

# Benefits and Older People

## Fact Sheet 4: For Residents and Advisers

11<sup>th</sup> July 2023

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

## 1. Introduction

This Fact Sheet is designed to provide information on the key benefits that may be available to older people. By key benefits we mean:

- **Pension Credit**
- **State Retirement Pension**
- **Attendance Allowance**
- **Housing Benefit / Council Tax Support.**

By 'older people' we refer to people who have reached State Pension Age. See box below.

**State Pension Age:** Is the age at which a person can, in effect, retire and claim State Retirement Pension. Historically it was 60 for women and 65 for men. However, reforms to both equalise the State Pension Age and then to increase it mean that since October 2020 the State Pension Age has been 66 for both men and women. Further, under current plans we will see age increase to 67 between 2026 to 2028 and then 68 between 2037 and 2039. Do seek further advice and information as necessary.

## 2. Pension Credit

Whilst many people of State Pension Age (see box opposite) get a State Retirement Pension (see 3. State Retirement Pension), a good many rely on Pension Credit to help them make ends meet.

This is because Pension Credit is designed to provide people who have reached the 'Qualifying Age for Pension Credit' (which now is the same age as the State Pension Age), with a minimum amount of money to live on.

- **Single: £201.05 Per Week**
- **Couple: £306.85 Per Week**

The minimum income amount for single people and couples is stated above but could be more depending upon the circumstances of the individual or couple. See below.



**Example 1:** Anna is retired. She lives on her own. She has a State Retirement Pension and a private pension of which the combined value is worth £136.50 per week in total. She should be entitled to **Pension Credit of £64.55 per week** - £201.05 per week maximum Pension Credit less £136.50 per week income = £64.55 per week Pension Credit entitlement. If Anna lived in rented accommodation, then she should also be able to get Housing Benefit to help her with her rent and Council Tax Support to help with her council tax bills. Even if she owned her own home then she should still be able to get Council Tax Support to help with her council tax.



**Example 2:** Jane and Andrew are retired. Their combined retirement income is £234.50 per week which consists of their respective State Retirement Pensions and some money from Jane's occupational pension. They should be entitled to **Pension Credit of £72.35 per week** - £306.85 per week maximum Pension Credit less £234.50 per week income = £72.35 per week Pension Credit entitlement. If the couple lived in rented accommodation, then they should be able to get Housing Benefit to help with their rent and Council Tax Support to help with their council tax bills. Even if they owned their own home then they should still be able to get Council Tax Support to help with their council tax.



When calculating a person's (or couple's) income it is important to know that whilst some types of income count in full whilst others may count in part and/or may be fully disregarded altogether. The following provides a guide.

#### Income that Counts in Full:

- (New) State Pension
- (Old) Retirement Pension
- Occupational Pension
- Private Pension
- Carer's Allowance
- Tariff income from capital - see below

#### Income that Counts in Part:

- earnings - it is only the net amount of earnings that counts less £5.00 per week in the case of a single claimant and £10.00 per week in the case of a couple

#### Income that is Fully Disregarded:

- Attendance Allowance
- Disability Living Allowance
- Personal Independence Payment
- Housing Benefit / Council Tax Support

Please see 3. State Retirement Pension for more information about the (New) State Pension and the (Old) Retirement Pension. If someone has deferred to claim their (New) State Pension and the (Old) Retirement Pension, then they would be treated as though they had claimed it. See also 4. Attendance Allowance for more information.

**Tariff Income from Capital:** There is presently no upper capital limit for Pension Credit. If someone has £10,000 capital or less then it will not affect their Pension Credit entitlement. However, if someone is assessed as having capital above £10,000 then they will be treated as having a notional tariff income of £1.00 per week for every £500 (or part of £500) above £10,000. When assessing a person's capital, you should include savings, the value of any stocks, shares, premium bonds and/or the value of any property/land (excluding the property in which the claimant/their partner live in as their normal home) that the claimant (and/or their partner) has. It does not include the value of personal possessions such as a car or jewellery.

**Note:** It is understood that the Pension Service will be introducing an upper capital limit which would serve to exclude people from claiming Pension Credit if their capital is above a certain level (believed to be £16,000). However, the Pension Service has said that this will not happen before October 2023.

**War Pensions:** If someone is getting a War Pension, War Widow's Pension, War Widower's Pension, Surviving Civil Partner's Pension or Armed Forces Compensation then do seek further information and advice. This is because depending on the nature of the payment, it may be fully disregarded or partly disregarded.

#### The £76.40 Per Week Extra SDAA...

If a single person gets Attendance Allowance, Disability Living Allowance (Care Component - Middle or Higher Rate) or Personal Independence Payment (Daily Living Component) then they may be entitled to a greater amount of Pension Credit. If a person gets one of these benefits and lives alone (or may be deemed to be living alone) and no one gets paid any Carer's Allowance (or extra Universal Credit) for looking after them then their minimum income Pension Credit amount would increase to from £201.05 per week to £277.45 per week. This is because in addition to their basic Pension Credit award of £201.05 per week, they would also be entitled to the Severe Disability Additional Amount (SDAA) worth £76.40 per week.



