placed in the support group.

## 2. Limited capability for work-related activity assessment

Once you are assessed as having limited capability for work, the second stage of the Work Capability Assessment looks at whether you have 'limited capability for work-related activity'. This assessment decides whether you are in the **support group** or the **work-related activity group** for the **main phase** of your entitlement running **from week 14 onwards**.

**The support group.** If you are assessed as having a limited capability for work-related activity you are in this group. You do not have to take part in any work-related activities though you may choose to do so. You will receive the support component on top of your basic allowance. If you are in the support group and claim income-related

Employment and Support Allowance, Housing Benefit or Council Tax Benefit, they will include the enhanced disability premium.

**The work-related activity group.** If you are assessed as not having a limited capability for work-related activity you are put in this group. You will receive the work-related activity component on top of your basic allowance. You are expected to meet certain work-related conditions:

- take part in a work-focused health-related assessment
- take part in six work-focused interviews
- do work-related activities if required.

### **3. Work-focused health-related assessment**

The third stage of the assessment looks at what assistance you need to help you move back into work. This is compulsory if you are in the work-related activity group. The assessments are done by a health care professional in a medical assessment centre. In special circumstances they may take place in your own home.

If you do not attend your work-focused health-related assessment or work-focused interview, or do not take an active part in the process, your Employment and Support Allowance may be paid at a reduced rate or sanctioned.

#### **How do I claim?**

Claim by calling Jobcentre Plus on 0800 055 66 88 (textphone 0800 023 48 88).

Jobcentre Plus can deliver services face-to-face, this may be because you are vulnerable or because you prefer a face-to-face service for whatever reason. Jobcentre Plus consider vulnerable customers are those that have difficulty in coping with the demands of their systems and processes.

## **Found 'fit for work'**

If the Department for Work and Pensions decides that you are capable of work, your benefit will stop. You have the right to appeal the decision.

If you are appealing a decision you may be able to claim Employment and Support Allowance, Jobseeker's Allowance or Income Support (at a reduced rate) – seek advice.

# SEVERE DISABLEMENT ALLOWANCE AND INCAPACITY BENEFIT

## Severe Disablement Allowance

Severe Disablement Allowance is paid if you are unable to work because of illness or disability. It was abolished for all new claimants from 6 April 2001. If you were aged 20 or over on 5 April 2001 you will continue to get Severe Disablement Allowance as long as you remain incapable of work and still meet the qualifying conditions.

Severe Disablement Allowance is non-taxable and counts in full for means-tested benefits which includes Income Support, Pension Credit, Housing Benefit and Council Tax Benefit. It can give you entitlement to the disability premium if claiming a means-tested benefit or the disability element in Working Tax Credit.

You cannot be paid Severe Disablement Allowance at the same time as you get certain other benefits such as Carer's Allowance or State Pension. If you qualify for Severe Disablement Allowance **and** an overlapping benefit you will normally get which ever of them is the higher. Carer's Allowance is normally paid in preference to Severe Disablement Allowance. In some cases you can request that Severe Disablement Allowance continues to be paid, for example if being paid Carer's Allowance will affect the benefits of the person you care for.

## How much is it?

Weekly Rate: £59.45

**Plus** £15.00 if incapacity began before age 40  
 £8.40 if incapacity began before age 50  
 £5.45 if incapacity began before age 60

- **Note:** An extra amount of £31.90 will be paid
- for a spouse or partner in some cases.

## Incapacity Benefit

Incapacity Benefit was abolished for new claimants on 27 October 2008. It was replaced by Employment and Support Allowance.

If you were already getting Incapacity Benefit or Income Support when Employment and Support Allowance was introduced you will continue to receive it under the existing rules for the time being. From 2010 to 2014 the Government intends to reassess all existing claims using the Employment and Support Allowance Work Capability Assessment - see page 20. If it is decided that you still have limited capability for work you will be transferred to Employment and Support Allowance.

Incapacity Benefit is taxable, apart from the short-term lower rate which is tax-free. It counts in full as income for means-tested benefits which includes Income Support, Pension Credit, Housing Benefit and Council Tax Benefit. It can give you an entitlement to the disability premium if claiming a means-tested benefit or the disability element in Working Tax Credit.

You cannot be paid Incapacity Benefit at the same time as you get certain other benefits such as Carer's Allowance

or State Pension. If you qualify for Incapacity Benefit and an overlapping benefit you will normally get whichever of them is the higher.

## How much is it?

Incapacity Benefit is paid at three different weekly rates.

### Short-term lower rate - £68.95

Payable for the first 28 weeks of sickness if you are not entitled to Statutory Sick Pay – or after 28 weeks of sickness if you qualify under the Incapacity Benefit in Youth rules.

### Short-term higher rate - £81.60

Payable from 29 weeks – 52 weeks (56 – 80 weeks if claiming under the Incapacity Benefit in Youth rules)

### Long-term rate - £91.40

Payable after 52 weeks – or 80 weeks if claiming under the Incapacity Benefit in Youth rules or from 29 weeks if you are in receipt of Disability Living Allowance higher care component or you are terminally ill

#### Age addition paid with the long-term rate:

incapacity began before age 35                      £15.00

incapacity began between 35 and 44              £5.80

- **Note:** Sometimes an extra amount can be paid     ■
- for a spouse or partner.     ■

## The effect of pensions

Your award of Incapacity Benefit will be reduced if you have an occupational or personal pension or personal health insurance (arranged by your employer and paid after you have left employment) or Financial Assistance Scheme

payments over £85 gross a week. The reduction will be 50% of any pension over £85 a week. For an example see page 18.

