



April 2008

Key points:

- Replaces previous version dated April 2007
- New information about European ruling

Attendance Allowance and Disability Living Allowance

This factsheet is aimed at people aged 60 or over.

Those living in Scotland, Wales or Northern Ireland should contact:

The Scottish Helpline for Older People – Age Concern Scotland, tel: 0845 125 9732 (local call rates) Monday to Friday, 10am – 4pm; website: www.olderpeoplescotland.co.uk;

Age Concern Cymru, Ty John Pathy, Units 13/14 Neptune Court, Vanguard Way, Cardiff CF24 5PJ, tel: 029 2043 1555 (national call rate), website: www.accymru.org.uk;

Age Concern Northern Ireland, 3 Lower Crescent, Belfast BT7 1NR, tel: 028 9032 5055 (national call rate), Monday to Friday, 10am – 12pm and 2pm - 4pm; website: www.ageconcernni.org.

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Introduction

This factsheet covers both Attendance Allowance (AA) and Disability Living Allowance (DLA) which are benefits intended to help with the costs of disability. People cannot receive both allowances - it depends on whether you are under 65 or not when you apply. Sections 2 and 3 cover the conditions for Attendance Allowance; Sections 4 and 5 cover the conditions for DLA; the rest of the information applies to both benefits. The allowances are for the person with the illness or disability - not their carer (if they have one). The information in this factsheet is written from the point of view of the sick or disabled person - but some people will be unable to apply themselves or will need help to do so.

There will be a new version of this factsheet in April 2009.

1. Attendance Allowance

Attendance Allowance is a benefit for people of 65 or over who are ill or disabled and need help with personal care, supervision, or who need someone watching over them because of physical or mental illness or disability. The allowance is based on the help that you **need** - not the help you actually get.

You don't have to have an 'attendant'. You may be living alone or with other people. It doesn't matter if you receive a lot of help and support, or very little. You don't have to use the allowance to buy care or give it to your carer (if you have one) - you can spend it on whatever you want to. But your local authority may take it into account when assessing whether, or how much, you need to pay towards any care services they provide.

If you need this sort of help it is worth claiming Attendance Allowance as it may help you to stay independent and remain in your own home.

Attendance Allowance is not taxable, it is not based on National Insurance contributions and it is not means-tested so you won't have to give details of your income or savings. It is paid on top of any other benefits. Someone who is awarded Attendance Allowance and receives Pension Credit, Housing Benefit and/or Council Tax Benefit may get higher amounts of these benefits.

Others may start to be entitled to one of these benefits because they have been awarded Attendance Allowance. More information about this and benefits for carers is in Section 12.

Attendance Allowance is paid at one of two weekly rates which from April 2008 to April 2009 are:

Higher rate	£67.00
Lower rate	£44.85

2. Who qualifies for Attendance Allowance?

To qualify for Attendance Allowance you need to satisfy all the following conditions:

- you are aged 65 or older (if you are under 65 claim DLA instead); **and**
- you satisfy the day and/or night disability conditions described below; **and**
- you must normally have been ill or disabled and satisfied the day and/or night conditions for at least six months - but there are special rules for people who are terminally ill as explained in section 9; **and**
- in general you need to normally live in the UK and (unless you are applying under the special rules for terminally ill people) you have lived in the UK for at least 26 out of the last 52 weeks.

On 18th October 2007 the European Court of Justice ruled that some disability benefits can be paid to people who leave the UK to live in another EEA country or Switzerland. This decision affects:

- Attendance Allowance
- Disability Living Allowance (care component only)
- Carer's Allowance

If you are considering moving to another EEA state or Switzerland you may be able to continue to receive one of these benefits but the rules are quite complicated. For further information and/or to request a claim form write to:

- Exportability Co-ordinator, Room B120D, Pension, Disability and Carers Service, Warbreck House, Warbreck Hill Road, Blackpool FY2 OYE , or email
- exportability.team@dwp.gsi.gov.uk

If you have internet access there is more information on the Government website: www.direct.gov.uk

If you are already receiving DLA you cannot get Attendance Allowance as well.