This would be in addition to (not instead of) any Attendance Allowance, Disability Living Allowance or Personal Independence Payment award that has been made.

In couple cases where each member gets Attendance Allowance, Disability Living Allowance (Care Component - Middle or Higher Rate) and/or Personal Independence Payment (Daily Living Component) it is possible to get a double Severe Disability Additional Amount (SDAA) meaning that the couple's Pension Credit minimum income figure increases from £306.85 per week to £459.65 per week (£306.85 plus £152.80 per week = £459.65 per week).

**Example 3:** Anna is retired. She lives on her own. She has a State Retirement Pension and a private pension worth £136.50 per week in total. She needs has been awarded Attendance Allowance because she needs help with her personal care. No-one gets Carer's Allowance (or any extra Universal Credit) for looking after her. In addition to her Attendance Allowance, she should be entitled to **Pension Credit of £140.95 per week** - £201.05 per week maximum Pension Credit plus £76.40 per week SDAA = £277.45 less £136.50 per week income = £140.84 per week Pension Credit entitlement. This is because she is entitled to the Severe Disability Additional Amount (SDAA) in addition to her basic amount of Pension Credit. If Anna lived in rented accommodation, then she should still be able to get Housing Benefit to help her with her rent and Council Tax Support to help with her council tax bills. Even if she owned her own home then she should still be able to get Council Tax Support to help with her council tax.

#### The £42.75 Per Week Extra CAA...

If a person gets Carer's Allowance (or an award of Carer's Allowance but not actually any payment of Carer's Allowance because the level of State Retirement Pension overlaps and is greater) then they should be entitled to a Carer's Additional Amount (CAA). In such circumstance their minimum income Pension Credit amount would rise to £243.80 per week. This is because in addition to their basic Pension Credit award of £201.05 per week they would also be entitled to the Carer's Additional Amount worth £42.75 per week. In the case of a couple, if both meet the condition for the CAA then two lots (not one) of £42.75 per week may be added.



The Severe Disability Additional Amount (SDAA) and Carer's Additional Amount (CAA) enable people to increase their minimum income Pension Credit figure considerably. In couple cases, it is possible to get two SDAA's and two lots of the CAA where both members are disabled and perhaps, caring for each other. This can increase the minimum income Pension Credit figure to £545.15 per week (£306.85 per week basic Pension Credit plus 2 X SDAA £152.80 per week plus 2 X CAA £85.50 per week = £545.15 per week).

**Note:** If both members of a couple get Attendance Allowance, Disability Living Allowance and/or Personal Independence Payment and are contemplating applying for Carer's Allowance then do seek further information and advice first. This is because if your State Retirement Pension (see 3. State Retirement Pension) is less than the actual amount of Carer's Allowance (i.e. £76.40 per week) then this could adversely affect the amount of Pension Credit awarded. On the one hand you could gain the Carer's Additional Amount (worth up to £42.75 per week) but lose the Severe Disability Additional Amount (worth up to £76.40 per week).



Since **1<sup>st</sup> February 2019** if the claimant (and/or their partner) is responsible for a child or young person (e.g. a child or young person for whom they may get Child Benefit) who lives with them (e.g. a grandchild) then an addition for that child may be included in the overall Pension Credit minimum income figure. How much is allowed depends on when the child/young person was born and whether they are disabled. The amounts paid are:

- £61.88 per week (or £72.31 per week if child/young person was born before 6.4.2017)

## PLUS

- £104.86 per week if the child/young person gets Disability Living Allowance (Middle or Higher Rate Care Component), Personal Independence Payment (Daily Living Component) or if the child may be considered to be severely sight impaired;

## OR

- £33.67 per week if the child/young person gets Disability Living Allowance but the Lower Rate Care Component or the Mobility Component or Personal Independence Payment but only for their mobility needs only.

In such cases any Child Benefit in payment to the claimant (or their partner) in respect of the child/young person would be fully disregarded.

Before 1.2.2019 Pension Credit claimants who were responsible for a child/young person could claim Child Tax Credit and this was then fully disregarded as an income when calculating their Pension Credit entitlement.

**Housing Costs:** Since **6<sup>th</sup> April 2018** the Pension Service no longer includes an amount for mortgage interest (or a loan for home improvements or repairs) within the overall Pension Credit calculation. All that is now available is a mortgage interest payment loan which would need to be repaid once the property is sold or when the claimant (and in the case of couples, their partner) has died or the ownership of the property is transferred.



Those getting Pension Credit are free to apply for Housing Benefit to help them with their rent. See 6. Housing Benefit and Council Tax Support. However, as Housing Benefit is being abolished, Pension Credit will introduce a 'housing credit' to help people with their rent. The Pension Service has said that this will not happen before October 2023.