Anyone getting Disability Living Allowance higher rate care component or who was getting Incapacity Benefit on 6 April 2001 or was transferred from Severe Disablement Allowance to Incapacity Benefit in Youth after 5 April 2002 will not be affected by this rule.

## Incapacity for Work Test

This test applies if you are claiming Incapacity Benefit, Severe Disablement Allowance or Income Support on the grounds of incapacity. The **Personal Capability Assessment** determines whether you are capable of work. This is based on a self-assessment questionnaire, form IB50. You may also have a medical test by an official Medical Services doctor.

You will not have to complete the Personal Capability Assessment if you are:

- a person who has been assessed as at least 80% disabled for Severe Disablement Allowance or Disablement Benefit;
- receiving Disability Living Allowance higher rate care component;
- terminally ill;
- have certain prescribed medical conditions – seek advice;
- registered blind.

You are sent form IB50 which asks questions about your ability to do certain physical tasks such as walking, sitting, bending, speaking, hearing, seeing and controlling your bladder and bowels. It also asks questions about your mental health, see page 28.

To be treated as unfit for all work on physical grounds, you have to score 15 or more points on this test.

Some examples of the scores are:

- Cannot walk more than 50 metres without stopping or severe discomfort 15
- Cannot sit comfortably for more than 30 minutes without having to move from the chair 7
- Cannot hear well enough to understand someone talking in a normal voice on a busy street 8

Some of the questions are tricky to answer. For example, you may be able to do something but only with a lot of pain. If this is the case you should say you cannot do the task. Use the spaces on the form to explain about pain and fatigue and difficulties in repeating tasks. It is very important if you have any doubts about filling in this form that you seek help, see page 65 and the back page.

### **What if I have mental health problems?**

Your own doctor will be asked about your mental health problems. If your doctor says the problems are severe, you will usually be treated as unfit for all work without further assessment.

If your doctor says you have moderate or mild problems, you will be sent the IB50 questionnaire. This has a small section on mental health but is mostly about your physical health in case you have physical problems as well. You may be asked to attend a medical examination so an examining doctor can find out about your mental health.

You will be asked questions about the problems you have with daily living, your reaction to pressure and how you cope with tasks.

If you score 10 on this test, you will be treated as being incapable of all work. If you score at least 6 on this test, you will have a score of 9 added to your physical test score if you have any points on this test. If this brings your overall score to 15 or more, you will be treated as incapable of work.

### **Other criteria**

If you score under 15 points (10 for mental health problems) the Department for Work and Pensions will also consider if there are any other criteria which should be taken into account. For example, if you are awaiting a major operation, or you have a previously undiagnosed life threatening illness, you will still be treated as unfit for work.

### **Found 'fit for work'**

If the Department for Work and Pensions decides that you are capable of work, your benefit will stop. You have the right to appeal the decision.

If you are appealing a decision you may be able to claim Employment and Support Allowance, Jobseeker's Allowance or Income Support (at a reduced rate) – seek advice.

## RULES ABOUT WORKING

If you are getting Employment and Support Allowance, Incapacity Benefit, Severe Disablement Allowance or Income Support, because you are too ill or disabled to work, you can do exempt work. This is called permitted work.

### Permitted work lower limit

You can do this work for as long as you like without a restriction on your hours. The most you can earn is £20 a week.

### Supported permitted work

You can do this for as long as you like without a restriction on your hours. The most you can earn is £93.00 a week.

The work you are doing **must** be arranged and supervised by a public or voluntary organisation. The support you get must be regular and ongoing.

### Permitted work higher limit

You can only do this for 52 weeks and you must work less than 16 hours a week.

- If you get **Incapacity Benefit** or Severe Disablement Allowance you can work for 16 hours or more if you are exempted from the Personal Capability Assessment.
- If you get **Employment and Support Allowance** you can work for 16 hours or more if you are in the support group.

The most you can earn is £93.00 a week.

## Additional information

- The earnings limit is linked to the national minimum wage and is approximately 16 times the highest rate. It will increase in October.
- You must inform the Department for Work and Pensions that you are working. Earnings may have an impact on any means-tested benefits you are claiming. Contact the Jobcentre on 0845 608 8550 (textphone 0845 608 8561) to report a change of circumstances.
- You are allowed to do **voluntary work** for anyone other than a close relative.
- If you start working for 16 hours or more a week you may be entitled to in-work payments.

## TAX CREDITS

Child Tax Credit gives financial help to people who have children. Working Tax Credit gives help to those in work but on a low income. You can get both if you have children and are in paid work. The Revenue is responsible for administering tax credits.

### Can I get Child Tax Credit?

You can claim Child Tax Credit if you are responsible for a child or young person who normally lives with you. You must be at least 16 years old. If you are part of a couple you make a joint claim.

A child or young person is included in your claim until the 31 August following their 16th birthday, or up to 20 in full-time non-advanced education or in unwaged work-based training.

You **do not** have to be working to get Child Tax Credit.

The amount of Child Tax Credit you receive depends on the number of children you are responsible for and your income. Extra amounts are included if your child is disabled.

### Can I get Working Tax Credit?

Working Tax Credit gives financial help to working people on low incomes.

You have to be working 16 hours a week if you are:

- responsible for a dependent child, **or**
- disabled, **or**
- over 50 and you are returning to work after a period on specified benefits.

If you are not in any of the groups listed on page 32 you have to be aged 25 or over and work at least 30 hours a week.

The amount of Working Tax Credit depends on your circumstances, for example the number of hours you work and your disability. If you have children you may qualify for help towards the cost of childcare.