2.1 The disability conditions

You will get the lower rate of the allowance if you satisfy either the day or the night conditions. You receive the higher rate of the allowance if you satisfy *both* the day and night conditions. This factsheet covers what the law says and then gives further information about what this means in practice - section 6 is about making a claim. For in-depth information about Attendance Allowance and DLA see the *Disability Rights Handbook* mentioned in Section 13.3 of this factsheet.

2.2 Day conditions

The law states that someone will satisfy the day conditions if he or she:

‘is so severely disabled physically or mentally that, by day, he [or she] requires from another person either:

- (a) frequent attention throughout the day in connection with his [or her] bodily functions; **or**
- (b) continual supervision throughout the day in order to avoid substantial danger to himself [or herself] or others.’

2.3 Night conditions

The law states that someone will satisfy the night conditions if he or she:

‘is so severely disabled physically or mentally that, at night:

- (a) he [or she] requires from another person prolonged or repeated attention in connection with his [or her] bodily functions; **or**

- (b) in order to avoid substantial danger to himself [or herself] or others he [or she] requires another person to be awake for a prolonged period or at frequent intervals for the purpose of watching over him [or her]’.

2.4 The conditions explained

This section gives more information about what the above terms mean and how the law is interpreted.

You must ‘require’ attention or supervision from another person. You don’t have to have a medical need for assistance - it is enough that it is reasonable for you to have the attention or supervision given your circumstances.

What does ‘frequent attention’ with ‘bodily functions’ mean?

Attention means any kind of active help or assistance that you need from another person. It must be needed frequently, several times during the day, not just once or twice.

‘In connection’ with ‘bodily functions’ means it must be related to activities such as: dressing, washing, going to the toilet, getting in or out of bed, having a bath, walking, communicating, eating, drinking, taking medication.

‘Seeing’ and ‘hearing’ are also considered to be bodily functions. This means that if blind and visually impaired people require assistance such as guidance when walking, reading correspondence, or taking the correct medication, this can be counted as requiring help with bodily functions. Any help that people who are deaf need in order to communicate will also be taken into account. If a disabled person requires assistance with ‘bodily functions’ in order to undertake normal social and leisure activities this may help them satisfy the care conditions.

Assistance needed with domestic duties such as cooking, shopping, housework or gardening will not normally help someone satisfy the conditions for the allowance and a case in 1997 (Cockburn) confirmed that taking away extra laundry to be washed due to incontinence could not count as ‘attention with bodily functions’.

But the Judge ruled that other activities carried out in connection with the incontinence such as stripping the bed and dealing with soiled linen could be considered.

What does ‘continual supervision throughout the day’ mean?

To satisfy this condition it must be reasonable for you to have someone around to ensure that you do not put yourself or others in danger. For example, you may be at risk of having an accident or of harming yourself or someone else. When assessing your claim, both the likelihood of any danger occurring and the likely severity of an incident will be important.

Although the supervision needs to be ‘continual’ this does not necessarily mean that there should be someone with you every minute of the day; it would be enough that you need to have someone on hand in case of an accident.

You might satisfy this condition if you are in danger of falling, you have fits or dizzy spells without warning, or you could put yourself in danger because you get confused and perhaps might wander away from your home.

What is ‘prolonged or repeated’ attention?

For the night condition this would normally be for at least 20 minutes or needed at least twice a night. Attention at night might include things such as help getting to the toilet or commode or help turning over in bed or getting comfortable.

What does ‘watching over’ mean?

For this condition someone needs to be awake at least three times a night or for 20 minutes or more in order to check that you are all right. For example, someone may need to get out of bed in the night to see that you are safe or be awake while you go to the toilet because there is a danger that you might fall or not go back to bed.

3. Disability Living Allowance (DLA)

This section gives details about who qualifies for DLA. You can’t receive both DLA and Attendance Allowance - which one you claim depends on your age.