### **Savings Credit: Prior to 6<sup>th</sup> April 2016**

claimants of Pension Credit could get an additional, so called, 'Savings Credit', either paid in isolation or in addition to any Pension Credit otherwise paid. However, the Savings Credit was only available to people who already had income from e.g. a State Retirement Pension/occupational pension or private pension that amounted to more than £174.49 per week (single person) or £277.12 per week (couple) in total.

The maximum amount of Savings Credit payable is presently £15.94 per week (single) and £17.84 per week (couple) but the amount is gradually being phased out.



**Mixed Age Couples:** Since 15<sup>th</sup> May 2019 mixed age couples have been excluded from claiming Pension Credit until both have reached State Pension Age (the 'Qualifying Age for Pension Credit' which is now the same). See page 1. Prior to 15.5.2019 a couple could apply for Pension Credit when the oldest member reached State Pension Age. This means that many couples will now miss out on up to £173.27 per week. This is because Pension Credit is worth more than Universal Credit which is the equivalent benefit but for people of 'working age'.



**Example 4:** Hassan is 3 years older than his partner, Maria. Presently they get Universal Credit of £133.57 per week.

Before 15.5.2019 the couple would have been able to apply for Pension Credit (worth £306.85 per week) as a replacement for Universal Credit, as soon as Hassan reached State Pension Age. Now the couple will only be entitled to apply for Pension Credit once they have both attained this age. This means that the couple will be £173.28 per week worse off (£306.85 per week less £133.57 per week = £173.28 per week). Over three years this will amount to an overall loss in benefit income of c£27.000 in total.

### **How to Claim Pension Credit:**

A person can claim Pension Credit by phone on 0800 991 234. A claim will normally start from the date on which it is made. However, a claim can be backdated for up to three months if a person could have qualified at an earlier date. A good reason is not needed in order to get a claim backdated.

Go to this [LINK](#) for more information on Pension Credit.

## **3. State Retirement Pension**

A state pension may be paid to a person who has reached State Pension Age (see box on page 1) and who meets the National Insurance contributions conditions for payment.

People who have reached State Pension Age on or after 6<sup>th</sup> April 2016 may be able to get a pension under the (New) State Pension scheme. Whereas anyone who reached State Pension Age before this date may be entitled to a pension under the (Old) Retirement Pension system.

### **(New) State Pension:**

The (New) State Pension is available to those who reach State Pension Age on or after 6.4.2016. It is worth up to £203.85 per week.

To qualify for the full amount the person must have at least 30 qualifying years of National Insurance contributions.

Put simply, a 'qualifying year' is a year in which the claimant has paid (or been treated as having paid) and/or been credited with a sufficient amount of National Insurance contributions. If a person's contributions record is less than 30 years, then they may only get a partial payment.

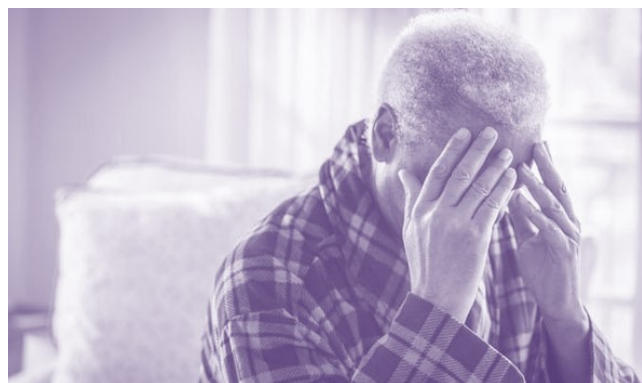
If a person has paid or been credited with National Insurance contributions prior to 6.4.2016 then they could get an additional payment (known as a 'protected payment') ensuring that they are no worse off than under the pre 6.4.2016 (Old) State Pension system.

Payments under the (New) State Pension count as taxable income. Therefore, depending on a person's overall taxable income in retirement, they may need to pay tax.

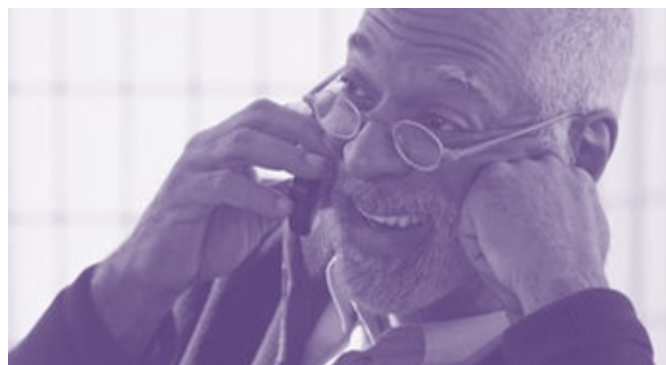
Entitlement to the (New) State Pension is not means-tested. Therefore, a person's entitlement and the amount of overall payment is not dependent upon how much capital they have. A person can have considerable savings without it affecting how much they get.