In order to qualify for Working Tax Credit on the grounds that you are ill or disabled you must show that you have a disability which puts you at a disadvantage in getting a job (this is called a **disability test**) and you must have recently been in receipt of some form of disability benefit (this is called a **qualifying benefit test**).

The **disability test** provides 21 descriptors relating to your ability to perform a range of activities such as:

- when standing you cannot keep your balance unless you continually hold onto something
- you cannot extend either of your arms in front of you so as to shake hands with another person without difficulty
- you are registered blind or partially sighted
- due to a mental disability you are often confused or forgetful

The **qualifying benefit test** refers to being in receipt of specified benefits, such as Employment and Support Allowance, Incapacity Benefit, Disability Living Allowance or Statutory Sick Pay. There are several ways to fulfil the qualifying benefit test – seek advice.

If you qualify for the disability element it means that you may qualify for a higher amount of Working Tax Credit.

## **How do I claim?**

You claim on form TC600, available from Jobcentre Plus and Revenue enquiry centres. You can also make a claim over the phone by ringing 0845 300 3900 (textphone 0845 3003909).

## **Final award**

Tax credits are assessed on an annual basis. The income used to determine the award at the beginning of a year is an estimate of that year's income. Tax credit awards are provisional and are subject to a final assessment at the end of the tax year.

Your award letter informs you of any changes in circumstances that you need to tell the Revenue about.

# DISABLEMENT SCHEMES

## INDUSTRIAL INJURIES SCHEME

### Disablement Benefit

You can claim if you suffer 'loss of faculty' as the result of an industrial accident or suffer from a prescribed disease. Loss of faculty is measured in percentage terms (eg. 80% disabled). It is payable according to the percentage you are assessed at, subject to a minimum assessment of 14% (except for certain respiratory diseases where 1% is sufficient).

Maximum rate: £145.80 a week

It is non-contributory, tax free and payable on top of any other non-means-tested benefit. Although counted in full as income for means-tested benefits it is ignored for tax credit purposes.

### Constant Attendance Allowance

Constant Attendance Allowance is automatically considered when your disablement assessment totals 95% or more. Your need for care and attention must be a result of an industrial accident or disease.

### Reduced Earnings Allowance

Reduced Earnings Allowance is payable if you suffer 'loss of faculty' due to an industrial accident or disease, which results in you being assessed as at least 1% disabled.

New claims can only be made for accidents or diseases which occurred before October 1990.

Payable up to maximum of: £58.32 a week

You must have been continuously incapable of your previous normal job since the accident happened or the illness started, and are currently unable to earn as much as you would in your previous job.

## **Retirement Allowance**

Retirement Allowance replaces Reduced Earnings Allowance when you reach state pension age if your Reduced Earnings Allowance is at least £2.00 a week and you are not in regular employment.

Retirement Allowance is paid for life. The weekly rate depends on the amount of Disablement Benefit or Reduced Earnings Allowance you were entitled to.

Payable up to a maximum of £14.58 a week.

You do not need to claim Retirement Allowance. The Department for Work and Pensions will send you a letter to complete before reaching State Pension age.

## **How do I claim?**

You can contact the regional benefit delivery centre for your area to make a claim. The regional centre for North Yorkshire is: Jobcentre Plus, Castleford IIDB, Leodis Way, Leeds, LS88 8AQ Telephone 0845 758 5433 (textphone 01977 646 144). You can download a form from [www.direct.gov.uk](http://www.direct.gov.uk)

## **ARMED FORCES SCHEMES**

### **Armed Forces Compensation Scheme**

The Armed Forces Compensation Scheme is the compensation package for members of the armed forces for

all injuries and deaths due to service that occur from April 2005. The scheme includes:

- Lump sum awards for significant injuries and illnesses. These can be paid if you remain in service or you have left the armed forces.
- A Guaranteed Income Payment for life will be awarded if you suffer significant loss of earnings capacity.
- A Survivors Guaranteed Income Payment is payable to a surviving partner or children where the service person's death was caused by service.

The Armed Forces Compensation Scheme replaced the War Pensions Scheme in April 2005. Those already receiving benefits under the War Pensions Scheme will continue to do so.

The scheme is administered by the Veterans Agency. You can get a claim form from the Veterans Agency Helpline on 0800 169 2277 (textphone 0800 169 3458). See also [www.vetereans-uk.info](http://www.vetereans-uk.info) or [www.direct.gov.uk](http://www.direct.gov.uk)

## **War Pensions Scheme**

The War Pensions Scheme is for ex-service personnel whose service prior to April 2005 caused disablement or death. The Armed Forces Compensation Scheme has replaced this scheme for injuries, illnesses or death occurring after April 2005.

The War Disablement Pension provides you with a weekly pension or a one-off lump sum, depending on the degree of your disablement. Further allowances are also payable (eg. Mobility Supplement, Constant Attendance Allowance).

A War Widow's/Widower's Pension may be paid to surviving spouses, civil partners or partners.

## INCOME SUPPORT

Income Support provides basic living costs for people under Pension Credit qualifying age. You can claim Income Support if you have no other money coming in each week, or to top up your weekly income. You must have savings of £16,000 or less. If you are Pension Credit qualifying age or over you can claim Pension Credit instead.

You can claim Income Support when you do not have to sign-on eg. lone parent or carer.

If you have children you can also claim Child Tax Credit. If you are already claiming Income Support for your family the child elements will be replaced by Child Tax Credit, at some point in the future.