DLA is an allowance for people with an illness or disability who:

- need help with personal care, supervision, or who need someone watching over them because of physical or mental disability; **or**
- are unable to walk or, have great difficulty walking, or need someone with them when walking outdoors; **or**
- have both care and mobility needs.

There are two parts to DLA: the 'care component' which is paid at one of three levels and the 'mobility component' which is paid at one of two levels. The care component is based on the help that you **need** - not the help you actually get. It doesn't matter whether you live alone or with other people; or if you receive a lot of help and support, or very little.

DLA is not taxable, it is not based on National Insurance contributions and it is not means-tested. It is paid on top of other benefits and may increase the amount of any means-tested benefits you receive. It may also entitle some people to other benefits for the first time.

If you are awarded DLA you do not have to use it to buy care or on transport - it is up to you how you spend it.

But your local authority may take the care component (but not the mobility component) into account when assessing whether you need to pay towards any care services it provides, and if so how much.

The weekly rates from April 2008 to April 2009 are:

DLA care component		DLA mobility component	
Highest rate	£67.00	Highest rate	£46.75
Middle rate	£44.85	Lower rate	£17.75
Lowest rate	£17.75		

To qualify for DLA you must satisfy all the following conditions:

- you are aged under 65; **and**
- you satisfy one or more of the care or mobility conditions described below; **and**

- you must normally have been ill or disabled and satisfied the disability conditions for at least 3 months, and be expected to satisfy them for at least the next 6 months (but there are different rules for people who are terminally ill who claim under the 'special rules' – see Section 9 of this factsheet for further information); **and**
- you normally live in the UK and (unless you are applying under the special rules for terminally ill people) you have lived in the UK for at least 26 out of the last 52 weeks.

See Section 2 for information about the European ruling about the DLA Care Component and keeping or qualifying for it in an EEA country.

Although you must have qualified for DLA before the age of 65 once you are awarded the allowance it can continue without an age limit if you continue to meet the conditions.

If you were only awarded the allowance for a fixed period, and you are over 65 at the end of the period, you must make a renewal claim within 12 months of the award ending.

4. The DLA disability conditions

4.1 Care component

The middle rate of the care component of DLA is paid at the same rate as the lower rate of Attendance Allowance and the conditions are the same. This means that you must satisfy either the day or night conditions explained in Sections 2.2 and 2.3. The highest rate of the care component of DLA is equivalent to the higher rate of Attendance Allowance and the conditions are the same - so you must satisfy *both* the day and night conditions. The lower rate of DLA care component is intended for people who are not disabled enough to get the middle or higher rates. You will satisfy the conditions for the lower rate if:

- you need help from another person with 'bodily functions' for a 'significant portion of the day'; *or*
- you cannot cook a main meal even if you have all the ingredients.

The first condition might apply to someone who needs help to get up in the morning and go to bed, but can manage alone for the rest of the day, or to someone who for some other reason needs help with some activities but would not be considered to need 'frequent attention throughout the day'.

To satisfy the 'cooking test' you would need to describe how you are unable to cook a meal because you cannot carry out some or all of the necessary tasks such as: peeling vegetables, chopping, pouring, stirring, turning on taps, lifting pans, using the cooker.

4.2 Mobility component

You will satisfy the higher level of the mobility component if:

- you are unable to walk or you are 'virtually unable to walk' because of a physical disability; **or**
- you have no legs or feet or have had both legs amputated at, or above, the ankle; **or**
- you are both blind and deaf and need someone with you when walking outdoors; **or**
- you are entitled to the highest care component of the DLA and have severe mental impairment leading to severe behavioural problems.

You will satisfy the conditions for the lower level if you can walk but need someone with you for guidance or supervision. This could apply, for example, to people who are blind or have a mental disability.

What does 'virtually unable to walk' mean?

When deciding if someone is 'virtually unable to walk' a number of factors are taken into account. These are the distance, the time, the speed, and the manner in which you walk outdoors without experiencing severe discomfort. There are no set distances or times; all the factors are considered together.

