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solicitors

Benefits Available If You Are Long-Term Disabled

Personal Legal Services

Contents:

- Personal Independent Payments
- Disability Living Allowance
- Attendance Allowance
- Cold weather payment.

See also separate leaflets on:

- Employment and Support Allowance
- Vaccine damage payment
- Health benefits
- Help with travel costs
- Universal Credit.

Personal Independence Payments (PIP)

Personal Independence Payments (PIP) is a benefit for people aged 16 to 64 with a long-term health condition or disability. A long-term condition means one which is expected to last 12 months or longer.

Introduction of PIP

PIP is gradually replacing Disability Living Allowance (DLA) for claimants who are aged 16 to 64. All new claimants in that age group must claim PIP.

If you're getting DLA, you don't need to do anything about PIP until the Department for Work and Pensions (DWP) contacts you.

PIP is based on how your condition affects you, not on what condition you have, but special rules apply if you're terminally ill.

PIP:

- Isn't means-tested. This means it isn't affected by any other income or savings that you have
- Is non-contributory. This means your entitlement doesn't depend on the National Insurance contributions you've paid
- Can be paid whether you're in work or out of work
- Can be paid alongside other benefits
- Isn't taxable
- Is administered by the DWP
- Is intended to help with the extra costs of having a long-term condition.

Entitlement to PIP

- You must be aged 16 to 64 to be awarded PIP
- You must be present in Great Britain
- You must have been in Great Britain for at least two years during the previous three years
- You must be habitually resident in the UK, the Republic of Ireland, the Isle of Man or the Channel Islands
- You must not be subject to immigration control
- You must have needed help with these activities for 3 months and expect it to need it for another 9 months You must have a physical or mental condition that limits your ability to carry out certain activities.
- You must have needed help with these activities for 3 months and expect it to need it for another 9 months. These include:
 - > Daily living activities, such as preparing food, washing yourself and communicating
 - > Mobility activities, such as planning a journey and moving around.

Each component (daily living and mobility) can be paid at one of two rates, the standard rate or the enhanced rate.

Summary of the claims and assessment process

Start by calling the (DWP) PIP claims line:

0800 917 2222

- The DWP collects information from you on the phone to check whether you meet the basic conditions for getting PIP
- If you're eligible to claim, the DWP sends you the 'how your disability affects you' form to complete
- You complete and return the form together with any evidence to support your claim
- The DWP passes your claim to a health professional who decides if further evidence is needed and arranges to get it
- In most cases, you'll be asked to attend a face-to-face assessment with the health professional
- The health professional reviews all the evidence and writes a report for the DWP
- A DWP decision maker checks that all the evidence has been taken into account in the report and decides whether you're entitled to PIP and, if so, at what rate
- The DWP sends you a decision letter with reasons for the decision
- If you disagree with the decision, you can ask the DWP to reconsider it
- If you disagree with the outcome of the reconsideration, you can appeal to an independent tribunal
- If you're terminally ill your claim is handled differently, according to Special Rules. You're treated as terminally ill if you're not expected to survive more than six months - in these circumstances you should still start your claim by phoning the DWP.

If you're getting (DLA)

If you reached the age of 65 before 8 April 2013, you will continue to get DLA. However if you are aged between 16 and 65 the DWP will contact you to make a new claim for PIP instead. This applies to you even if you have an indefinite or lifetime award of DLA. You don't have to do anything until the DWP get in touch with you.

When will the DWP contact you?

If the DWP have not yet got in contact with you, they will do so by October 2017. They contact you and invite you to make a claim for PIP. If you don't claim, or your claim is unsuccessful, your DLA award will end.

If you're a child

DLA is not changing for children under the age of 16 when PIP is introduced. If you're under 16 and already getting DLA, you can continue to get it until you reach the age of 16. The DWP will contact your parent or guardian before your 16th birthday to let them know what you need to do and when to claim PIP if you wish to do so.

If you're aged 65 or over

If you're aged 65 or over on 8 April 2013 and you're getting DLA, you can continue to get it for as long as you're eligible. If you're aged 65 or over and not getting DLA, you may be able to get Attendance Allowance instead. If you're getting Attendance Allowance, you won't be affected by the introduction of PIP.

DWP PIP Enquiry Line

If you have a general enquiry about PIP, you can ring the PIP Enquiry Line:

Tel: **0345 850 3322** Monday - Friday **8:00am - 6:00pm**

Textphone: **0345 601 6677**

If you are ready to make a new claim for PIP, you should ring the new claims number instead which is: **0800 917 2222**.

The new claims number should not be used for general enquiries.



"Many thanks to you for the kind and sympathetic way you dealt with Stan's claim. We felt we were talking to friends on the phone."

Mrs S

Attendance Allowance

Attendance Allowance (AA) is a benefit for people with care needs who:

- Are 65 or over, and do not get Disability Living Allowance (DLA) or
- Personal Independence Payments (PIP).

AA does not include a mobility component. However, if you are already getting a DLA or PIP mobility component when you become 65, you can carry on getting it. You can't make a new claim for DLA or PIP mobility component after the age of 65.