If you are aged between 16 and 20 and you are in education or training you may be able to claim Income Support if eg. you qualify for the disability premium or severe disability premium (see page 39), **or** you are estranged from your family. If you are unable to work due to illness or disability you may also be able to claim Employment and Support Allowance (see page 17). This will affect any benefit or tax credits claims that your parents have for you. Seek advice for a 'better off' calculation.

### **How much Income Support will I get?**

The amount of Income Support you are entitled to is worked out according to a *needs* figure for you, and your partner if you have one, and any relevant housing costs. You will be allowed a certain amount to live on depending on your circumstances. The *needs* figure for a single person aged 25 or over is £65.45; for a couple, both aged over 18, it is

£102.75. Extra amounts called premiums are included for certain groups of claimants.

The **disability premium** is an extra £28.00 per week if you are single or £39.85 for a couple. It is included in your *needs* calculation if you have been incapable of work for 52 weeks or more, or you or your partner are on Disability Living Allowance or registered blind.

The **enhanced disability premium** is an extra £13.65 per week if you are single or £19.65 for a couple. It is included in your *needs* calculation if you, or your partner, get Disability Living Allowance higher care component.

The **severe disability premium** is an extra £53.65 per week per person who qualifies. It is included if you receive Disability Living Allowance higher or middle rate care component, no one gets paid Carer's Allowance for looking after you **and** you live alone. Some people are ignored when deciding if you live alone eg. a landlord or another disabled person. A lot of people miss out on the severe disability premium so it is best to seek advice. Also, it will stop if someone gets **paid** Carer's Allowance for looking after you (but not if they claim it but don't receive it – see page 15). Seek advice for a better-off calculation.

The **carer premium** of £30.05 per week per carer is included in your *needs* calculation if you or your partner are entitled to Carer's Allowance even if it is not paid because you are getting another benefit (eg. contributory Employment and Support Allowance).

Your **mortgage interest** may be allowed as part of your *needs* figure.

The *needs* figure is compared with the *income* you, and your partner, are treated as having each week. Income Support

tops up the difference between your *income* and your *needs*.

Add up all your income, including most benefits. Do not count Disability Living Allowance, Attendance Allowance, Child Benefit or Child Tax Credit. Also ignore up to £20 of any earnings from part-time work if you get the disability premium or carer premium.

## **How do I claim?**

Claim by calling Jobcentre Plus on 0800 055 66 88 (textphone 0800 023 48 88). A form will be completed over the phone. You are usually expected to attend a work-focused interview.

## **Extra help**

As well as extra cash, Income Support may entitle you to free school meals, free dental treatment, free eye tests, vouchers for glasses, free prescriptions, refund of travel costs to hospital, access to grants from the Social Fund, Housing Benefit and Council Tax Benefit.

## PENSION CREDIT

Before 6 April 2010 pension age was 60 for women and 65 for men. The pension age for women will be raised from 60 to 65 between April 2010 and April 2020. If you were born after 5 April 1959 your pension age is 65.

The date women reach their pension age is also the date at which both men and women reach their **Pension Credit qualifying age**. The table below gives the qualifying ages for the first year.

Date of birth	Pension age
6 April 1950 to 5 May 1950	6 May 2010
6 May 1950 to 5 June 1950	6 July 2010
6 June 1950 to 5 July 1950	6 September 2010
6 July 1950 to 5 August 1950	6 November 2010
6 August 1950 to 5 September 1950	6 January 2011
6 September 1950 to 5 October 1950	6 March 2011
6 October 1950 to 5 November 1950	6 May 2011

**Pension Credit** consists of two parts:

- **Guarantee credit** ensures that no one lives on less than a set amount. This is £132.60 for a single person and £202.40 for a couple. Extra amounts may be paid on top of this if you qualify for the severe disability addition (£53.65), you are a carer (£30.05) or you have relevant housing costs.
- **Savings credit** is payable to those aged 65 or over who have modest savings and extra income. For example, savings over £10,000 or income from an occupational

pension. The maximum amount of savings credit you can get is £20.52 for a single person or £27.09 for a couple.

Savings credit can be paid on top of guarantee credit or on its own if you do not qualify for guarantee credit.

## **How do I claim?**

Claim by calling the Pension Credit application line on 0800 99 1234 (textphone 0800 169 0133). You can also download a claim form from [www.direct.gov.uk](http://www.direct.gov.uk)

## JOBSEEKER'S ALLOWANCE

Jobseeker's Allowance can be claimed by people who are unemployed or working less than 16 hours a week. You have to be available for and actively seeking work.

There are two types of Jobseeker's Allowance:

- **Contribution-based** Jobseeker's Allowance is based on your National Insurance contributions and is paid for a maximum of 26 weeks.
- **Income-based** Jobseeker's Allowance is means-tested and calculated in the same way as Income Support (see page 38).

They can be claimed separately or together.

You will have to sign a Jobseeker's agreement that describes the type and hours of work you can do and lists the action you are expected to take to find work. When you go to Jobcentre Plus to sign on make sure that you let them know about any physical or mental health problems that you have. This is important because you can place **reasonable** restrictions on what you can do at work and the number of hours you can work. If the restrictions are reasonable in view of your physical or mental condition you do not have to prove you have a reasonable prospect of getting a job.

### How do I claim?

Claim by calling Jobcentre Plus on 0800 055 66 88 (textphone 0800 023 48 88). You are expected to attend a work-focused interview.

## HOUSING BENEFIT

Housing Benefit helps you pay your rent. You can claim Housing Benefit if you have a low enough income and £16,000 or less in savings. The savings limit does not apply if you receive Pension Credit guarantee credit.

If you are on Income Support, income-related Employment and Support Allowance, income-based Jobseeker's Allowance or Pension Credit guarantee credit or a similar level of income, you will get the full help available.