Try to include any information that might be relevant. For example describe any pain, shortness of breath or other symptoms you experience, or explain if it takes time to recover or get going again when you have stopped.

5. Claiming Attendance Allowance or DLA

5.1 When to claim

You normally need to have satisfied the conditions for 6 months for Attendance Allowance or for 3 months for DLA before it can be paid (unless you are claiming under the 'special rules' for terminally ill people).

If you have recently become ill or disabled you can still make a claim to allow time for it to be processed - payment will start after the 6 or 3 month qualifying period. If you have already needed help for at least 6 months (Attendance Allowance) or 3 months (DLA), claim as soon as possible, making it clear when your need for help started. Your allowance cannot be backdated to cover any period before the date of your claim.

5.2 Helping someone else to apply

People may need help in applying for example, because they don't like filling in forms, they have problems expressing themselves, or they have difficulty writing.

In these circumstances discuss the questions with them and help them decide the best way to explain their needs. When the form is complete you should ask them to read through (or be read) the information and sign the form to say that the details are correct.

If the person you are helping cannot sign the form - perhaps because they are too ill, or they have a mental impairment or disability - you can complete the form and sign it. There is a section on the form to complete if you are signing the form on behalf of someone else.

5.3 How to claim

You can get the claim form for Attendance Allowance or DLA by ringing the Benefit Enquiry Line on 0800 88 22 00; textphone 0800 24 33 55. Or send the tear-off slip on leaflet AAA5DCS (Attendance Allowance) or DLAA5DCS (DLA) – available from some advice agencies. If the forms are sent to you because you rang the benefit enquiry line or because you returned the tear-off slips, they will be dated. As long as you return the claim form within 6 weeks your claim, if successful, will start on the day you requested the claim form.

If you get the claim form from a local advice agency the date of your claim will be the date the forms are received in a Disability Benefits Office.

5.4 Filling in the claim pack

The intention is that you should be able to describe how your disability affects you on the claim form so that a medical examination is not necessary. But although the forms have been improved they are still quite long and you may want some assistance to complete them. You can get help from:

- a friend or relative who could fill the form in for you;
- the Benefit Enquiry Line by ringing 0800 88 22 00 (free call). The staff can provide information and advice, and can also arrange for help to complete forms over the phone or arrange for someone from the local office to come and visit you to help complete the form;
- a local advice agency.

If you have difficulty completing the claim form and would rather have a medical examination, you can ask for a doctor to visit.

If you are not able to get help to fill in the forms, or you would rather complete the form yourself, here are some tips.

Take your time

Read the notes and form before you start and then go through the questions carefully. Once you have finished, read through what you have written to make sure it is clear and check that you have not missed anything out - don't worry if you make mistakes and need to cross things out. The form does not have to be tidy.

Give full details

Give **any** information that explains your situation bearing in mind the rules above. Remember that Attendance Allowance and the care component of DLA are for people needing help with care and/or supervision and these are the things to concentrate on rather than help you need with tasks such as housework and shopping.

If you don't know how long it takes you to do something, time it - it may take longer than you thought! Time the activity from the start to finish so, for example, when you get dressed you will need to get your clothes out, as well as actually putting them on.

If you think that you have not given a complete picture and need some more space add a covering letter. Put your name and your National Insurance number on the letter; then sign it and attach it securely to the rest of the claim pack.

Help that you need

In some places the form asks if you 'need help' with certain activities. Remember it doesn't matter whether or not you actually receive help. You may live alone and not have anyone to help; or you may prefer to manage on your own, but you may still need help. For example you may not have a bath because you cannot get into the bath on your own - but you might be able to if you had some help.

Or you may get dressed on your own but only very slowly, or you get out of breath or experience discomfort, or you can only put on certain types of clothes. Add any extra information that helps describe your situation.

Keeping notes or a diary

If your illness or disability means you need substantial help on a regular basis it may be easy to complete the form and qualify for the allowance. For other people it may not be so clear cut.