Who can get AA?

You can get AA if you are disabled, you have care needs and you are 65 or over. You must not be living permanently in hospital or accommodation funded by a local authority, for example, a local authority care home. To get AA, you must have lived in the UK for two years in the last three years. However, this rule doesn't apply to people who are terminally ill.

The rule also doesn't apply to members of the Armed Forces serving abroad or to certain EEA or Swiss nationals living in the UK. You must be living in the UK when you make a claim for AA and the UK must be your 'habitual' (normal) place of residence. You must not have any immigration controls on your stay here that would stop you getting the benefit.

You may be able to get AA if you move to another EEA member state or Switzerland or if you are already living in one of these countries.

AA - care needs

To get AA you have to have had care needs for at least six months (unless you are terminally ill).

You have care needs if you need help with your 'bodily functions', for example, washing, getting dressed and going to the toilet. This help can include attention, which allows you to take part in social activities. You also have care needs if you need supervision to stop you from being a danger to yourself or others. If you are terminally ill, you are automatically treated as having care needs.

You do not actually have to be receiving help for your care needs. As long as you have the needs, it does not matter whether you are getting or planning to get care.

If you are not sure whether your care needs will qualify for AA, you should consult an experienced adviser, for example, at a Citizens Advice Bureau.

How much is AA?

AA is paid at two rates, a higher rate and a lower rate. You get the lower rate of AA if you need frequent care throughout the day or night. You get the higher rate if you need frequent care throughout the day and night or if you are terminally ill.

How to apply for AA

You can claim AA by phoning the Attendance Allowance Service Centre for a claim pack.

You can also get a copy of the form from:

www.gov.uk/attendance-allowance/how-to-claim

You cannot get AA for any period before you make your claim. The date your claim starts, is the date you first get in touch with the Department for Work and Pensions and tell them you want to apply for AA. You have to return the claim form and all the information they need within the time required. If you need more time to return everything, you should get in touch with the DWP.

You will have to provide your National Insurance Number and proof that it belongs to you. If you think you have a National Insurance Number but you do not know what it is, you should provide information to help the office find it. If you do not have a National Insurance Number, you will have to apply for one. After the Department for Work and Pensions receive the form, you may have to have a medical examination.

The claim form for AA is long and you may need help completing it. You could consult an adviser, for example, at a Citizens Advice Bureau, if you feel you need help.

How is AA paid?

AA is usually paid directly into your bank, building society or Post Office card account. If you cannot open or manage an account, you can be paid by Simple Payment. The DWP will give you a Simple Payment card which you can use to collect your benefit at a PayPoint outlet displaying the Simple Payment sign.

AA is paid as long as you have care needs. It may be awarded for an indefinite period or a fixed period. However, the benefit will stop after 28 days if you go into hospital, or a care home or other residential accommodation that is state funded.

The Attendance Allowance Helpline: **0345 605 6055**

The Citizens Advice Bureau recommend making a telephone claim so the benefit can be backdated to the date of the call.

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Cold Weather Payment

If you are responsible for a child under five, or receive one of the following amounts with your income related Employment and Support Allowance (ESA), you also qualify for a Cold Weather Payment of £25 if the average temperature where you live falls to zero degrees Celsius or below for seven days in a row:

- Work-related activity component
- Support component
- Severe disability
- Enhanced disability
- Pensioner.

If you get Income Support or income-based Jobseeker's Allowance and:

- you have a child under five in your family, or
- you have a child for whom you get Child Tax Credit with an extra amount for their disability, or
- you get an extra amount for disability or for being over state pension age and you don't live in a care home.

You do not need to make a claim as the payment will be made automatically for each week of cold weather.

If you think you are entitled to the Cold Weather Payment and are not getting it then apply to your local benefit office in writing

Change of circumstances and fraud for all benefit types

You may commit a benefit fraud if you give incorrect or misleading information, or fail to report a change of circumstances that could affect your entitlement to benefitting. Even if you are not committing fraud, you can cause an overpayment that will have to be repaid. Your circumstances can be checked at any time while you are claiming. Benefit fraud is a criminal offence and you can be prosecuted or asked to pay a penalty. If you are being investigated for benefit fraud, your benefit may be suspended. If you are asked to attend an interview under caution, get advice from an adviser or solicitor.

Civil penalties for causing an overpayment

In some cases, you may have to pay a civil penalty if you do something which causes an overpayment. This can happen if, for example, you give wrong information or you keep quiet about something, and as a result you get more AA than you're supposed to be getting. You can only be asked to pay this penalty if you haven't committed fraud. If you have committed fraud, different rules apply. You can appeal against a decision to impose a civil penalty.

If you are worried about whether you might be suspected of fraud, you are under investigation or you have been convicted, or if you have been asked to repay an overpayment of benefit, you should consult an experienced adviser, for example, at a Citizens' Advice Bureau.



“They go the extra mile; they're able to support you promptly and efficiently.”

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