- You may not get all your rent covered if you have other adults living with you who can contribute towards costs. If you or your partner are on any level of Disability Living Allowance care component, Attendance Allowance or registered blind, then no deductions are made for other adults living in the household.
- Certain items may not be covered by Housing Benefit (eg. charges for meals or fuel).
- If you are a private tenant, the amount of rent included in your Housing Benefit calculation may be less than you actually pay.
- A disability premium, enhanced disability and/or severe disability premium may be included in your Housing Benefit calculation (see page 39).
- If you get the disability premium or a component paid in Employment and Support Allowance any earnings below £20 do not affect your Housing Benefit.
- If you get income-related Employment and Support Allowance you may be able to earn up to £93 - without this affecting your Housing Benefit.

- For each £1 you have above your needs figure, you lose 65p in Housing Benefit.
- It is important to tell the Housing Benefit section as well as the Department for Work and Pensions when any changes happen to you or your partner.

## **How do I claim?**

Your claim for Income Support, income-related Employment and Support Allowance, income-based Jobseeker's Allowance or Pension Credit can include a claim for Housing Benefit. Otherwise contact your local authority for a claim form.

## **COUNCIL TAX AND COUNCIL TAX BENEFIT**

Council Tax is a property-based tax. Usually the resident of the property will be liable to pay the Council Tax. Where more than one person is liable for the Council Tax bill, they are liable for their own proportion of the bill but can also be held responsible if the others do not pay. This is known as joint and several liability. For more information on paying less Council Tax, contact your local authority.

### **How can I pay less Council Tax?**

#### **Disability Reduction Scheme**

Council Tax can be reduced if the house is occupied by someone who is permanently and substantially disabled and has been provided with another bathroom, kitchen or other room or has sufficient space to move a wheelchair around. Council Tax for properties in bands B to H can be reduced by one banding rate. Band A properties will be reduced by one-sixth of your bill.

#### **Discounts**

If you live alone you will get 25% discount on your Council Tax bill. You will also get a 25% discount if only one person is treated as living in the house because the others do not count as residents eg. someone who is severely mentally impaired or in hospital.

If no one lives in the house or the house is treated as having no residents, you will get a 50% discount on the bill. However your local authority can reduce or remove the discount in some cases eg. if you have a second home.

If your house is empty it may be exempt from Council Tax.

## **Second Adult Rebate**

Some Council Tax payers, who are not themselves on a low income, may still get a rebate because they live with other adults who are on a low income. You may be able to get up to a 25% discount under the Second Adult Rebate scheme.

## **Council Tax Benefit**

You can claim Council Tax Benefit if you have a low income and £16,000 or less in savings. The savings limit does not apply if you receive Pension Credit guarantee credit.

The rules for awarding Council Tax Benefit are similar to Housing Benefit (see page 44). If you are on Income Support, income-related Employment and Support Allowance, income-based Jobseeker's Allowance, Pension Credit guarantee credit, or a similar level of income you will get the maximum help available.

You may not get full help from Council Tax Benefit if you have other adults living with you. However, if you or your partner get Disability Living Allowance care component, Attendance Allowance or are registered blind, then no deductions are made for adults living in the household.

For each £1 you have above your needs figure you lose 20p in Council Tax Benefit.

## **How do I claim?**

Your claim for Income Support, income-related Employment and Support Allowance, income-based Jobseeker's Allowance or Pension Credit can include a claim for Council Tax Benefit. Otherwise, contact your local authority for a claim form.

## HEALTH COSTS

This section covers help with prescription charges, dental treatment, sight tests and glasses and fares to hospital for treatment or to accompany someone needing treatment. The following information is relevant in England only.

### Can I get help with prescriptions?

You qualify for **free** prescriptions if:

- you are 60 or over
- you are under 16
- you are under 19 and still in full-time education
- you are on Income Support, income-related Employment and Support Allowance, income-based Jobseeker's Allowance or Pension Credit guarantee credit
- you get Child Tax Credit **or** Working Tax Credit and Child Tax Credit **or** you get Working Tax Credit with a disability element **or** you get Child Tax Credit but not Working Tax Credit **and** your gross income for tax credits is less than £15,276.
- you are a permanent resident in a care home and Social Services is assisting you with the costs
- you are on a low income (see page 52)
- you have a listed medical condition and have a valid exemption certificate
- you have a long-term physical disability which means you can't leave home without help
- you get a War Disablement Pension and the prescription is for the war-related disability

- you are pregnant or have had a baby in the last 12 months

If you do not qualify for free prescriptions, you might save money by buying a **prepayment certificate** if you have regular prescriptions. This costs £28.25 for 3 months, or £104.00 for a year. To apply call 0845 850 0030 or claim online at [www.ppa.org.uk](http://www.ppa.org.uk)

## Can I get help with dental treatment?

You can get free dental treatment if:

- you are under 18 (or aged 18 in full-time education)
- you are pregnant, and were already pregnant when the dentist accepted you for treatment or you have had a baby in the last year
- you are on Income Support, income-related Employment and Support Allowance, income-based Jobseeker's Allowance or Pension Credit guarantee credit
- you get Child Tax Credit **or** Working Tax Credit and Child Tax Credit **or** you get Working Tax Credit with a disability element **or** you get Child Tax Credit but not Working Tax Credit **and** your gross income for tax credits is less than £15,276
- you are a permanent resident in a care home and Social Services is assisting you with the costs

You can get free or reduced-cost treatment if you qualify under the Low Income Scheme (see page 52).