People may work and get the (New) State Pension. Anyone working beyond State Retirement Age will not need to pay any National Insurance contributions on their earnings. A person can defer taking their (New) State Pension. For each nine-week period a person defers claiming their (New) State Pension, the amount of their overall entitlement will be increased by 1%.

Unlike under the (Old) Retirement Pension scheme, a person may not claim any (New) State Pension based upon the National Insurance contributions record of their married partner (meaning: spouse or civil partner).



A person can request a pension statement by contacting the Department for Work and Pensions on 0800 731 0175. The statement will show a person's entitlement based upon the National Insurance contributions they have paid.



Go to this [LINK](#) for more information on the (New) State Pension.

#### (Old) Retirement Pension:

The (Old) Retirement Pension is available to those who reached State Pension Age before 6.4.2016. It is worth up to £156.20 per week but a greater or lesser amount could be paid depending on a person's contributions record.

Under the (Old) Retirement Pension scheme a person could seek to obtain:

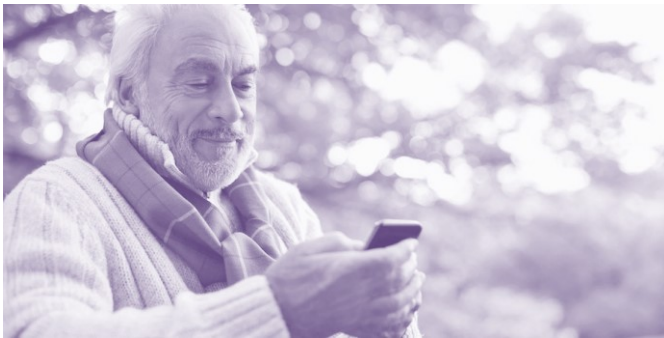
- a **Category A Retirement Pension** worth up to £156.20 per week based upon their own NI contributions record
- a **Category B Retirement Pension** worth up to £93.60 per week based upon the NI contributions record of their married partner (meaning: spouse or civil partner) or late married partner (Meaning: spouse or civil partner).

If someone qualified for a partial **Category A Retirement Pension** based upon their own National Insurance contributions and a Category B Retirement Pension based upon their married (spouse or civil partner) partner or late married partner's (meaning: spouse or civil partner) National Insurance contributions record then they would not be able to be paid both unless their Category A Retirement Pension was worth less than £93.60 per week.



In which case they would be paid their Category A Retirement Pension with a top-up of their Category B Retirement Pension up to a maximum joint payment of £93.60 per week.

A **Category D Retirement Pension** is available to those who are aged 80 or over who do not get a Category A Retirement Pension and/or a Category B Retirement Pension or do so, but the value is worth less than £93.60 per week. In such instances the Category D Retirement Pension will top-up any existing Category A Retirement Pension and/or Category B Retirement Pension to £93.60 per week.



Go to this [LINK](#) for more information on the (Old) Retirement Pension.

#### How to Claim a State Retirement Pension:

The Pension Service will normally contact / have contacted a person shortly before they reach State Pension Age about claiming their (New) State Pension or (Old) Retirement Pension. However, a person can ring to make a telephone claim on 0800 731 7898.

Go to this [LINK](#) to check a person's State Pension Age.

## 4. Attendance Allowance

Attendance Allowance is a benefit available to those who have reached State Pension Age (See page 1) and need help with their personal care during the day and/or night.

Entitlement to Attendance Allowance is not means-tested. Neither is it dependent upon the National Insurance contributions a person has paid.

This means that people can qualify for Attendance Allowance irrespective of how much weekly income they have or the level of savings/capital they have or whether or not they have worked and paid any National Insurance contributions.

Attendance Allowance can be paid at two rates:

- **£101.75 Per Week Higher Rate:** for people who need help with their personal care both during the day and night or who may be considered to be terminally ill
- **£68.10 Per Week Lower Rate:** for people who need help with their personal care during the day or night.

The Lower Rate may also be payable to people who receive Dialysis. See page 10.

Attendance Allowance does not count as an income for Pension Credit purposes or other means-tested benefits such as Housing Benefit/Council Tax Support. Indeed, if a person is awarded Attendance Allowance, then this can serve to qualify for more Pension Credit and more in means-tested benefits.

#### What personal care needs count?

A person may qualify for Attendance Allowance if it may be said that they 'reasonably require':

- help with their 'bodily functions' during the day and/or night; and/or
- 'continual supervision' during the day to avoid the risk of harm or danger to themselves or others; and/or
- someone to be awake at night for the purposes of 'watching over' them to avoid the risk of harm or danger to themselves or others.

For many years it was held that help with '**bodily functions**' meant help with things that the 'fit man' normally did for himself - things like hearing, eating, toileting, washing, dressing and getting in and out of bed. (*Packer: Court of Appeal*).

It was held that it did not include help with things like cooking, shopping and housework because these were things that someone else in the household could do. These were considered to be domestic chores not 'bodily functions'. (*Packer: Court of Appeal*).