Perhaps your condition changes so you have good days and bad days, or you have a mental illness or mental disability and many of the questions don't seem relevant. It may help to spend a few days keeping a note of all the times when you needed help or you had difficulty doing something on your own, or you felt you needed someone there to keep an eye on you. If you are the relative or carer of a disabled person you could do this on their behalf. This may be particularly useful if they are not always aware when they need help or supervision.

5.5 Your disability or medical condition

The claim form asks for information about your illness or disability, but what is most important is the affect it has on your everyday life. The people who make decisions about entitlement have a book of guidance which outlines the main needs likely to arise from the different conditions. But people's situations vary - you may have more than one medical condition, your situation may be unusual or your condition may be particularly severe. This is why it is important to describe your particular needs.

5.6 Statements from other people

There are sections to be completed by someone who knows you - for example a friend or relative or a professional such as a nurse or doctor.

The person who knows you is asked to give details about your illness or disability and how this affects you.

It helps if the person knows a little about the rules for the allowance so they can include the most relevant information.

6. After you send in your claim form

After you return the form if the decision makers need further information they may contact you, your doctor, or someone else you mentioned on the form, to clarify the position and get a better idea of your needs. In some cases they may ask a doctor to visit you.

If an appointment is made for a doctor to visit, you may want to arrange for a friend or relative to be there. The doctor will not be your own doctor but one appointed by the Department for Work and Pensions. He or she will probably examine you and ask further questions.

It may be useful to make a note beforehand of the things you want to tell the doctor about the help you need and any difficulties you experience. Some people may be reluctant to admit that they have problems or cannot do something, but it is important to give a picture of your normal range of activities - not just the things you can do on a 'good day'.

When a decision has been made you are sent this in writing. Attendance Allowance and DLA may be awarded indefinitely or for a fixed period depending on your circumstances. If you are awarded the allowance for a fixed period you will be sent a renewal claim form - normally about 4 months before the end of the period. There is a system of periodic reviews for DLA which means you may be sent a questionnaire or receive a visit to check if your needs are still the same.

7. If you disagree with a decision

When you receive the letter explaining whether you have been awarded benefit you also receive details about what to do if you are unhappy with the decision. In general you only have a month to challenge a decision, so it is important to take action as soon as possible.

If you are refused benefit or think you should qualify for a higher rate, then you have one calendar month to ask for this to be revised. If you have not been given a written 'statement of reasons' for the decision you can ask for this, in which case the time limit will be extended by 14 days. The one month time limit can also be extended up to 13 months in certain situations if there are 'special circumstances' for asking for a late revision. If you are asking for the decision to be revised you should send in any additional information that might help. The social security office may ask for extra evidence from someone such as your doctor.

If the decision maker looks at the decision again but you are not satisfied with the outcome, you can appeal. You should do this within one month of when you were notified about revision although time can be extended to up to 13 months if your appeal has a reasonable prospect of success and there are 'special circumstances' why it is late. You can also appeal straightaway without asking for a revision - again this must normally be done within one month.

To appeal, use the form attached to social security leaflet GL24 *If you think our decision is wrong* explaining which decision you disagree with and why.

The Appeals Service has the power to 'strike out' an appeal, for example if it is considered to be 'misconceived', so it is important to explain clearly why you are appealing.

You will be sent a form asking if you wish to attend the tribunal in person or have your case decided based on the written information provided. If possible, try to attend the tribunal as this is likely to give you a better opportunity to explain your position. If your illness or disability would make it difficult to attend then discuss this with the tribunal service which may be able to accommodate any special needs. It is also sometimes possible for a tribunal to take place in someone's home. An Attendance Allowance or DLA appeal tribunal will consist of three people, not connected with the social security office - one will be a lawyer, one a doctor and one someone with experience of disability. There will also normally be someone from the social security office.

At the tribunal you or a representative will be able to put your case about why the decision should be changed.

If you want to challenge a decision or make an appeal it is a good idea to seek help from a local advice agency. They may be able to help you prepare your case or represent you at a tribunal.