## Help with sight tests and glasses?

You can get free sight tests if:

- you are in a qualifying group for help with glasses (see below)
- you are a man or woman aged 60 or over
- you have been diagnosed as diabetic or having glaucoma or at risk of glaucoma
- you are aged 40 or over and a close relative of a diagnosed glaucoma patient
- you require complex lenses
- you are registered blind or partially-sighted

You can get a free or reduced cost test if you qualify under the Low Income Scheme (see page 52).

You can get a maximum value voucher towards the cost of glasses if:

- you are under 16
- you are under 19 and in full-time education
- you are on Income Support, income-related Employment and Support Allowance, income-based Jobseeker's Allowance or Pension Credit guarantee credit
- you get Child Tax Credit **or** Working Tax Credit and Child Tax Credit **or** you get Working Tax Credit with a disabled worker element **or** you get Child Tax Credit but not Working Tax Credit **and** your gross income for Tax Credits is less than £15,276
- you are a patient of the Hospital Eye Service because your eyesight is constantly changing and you often need new glasses. (No voucher for the first pair, unless you qualify for another reason listed here.)

- you are a permanent resident in a care home and Social Services is assisting you with the costs

You can get either a maximum value voucher if you are in one of the groups listed on page 50, or a reduced value voucher if you qualify under the Low Income Scheme see page 52.

If you need complex lenses you will get a voucher towards the costs of glasses.

- **Please note:** most glasses cost more than the
- maximum value vouchers. You will have to pay any
- excess, so please check the cost before you order. ■

## Can I get help with travel costs to and from hospital?

You are entitled to help with your travel costs if you attend a hospital, or other place, to receive NHS treatment under the care of a consultant. You must travel by the cheapest means of transport which is reasonable for you to use. If your doctor thinks you need someone to travel with you, your companion's costs can be included in your claim.

You qualify for help if:

- you get Income Support, income-related Employment and Support Allowance, income-based Jobseeker's Allowance or Pension Credit guarantee credit
- you get Child Tax Credit **or** Working Tax Credit and Child Tax Credit **or** you get Working Tax Credit with a disability element **or** you get Child Tax Credit but not Working Tax Credit **and** your gross income for tax credits is less than £15,276

- you are a permanent resident in a care home and Social Services is assisting you with the costs

You may get full or partial payment of eligible travel costs if you qualify under the Low Income Scheme (see below).

Claim from the hospital receptionist. Take some evidence of your benefit or the Low Income certificate HC2 or HC3.

## The Low Income Scheme

### Who can qualify?

You must have less than £16,000 in capital eg. savings or £21,500 if you live in care home. The limit is the same if you have a partner or if you are single.

Your income is compared with your needs and worked out in a similar way to Income Support see page 38.

If you have an income similar to Income Support, income-related Employment and Support Allowance, income-based Jobseeker's Allowance or Pension Credit guarantee credit, you should get full help.

You can claim from age 16 if you are not in education, even if you still live with parents. **Your** income will count, not your parents' income.

If you are still in education you may be included in your parents' claim up to your 19th birthday. If you are a higher education student your claim will be based on **your** income, not your parents' income.

### How do I claim?

You can usually get a claim form from your doctor, dentist, optician or chemist. You can contact NHS forms on 0845 610 1112 or email [nhsforms@spsl.uk.com](mailto:nhsforms@spsl.uk.com)

## **What if I have already paid?**

You can claim a refund of NHS charges within 3 months. You will need an NHS receipt. Claim on form HC5 available from the NHS Prescription Pricing Agency on 0845 850 0030 or request a form online at [www.ppa.org.uk](http://www.ppa.org.uk)

## CARE HOMES

If you are a resident in a care home you must usually pay towards the cost. You may be able to get help with the cost of the home from Income Support, Pension Credit, Social Services and the NHS. The following information is relevant in England only.

If you have capital over £23,250 you must pay the whole cost of the home yourself. This is often called self-funding.

If you have less capital than £23,250 Social Services may help you meet the cost of the care home. Normally, only your own capital counts towards the capital limits, so do not count capital belonging to your spouse or partner.

If you are a permanent resident in a care home and the NHS pays for the total cost of your care, your stay should be free, and, for social security purposes, you will be treated as a hospital in-patient.

If you receive aftercare services in a care home under section 117 of the Mental Health Act 1983 you should not be charged for your stay. Funding for the stay will come from the NHS, or Social Services, or both.

### WHAT WILL HAPPEN TO MY BENEFITS?

**Attendance Allowance and Disability Living Allowance care component** are normally paid for the first four weeks in care. If you are temporarily in a care home separate stays may be linked if they are close together. If you are a self-funding resident they are payable throughout your stay.

**Disability Living Allowance mobility component** continues to be paid when in a care home.

You also keep £10 a week of any **War Pension** or **Armed Forces Compensation**.

**Income Support** may be payable if you have £16,000 or less capital. Income Support is calculated using a personal allowance plus any premiums you are entitled to, just as if you were living in the community. However, you will not be treated as part of a couple except in limited circumstances when your partner is sharing a room with you or you are in the care home temporarily.

**Income-related Employment and Support Allowance** may be payable if you have £16,000 or less capital. Income-related Employment and Support Allowance is calculated using a personal allowance and a component plus any premiums you are entitled to just as if you were living in the community. However, you will not be treated as part of a couple except in limited circumstance when your partner is sharing a room with you or you are in the care home temporarily.

**Pension Credit** may be payable when you are in a care home. Pension Credit is calculated using a standard minimum guarantee plus any additional amounts you are entitled to, just as if you were living in the community. However, you will not be treated as part of a couple except in limited circumstances when your partner is sharing the room.