However, more recently, it was confirmed that washing, dressing and getting in and out of bed were not in themselves 'bodily functions'. It was held that a 'bodily function' is the movement of the limbs, operation of the senses and cognitive functioning. It was confirmed that washing, dressing and getting in and out of bed were activities that a person accomplished through use of their 'bodily functions'. [*Mallinson, Fairey and Cockburn: House of Lords*]. Furthermore, it has been held that the help afforded may count where it is related to helping the person (both in or outside of the home) to lead as 'normal' a life as possible and that this includes help related to social and recreational activities. [*Fairey: House of Lords*].

Therefore, help with personal care may include / extend to help with things like:

- A.** help to get out of bed - perhaps because the person cannot sit up and get out of bed or because they do not know when to get up or they need encouragement to get up
- B.** help with eating and drinking - cutting up of food and/or putting food and drink to mouth, monitoring chewing and swallowing, cleaning up of spills and accidents, eating right food stuffs, prompting and encouragement to eat
- C.** help with washing - washing body and hair (putting soap to a flannel and fully rinsing) and brushing teeth



- D.** help with dressing/undressing - putting on and taking off items of clothing and footwear including help with zips, buttons/fasteners and prompting and/or encouragement to dress and/or undress
- E.** help with toileting - help to use the toilet or commode (including emptying of a commode), prompting or reminding about toileting, help to get to the toilet, help to transfer from a wheelchair on to the toilet, help to manoeuvre a Zimmer frame, help with zips, buttons/fasteners, help with the use and the changing of incontinence pads, help with problems with constipation, help with episodes of diarrhoea, cleaning body afterwards, cleaning of soiled clothing/bedding, cleaning of soiled flooring/furniture, emptying or changing of urine or colostomy bags and washing of hands
- F.** help with mobility - help to move around indoors and outdoors, help to get in and out of a wheelchair, prompting and encouragement to move around perhaps to exercise limbs
- G.** help with cognitive functioning - help with understanding, planning, problem solving and decision making, help with awareness of surroundings, dangers and hazards
- H.** help to develop surrounding awareness where there is visual impairment
- I.** help with attention span, challenging behaviour / behavioural problems which cannot be controlled or only controlled with help
- J.** help with speech and/or hearing, Sign Language and/or lipreading





- K.** help to use and maintain hearing aids or cochlear implant or surgically implanted hearing aid
- L.** help with motor and dexterity skills development - enhance body part strength and movement through exercise, stimulation or physiotherapy
- M.** help with social engagement - help to engage/play with other people including help to understand body language and facial expressions, needs messages to be repeatedly expressed or expressed in different ways
- N.** help with treatments - taking of medication and applying creams or ointments
- O.** help with mental state - anxiety and anxiousness, panic and screaming attacks
- P.** help with changing sanitary protection
- Q.** help at bedtime - with settling/staying in bed or with soothing to sleep (or back to sleep).

The help provided can be from a partner or family members. It could be help from paid carers or health professionals. [*R(DLA)1/04: Commissioner Turnbull*]



Here 'help' means help that may qualify as 'attention' - that is to say that it is help that is provided in the actual presence of the person, that is physical 'hands-on' or help given by the spoken word (perhaps prompting, encouraging or instructing) and that may be regarded as being of a close, intimate and personal nature.

[*Packer: Court of Appeal and Mallinson and Fairey: House of Lords*]

Any help provided would not count if it could be obviated (made unnecessary) by, for example, the use of an aid or some piece of equipment providing that whatever was being suggested was actually available (or could be made easily available) or the measure was appropriate in the circumstances of that case. [*CSA/65/89: Commissioner Walker*]

When it comes to '**continual supervision**' during the day and '**watching over**' during the night, it is about ensuring (as far as possible) the person's safety and the safety of others. It is about ensuring (as far as possible) that the person comes to no harm or injury and that they pose no risk to others.

It could be that a person needs 'continual supervision' during the day or 'watching over' at night because they:

- have epilepsy and suffer epileptic seizures
- are diabetic and may experience episodes of loss of consciousness
- lack awareness of danger, for example, due to dementia or Alzheimer's disease
- suffer with problems of breathing needing help with a nebulizer/breathing equipment
- are prone to hitting out at others
- suffer confusion
- are forgetful
- they have a propensity to fall (see below).

**Propensity to fall:** We are all capable of falling - tripping up on a curbstone or slipping on a slippery surface. A 'propensity to fall' is when someone by reason of poor lower limb function, infirmity or disability has a natural tendency to fall or trip up.

It is about how someone falls (e.g. conscious or unconscious) and what injury they could do to themselves as a result of the fall. Compare the likelihood of injury between a young fit person falling and that of a frail elderly person.

It is also about a person's ability to pick themselves up off the floor and/or their ability to summon help.

For 'continual supervision' it must be 'continual supervision' - 'throughout the day'. Therefore, if someone only needs supervision during part of the day (e.g. in the morning) or at certain times of the day (e.g. at meal times because there is a risk of choking) this will not be enough. The key is supervision resulting from a potentially harmful or dangerous event that is unpredictable and cannot reasonably be avoided save a substantial change to lifestyle. If a person has a propensity to fall, it is not enough to say that they should stay in bed all day thereby negating any risk.