## **WHAT WILL I PAY?**

Your Income Support, income-related Employment and Support Allowance or Pension Credit will not be enough to pay the care home fee. If your capital is £23,250 or less you can ask Social Services for a top-up. If Social Services assess you as needing care they will make a contract with the care

home. This will fix the amount you have to pay and Social Services will pay the rest. You will be left with at least £22.30 a week for personal expenses. If you are 65 or over you may also be able to keep an additional £5.75 savings disregard, depending on the level of your income and savings.

However, if you choose a home that charges more than Social Services will normally pay, a third party (eg. relatives or a charity) will have to pay the difference. You, the resident, can only pay the extra from **your** own income if Social Services are funding you while you wait for your property to sell.

The NHS is responsible for funding the **nursing element** of the care (at £108.70 per week). This is **not** means-tested. Your benefits, including Attendance Allowance and Disability Living Allowance care component, are not affected.

## **WHAT ABOUT MY PROPERTY?**

The Department for Work and Pensions and Social Services must ignore the value of your house during temporary or 'respite' care. They must also ignore its value while your spouse or partner lives there, or while a relative who is Pension Credit qualifying age, or disabled, lives there.

The Department for Work and Pensions can ignore the value of your home while it is for sale, for at least 26 weeks. A longer period may be allowed if more time is needed to sell the house.

If your property is taken into account Social Services must ignore the value for up to the first 12 weeks of your permanent stay in care. After this they will count the value of your house even though it has not yet been sold. They can then lend you the money to pay for the care home, and re-claim it from you once your house is sold.

## BENEFITS IN HOSPITAL

If you are in an NHS hospital you will continue to receive your full entitlement to State Pension, Incapacity Benefit contributory Employment and Support Allowance and Severe Disablement Allowance for an indefinite period. You must continue to satisfy the conditions of entitlement for these benefits.

Maternity Allowance, Statutory Maternity/Paternity/Adoption Pay and Statutory Sick Pay are unaffected by a stay in hospital.

### **Jobseeker's Allowance**

If you go into hospital Jobseeker's Allowance can continue for up to two weeks. You are allowed two such periods in each year of your jobseeking period.

When your Jobseeker's Allowance stops you can claim Employment and Support Allowance instead.

### **Employment and Support Allowance**

If you get **contributory** Employment and Support Allowance you will receive the basic allowance only after 52 weeks.

**Income-related** Employment and Support Allowance may be paid in full for 52 weeks.

If you have severe disability premium included in your assessment this will stop when your Disability Living Allowance ends (see page 58). However, if you are a member of a couple the severe disability premium will continue to be paid at the single person's rate if one or both of you is in hospital.

Your income-related Employment and Support Allowance basic allowance only will be paid after 52 weeks in hospital.

However if you are member of a couple, unless your partner has also been in hospital for 52 weeks, your enhanced disability premium will continue to be paid.

## **Income Support and Pension Credit**

Income Support and Pension Credit may be paid in full for 52 weeks.

If the severe disability premium or addition is included in your benefit calculation this will stop when your Attendance Allowance or Disability Living Allowance ends, see below.

However, if you are a member of a couple the severe disability premium or addition will continue in payment at the single person's rate if one or both of you is in hospital.

If you are a member of a couple you will have to claim separately if you are **likely** to be separated for substantially more than 52 weeks.

Your Income Support will not include the disability premium, enhanced disability premium or higher pensioner premium after 52 weeks in hospital.

## **Attendance Allowance and Disability Living Allowance**

Attendance Allowance and Disability Living Allowance stops when you have been in hospital for 28 days. If you have a Motability agreement this continues to be paid until the end of your contract while you are in hospital. When deciding how long you have been in hospital separate stays are added together, unless separated by 29 days or more 'out' of hospital. The day you go into hospital and the day you leave are both counted as days 'out'. Payments are only suspended. You do not have to prove your entitlement when

you leave hospital. Just ask the Disability Benefits Centre to resume payments.

**Disability Living Allowance for children under 16** stops after the child has been in hospital for 12 weeks. This applies to both care and mobility components. If there is a Motability agreement this continues to be paid until the end of the contract while the child is in hospital.

## **Carer's Allowance**

Carer's Allowance stops when Attendance Allowance or Disability Living Allowance care component stops being paid to the person you care for. Contact the Carer's Allowance Unit when the person you look after goes into hospital and again when they come out. The carer premium or addition on means-tested benefits can continue to be paid for eight weeks after Carer's Allowance stops.

Carer's Allowance will stop after you have been in hospital for 12 weeks. However, it can stop sooner if, in the last 26 weeks you have had any weeks off from caring. For example if in the last 26 weeks, you have had one week off caring, Carer's Allowance will stop after 11 weeks in hospital. The carer premium or addition can continue to be paid for eight weeks after Carer's Allowance stops.

## **Child Benefit and Guardian's Allowance**

Child Benefit and Guardian's Allowance are paid for the first 12 weeks of your child's stay in hospital. After 12 weeks you can continue to be paid these benefits if you are regularly spending money on your child's behalf eg. making visits or giving pocket money to the child.

## **Child Tax Credit**

If your child is in hospital this does not normally affect your Child Tax Credit.

## **Working Tax Credit**

Your Working Tax Credit can continue to be paid for the first 28 weeks of a period of sickness if you remain employed or self-employed. Therefore a short stay in hospital should not affect payment.

## **Housing Costs**

Help with housing costs through Income Support, income-related Employment and Support Allowance, income-based Jobseeker's Allowance, Pension Credit, Housing Benefit and Council Tax Benefit stops when you have been absent from home for 52 weeks. Help with housing costs will stop sooner if it becomes clear you will be away from home for longer than 52 weeks. If you are discharged from hospital and return home for a short period (24 hours is usually enough), this breaks the period of absence and a new period begins if you re-enter hospital.

## SOCIAL FUND

You can get grants or loans from the Social Fund to help with various expenses, including the following payments.

**Sure Start Maternity Grant:** This is a payment of £500 for a new baby (including a baby still-born after 24 weeks pregnancy), or a baby aged less than one year whom you have adopted or care for under a residence order. It is paid if:

- you are on Income Support, income-related Employment and Support Allowance, income-based Jobseeker's Allowance or Pension Credit, **or**
- if you receive Child Tax Credit at the maximum rate or any other rate greater than the family element, **or**
- Working Tax Credit where a disability element is included in the assessment.

You need to claim during the period from 11 weeks before the baby is due to 3 months after the birth. You have to get the claim form signed by an approved health professional declaring you have received appropriate advice.

**Funeral Payment:** These help to cover the cost of a basic funeral and certain fees and travel expenses. The amount of the payment can be reduced in certain circumstances. The Department for Work and Pensions may recover any payment from the deceased's estate.

To qualify for a payment you must be on Income Support, income-related Employment and Support Allowance or income-based Jobseeker's Allowance or Pension Credit or Child Tax Credit where more than the family element is paid or Working Tax Credit that includes a disability or severe disability element or Housing Benefit or Council Tax Benefit.

You must be responsible for the funeral and the decision maker must accept this responsibility as reasonable. If it is your partner who has died it will be accepted that you are responsible. In other cases help may be refused if there are other close relatives not on benefit, even if there has been no recent contact with the deceased, providing they are not estranged.

**Cold Weather Payments:** If you are on Income Support, income-related Employment and Support Allowance, income-based Jobseeker's Allowance or Pension Credit and you get a disability premium or are responsible for a disabled child or a child under 5 you will automatically be paid at least £8.50 for any week throughout which the average temperature has been zero degrees Celcius or below for seven consecutive days.

**Winter Fuel Payment:** Payable to all households where there is someone Pension Credit qualifying age. It is paid every year. You do not have to be claiming a State Pension or any other benefit. The amount payable is between £150-£400 depending on your circumstances. You can get a claim form and other information by ringing the Winter Fuel Payments helpline on 08459 15 15 15 (textphone 0845 601 5613).

**Community Care Grants:** Can be paid to help people to live in the community and to ease exceptional pressures on families. If you are on Income Support, income-related Employment and Support Allowance, income-based Jobseeker's Allowance or Pension Credit you can apply for help with certain costs eg. clothing, furniture, minor repairs to your home. You do not have to pay a Community Care Grant back. Any savings you have over £500 (£1,000 if you

are Pension Credit qualifying age) will reduce any grant awarded.

These grants are discretionary and are awarded if there is enough money in the Social Fund budget to pay you.

**Budgeting Loan:** If you have been on Income Support, income-related Employment and Support Allowance, income-based Jobseeker's Allowance or Pension Credit for six months you can apply for an interest-free loan. They are intended to help with one-off expenses for which a person has been unable to budget eg. household equipment or footwear. Any savings you have over £1,000 (£2,000 if you are Pension Credit qualifying age) will reduce any loan you get. A repayment amount is deducted from your benefit.

**Crisis Loan:** Available to anyone, whether they are on benefits or not. They are designed to help you out in an emergency and will be paid if this is the only way to avoid serious damage or serious risk to health or safety. You may be refused a crisis loan if you are likely to have insufficient money to repay it.

## How do I Claim?

Claim by calling the Social Fund application line on 0845 608 8671. To claim a crisis loan call 0800 032 7950.

Claim forms can also be printed from [www.direct.gov.uk](http://www.direct.gov.uk) Completed forms can be taken to your local Jobcentre Plus who should then fax this to the relevant office for your claim to be processed.

## INDEPENDENT LIVING FUND

The Independent Living Fund provides support to disabled people to enable them to choose to live in the community. Funding can be used to pay for the personal and domestic care that you need in order to remain living at home. You must be receiving, or about to receive, services or direct payments from your local authority to the value of £340 or more a week.

You must:

- be aged between 16 and 65
- get Disability Living Allowance higher rate care component
- be on a low income (Income Support or equivalent) after paying for the care you need, and
- have savings under £23,000
- from May 2010, you only qualify if you are in work 16 hours or more a week

For more information contact your local Social Services or the Independent Living Fund, Equinox House, Island Business Quarter, City Link, Nottingham NG2 4LA. Telephone 0845 601 8815 (textphone 0845 601 8816) or online [www.ilf.org.uk](http://www.ilf.org.uk)

## HELP AND INFORMATION

See back cover for Citizens Advice Bureaux addresses.

### **Scarborough & District Disablement Action Group**

Allatt House, 5 West Parade Road, Scarborough YO12 5ED

Tel: 01723 379 397

Fax: 01723 379 397

Minicom: 01723 379 397

scardag@onyxnet.co.uk

www.scarboroughdag.org.uk

### **Selby & District DIAL**

12 Park Street, Selby YO8 4PW

Tel: 01757 210495

Fax: 01757 290427

selbydial@tiscali.co.uk

www.selbydistrictdial.co.uk

### **Whitby & District Disablement Action Group**

Church House Centre, Flowergate, Whitby YO21 3BA

Tel: 01947 821001

whitbydag@btconnect.com

www.whitbydag.org.uk