Help with 'supervision' and 'bodily functions' can overlap. For example, a person who suffers from uncontrolled epilepsy might need supervision between seizures but during a seizure they would need help with their 'bodily functions' - help to ensure they are in the recovery position, help with any wound caused by falling unconscious, help in checking that their airways are clear. The same could apply to a person with asthma. They may need supervision between attacks and then help to use their inhaler. *[Moran: Court of Appeal]*



For many years, 'night' was seen as being the period when the 'household' closed down for the night. In reality this meant that 'night' began not when the disabled adult went to bed but when their partner/carers also went to bed.

More recently it has been ruled that 'night' should be viewed as being between 11.00 pm and 7.00 am and that if a person were having to be up regularly beyond their normal bedtime or regularly be up earlier than they normally would be as a result of having to attend to a disabled person's care needs, then that help could count as night-time care needs, not day-time care needs.

## MACMILLAN CANCER SUPPORT

**Terminally-ill / Special Rules:** A person will also qualify for Attendance Allowance if they are 'terminally ill' - meaning: they suffer from a 'progressive disease' and as a result their death may in consequence be reasonably be expected within the next six months (increasing to 12 months at some future point in time). In these circumstances any claim needs to be accompanied by a certificate DS1500 available from the hospital or the person's doctor.

**Dialysis:** A person will also qualify for Attendance Allowance at the Lower Rate if they receive dialysis and:

- undergo renal dialysis two or more times a week; or
- undergo renal dialysis that is of a type that normally requires the attendance or supervision of another person during the period of dialysis; or
- because of their particular circumstances they need someone to supervise them during their dialysis in order to avoid substantial danger to themselves; or
- they need someone to help them with their 'bodily functions' (see 'What personal care needs count?' for more information on what may be considered to be a person's 'bodily functions' - see page 7) whilst undergoing dialysis.

### How much?

The actual amount of Attendance Allowance paid depends on the level and nature of the person's care needs.

**Attendance Allowance Higher Rate:** The **£101.75 per week** higher rate Attendance Allowance will be awarded where a person needs:

- help on at least a number of occasions/ several occasions ('frequent attention') throughout the day in connection with their 'bodily functions' and/or continual supervision throughout the day;

#### AND

- prolonged (20 minutes or more) or repeated help at night in connection with their 'bodily functions' and/or a person to be awake for a prolonged period (20 minutes or more) or at frequent intervals for the purpose of watching over them in order to avoid harm/ danger to themselves or others.

A person will also qualify for Attendance Allowance at the higher rate if they are 'terminally ill'. See Terminally-ill / Special Rules opposite.



**Attendance Allowance Lower Rate:** The **£68.10 per week** lower rate Attendance Allowance will be awarded where a person needs:

- help on a number of occasions ('frequent attention') throughout the day in connection with their 'bodily functions';

#### OR

- continual supervision throughout the day;

#### OR

- prolonged (20 minutes or more) or repeated help at night in connection with their 'bodily functions';

#### OR

- a person to be awake for a prolonged period (20 minutes or more) or at frequent intervals for the purpose of watching over them in order to avoid harm/danger to themselves or others.

### The six-month qualifying rule...

To qualify for Attendance Allowance a person must show that they have needed help with their personal care for at least **six months** before an award can be made. This is not necessarily the same as not being able to apply until after six months. For example, a person may have a stroke. They could claim straight after the stroke or wait a few months before doing so. Either way, it will be about what care needs they have six months from the date of their stroke.

However, people who meet the terminally ill (special rules) provision do not need to satisfy this rule. Neither do those who meet the qualifying conditions under the provisions for those who receive dialysis. See page 10 for further details.

### How to Claim Attendance Allowance:

A claim for Attendance Allowance must usually be made in writing using an AA1 claim form. This form may be obtained by ringing 0800 731 0122. If someone is claiming under the special rules which apply to people who are terminally ill then they can claim using a DS1500 form available from the person's hospital, palliative nurse or doctor.



**0800  
731  
0122**

When the form is sent it will be date stamped. Providing it is completed and returned within six weeks then the claim should be treated as having been made on the date of the stamped date, not the day that it is actually returned.

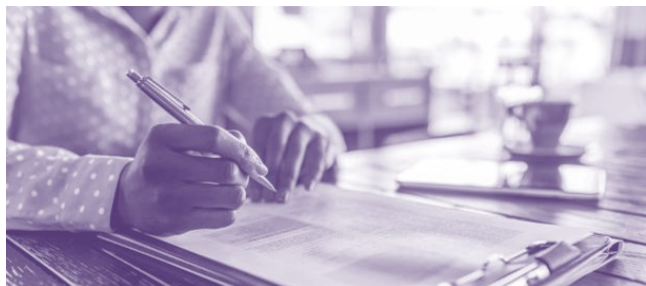
The AA1 form or DS1500 form should be sent to Attendance Allowance Unit, Mail Handling Site A, Wolverhampton WV98 2AD.



A person will not be sent for a medical or be medically examined when they claim Attendance Allowance.



If more information is needed about a particular medical condition and how it can impact on someone then the DWP will refer to its internal medical guidance. If the DWP wants to know more about a person's health condition, it will write to their GP for information. Once the DWP has the information it thinks is needed then it will make its decision.



The success of an Attendance Allowance claim may often depend upon how well the claim form is completed. Please see our Information Guide 11: Form Filling for more information and tips on completing disability-related benefit claim forms.

However, do be aware that the actual claim form is poorly designed. It does not lend itself to capturing all of the different types of help that may qualify a person for Attendance Allowance. Do use the 'Extra Information' box to provide details of any care needs that are not covered. If need be, attach some extra paperwork to list and/or explain a person's difficulties.

If a person is getting Attendance Allowance at the Lower Rate for their day-time care needs but they also develop night-time care needs, they may contact the DWP asking it to review their award. In such situations, the DWP will normally send out a DBD138 (Night-time Needs) form for them to complete.

Similarly, if a person has an award for night-time care needs but they also develop care needs during the day then they may contact the DWP to seek an increase in their overall award.

**Example 5:** Salima is aged 68. She was getting £68.10 per week Attendance Allowance. This was because at the time of her award she only needed help with her day-time care. However, two years have passed during which time Salima has developed night-time care needs. Salima has now been awarded £101.75 per week Attendance Allowance because she needs help with her personal care both during the day and during the night.

If someone is getting **Personal Independence Payment (PIP)**, they cannot claim Attendance Allowance. Similarly, if a person is getting **Disability Living Allowance (DLA)** and they were aged 65 or over on **8<sup>th</sup> April 2013**, then they may not claim Attendance Allowance. What they can seek to do is ask for an increase in their PIP/DLA if they believe there has been an increase in their need for help with their daily living/personal care.

If someone is presently getting **Disability Living Allowance (DLA)** and they were aged under 65 on **8<sup>th</sup> April 2013** then they may not claim Attendance Allowance. All they can seek to do is to request a review of their DLA award which would lead to them being assessed for **Personal Independence Payment (PIP)**.

**KNOW THE RULES!**

The rules about asking for more **Personal Independence Payment (PIP)** or **Disability Living Allowance (DLA)** can be complicated depending on circumstances and there can be some risk involved. A person could end up worse off as a result. This is because as well as having the power to change and increase an award of PIP or DLA, the DWP also has the power to alter and reduce an award.

Therefore, do seek further information and advice if necessary.

## Disputes and appeals

If a person is either refused Attendance Allowance altogether or they are awarded the lower rate instead of the higher rate, then they can challenge this.



A 'mandatory reconsideration' may be requested in writing or by phone. This will prompt the DWP to look at the decision afresh.

If the outcome decision remains unsatisfactory then an 'appeal' may be made by completing an SSCS1 appeal form. An appeal would result in the matter going before a First-tier Tribunal.

When asking for a 'mandatory reconsideration' or an 'appeal' you may like to think of anything further you may wish to submit about the person's care needs of the claimant. It may also be an opportunity to submit further medical or supporting evidence.

Please be aware that at mandatory reconsideration or appeal stage the whole case could be looked at again. Therefore, if some kind of an award has been made then the person may wish to seek expert advice before proceeding.

Please see our Information Guide 15. Disputes and Appeals and 16. Going to Appeal: First-tier Tribunals for further information.

Go to this [LINK](#) to check a person's State Pension Age. If a person has not yet reached State Pension Age and they need someone to help them with their personal care and/or they have difficulties with their mobility, then they might be entitled to Personal Independence Payment. See our Information Guide 7: Personal Independence Payment for more information.

## 5. Carer's Allowance

Carer's Allowance may be claimed by those:

- aged 16 or over; and
- who look after a person who has been awarded Attendance Allowance or Personal Independence Payment (Daily Living Component) or Disability Living Allowance (Middle or Higher Rate Care Component).

To be eligible, the carer should provide at least 35 hours' care per week. Further, they should not be in full-time education and if they work, they must be earning less than £1392.00 (after certain 'allowable deductions') per week.

The amount payable is £76.75 per week.

Whilst Carer's Allowance counts in full for Pension Credit, it may nonetheless be worth claiming. This is because an award of Carer's Allowance may entitle the carer (or their partner) to the Carer's Additional Amount.

This can be worth up to £42.75 per week in extra Pension Credit.



If, instead, the carer is getting Universal Credit, Income Support, Income-related ESA, Income-based JSA, Housing Benefit and Council Tax Support then an award of Carer's Allowance could result in a additional 'carer's premium' or 'carer's element' worth up to £42.75 per week being put in payment.

Do seek further advice and information because in some situations the payment of Carer's Allowance can result in the disabled person (i.e. the person in need of care) being paid less benefit.

Please go to this [LINK](#) for more information about Carer's Allowance and how to make a claim.

## 6. Housing Benefit and Council Tax Support

Housing Benefit and Council Tax Support are benefits designed to help people pay their rent and/or council tax. If someone lives in their own home then they can apply for Council Tax Support.



If someone gets Pension Credit (See 2. Pension Credit) then they will normally get maximum help with their rent and maximum help with their council tax. This may result in their rent and council tax being paid in full.

A person may get less help if they have a 'non-dependant' (i.e. a grown-up son or daughter) living in their home. In which case they may get maximum help less a deduction for the non-dependant. This is because the non-dependant is expected to contribute something towards the overall rent and council tax. However, if the claimant (or their partner) get Attendance Allowance or Personal Independence Payment (Daily Living Component) or Disability Living Allowance (Care Component) then no deduction should be made for a non-dependant.

If a person does not qualify for Pension Credit, then they may nonetheless qualify for some Housing Benefit and/or Council Tax Support. How much (if anything) may be paid would depend on the overall income and assessed capital of the claimant (and their partner).

Go to this [LINK](#) for more information about Housing Benefit and Council Tax Support for people living in Wolverhampton.

## 7. NHS Benefits...

A number of groups are exempt from dental treatment, glasses (or contact lenses) and sight test charges. This includes people who receive Pension Credit (however, not if all they get is the Savings Credit). See 2. Pension Credit.

People who do not qualify for free help can apply for assistance on grounds of 'low income'. The claim form for help towards NHS costs is an HC1. Anyone who qualifies for assistance will be provided with either an HC2 Certificate (confirming full/maximum assistance) or a HC3 (confirming partial assistance).

A person may qualify for free prescriptions if they:

- are aged 60 or over (to be increased to 66 at some point in the future)
- are pregnant or have given birth within the last 12 months
- are undergoing treatment for cancer or the effects of cancer
- have epilepsy requiring continuous anti-convulsive therapy
- have diabetes (except where it is treated by diet alone)
- have a continuing (not temporary) physical disablement that prevents them from leaving the house without help from another person.

People who have a permanent fistula (e.g. caecostomy, colostomy, laryngostomy or ileostomy) requiring continuous surgical dressing or an appliance may also qualify for free prescriptions.



A prescription presently costs £9.65 per item. If a person does not qualify for free prescriptions, they should enquire about a 'pre-payment certificate' which can help reduce the costs if they need four or more prescription items in any three-month period (a 3 month certificate presently costs £31.25) or 13 or more items in a 12 month period (a 12 month certificate presently costs £111.60). The claim form is FP95 and should be available from any local pharmacy or a person may apply online.

Go to this [LINK](#) or ring 0300 300 1341 (NHS Business Services Authority) for more information about NHS benefits.

## 8. Fact Sheets and Information Guides

The Welfare Rights Service produces the following Fact Sheets and Information Guides on Social Security benefits and welfare reform.

### Benefits Fact Sheets:

1. Benefits and Work
2. Benefits and Disabled Children
3. Benefits and Young People
4. Benefits and Older People
5. Benefits and People from Abroad
6. Private Tenants and Universal Credit
7. Volunteering and Benefits

### Benefits Information Guides:

1. Universal Credit
2. Universal Credit - Claims and Payments
3. Universal Credit - The Claimant Commitment
4. Universal Credit - Sanctions and Hardship Payments
5. Universal Credit and Vulnerable People - Claims and Payments
6. Universal Credit - Unable to Work Due to Ill-health or Disability

7. Universal Credit and The Work Capability Assessment - Toolkit
8. Personal Independence Payment
9. Personal Independence Payment - Toolkit
10. Form Filling: PIP2
11. Form Filling: ESA50 / UC50
12. DWP Social Fund
13. The Spare Room Subsidy
14. The Benefit Cap
15. Disputes and Appeals
16. Going to Appeal: First-tier Tribunals

The information provided is designed to provide details of the different benefits that may be available to people in a variety of different situations including when they are in work, unable to work due to ill-health, unemployed or retired. It also seeks to inform people of the steps that may be taken should they wish to dispute a decision made surrounding their benefit entitlement.

A copy of the Fact Sheets and Information Guides may, together with other topical benefit information, be obtained from our [Social Security Benefits](#) page on the City of Wolverhampton Council website.

Please also watch out for our periodical **Benefits Bulletins** which provide news on the latest developments surrounding benefits and welfare reform. These are also available on the website.

☎ Telephone: (01902) 555351

✉ Email: [WRS@wolverhampton.gov.uk](mailto:WRS@wolverhampton.gov.uk)

Note: The details provided in this and our other Fact Sheets and Information Guides is meant to provide an overview on important and topical issues relating to Social Security benefits and welfare reform. The details should not be treated as an authoritative statement of the law. The details may be subject to change by new regulation and/or case law. Do seek further information and advice as necessary.

Welfare Rights Service  
Specialist Support Team  
City of Wolverhampton Council