8. If your condition changes

If you are receiving the lower rate of Attendance Allowance or a low or middle rate of DLA, and your condition changes so that you think you may qualify for a higher rate, contact the Disability and Carers Service at the address given in Section 13.1 of this factsheet, asking for your case to be looked at again. You should give details of the changes in your condition and why you think the decision should be changed. You may be sent a form to complete, be asked for further information, or your doctor may be contacted. For DLA be aware if you do this both parts (care and mobility) of the claim are looked at and there is a slight risk that you could lose one or both parts. For Attendance Allowance you need to satisfy the conditions for the higher rate for the 6 month qualifying period before it can be paid; while for DLA you need to satisfy the conditions for 3 months to get a higher rate.

If your needs have increased and you tell the Disability and Carers Service within a month of completing the 3 or 6 month qualifying period for the higher rate, the increase is backdated to the date you completed the 3 or 6 month period.

If you are 65 or over and receiving DLA and your condition changes you cannot start to receive the lower care component. But you can start to receive the middle or higher care rates so if, for example, you are receiving the middle rate care and you now need help during the day and the night you can apply for the higher care rate. You have to satisfy the conditions for 6 months before your allowance increases.

You cannot normally receive the mobility component of DLA once you are 65 and you cannot move up or down a rate. There is an exception which allows you to receive the mobility component for the first time or move to a higher rate after 65 – but this only applies if you can show that you met the qualifying conditions before the age of 65.

9. Terminal illness

People who are terminally ill can claim Attendance Allowance or DLA under the 'special rules' which means there will not be a 6 or 3 month waiting period.

This applies to people who have a progressive illness which may limit their life to 6 months or less. It is impossible to say exactly how long someone will live and some people who receive the allowance under these rules live a lot longer than 6 months.

Under the 'special rules' Attendance Allowance and DLA were awarded for life but from September 2006 these awards have been made for a fixed period of three years and reviewed at the end of this period. People awarded under the 'special rules' before September 2006 are not be affected by this change.

Since October 2007, existing 'special rules' awards in place for more than 3 years have been subject to a 'review exercise'. If you are in this position and under 65 your award will be reviewed. If you are 65 to 84 your award may be reviewed as part of a sample exercise. If you are 85 or over you are exempt from these reviews.

To claim ask your doctor for a DS 1500 report which gives details of your condition (there is no charge for this).

Follow the instructions in the claim pack for 'special rules' (tick the box) and then send the DS 1500, with the claim form/s in the envelope provided. You do not need to complete the Attendance Allowance form or the care component section of DLA if you are assessed as being terminally ill - you will automatically receive the higher rate. If you are under 65 and you wish to claim the DLA mobility component as well then you will need to complete the first part of section 2 about walking outdoors. The form explains which parts to complete. Claims under the special rules should normally be dealt with within 15 days and a medical examination will not usually be necessary.

An application can be made on behalf of someone who is terminally ill, so people may receive an allowance under the special rules without knowing their prognosis.

10. How it is paid

Attendance Allowance is normally either paid weekly in advance or four-weekly in arrears directly into a post office, bank or building society. If payment into an account is not suitable for you, weekly cheques will be sent in the post. If you are getting another pension or benefit they will normally be paid together. DLA is normally paid four-weekly but people claiming under the special rules can get weekly payments in advance.

11. Attendance Allowance/DLA and other benefits

You can receive Attendance Allowance or DLA in addition to a State Pension or most other benefits. If you are awarded Attendance Allowance or DLA and you receive one of the means-tested benefits - Pension Credit, Housing Benefit and Council Tax Benefit - you will not be assessed as having extra income. But tell the Pension Service or council because it might increase your benefit.

Means-tested benefit rates can include extra money depending on your circumstances. People over 60 may be able to get extra money from the severe disability part of Pension Credit, worth up to £50.35 extra a week. You could qualify for this if you get Attendance Allowance or the middle or higher care component of DLA, and live alone (but there are some people you could live with who would not be counted) and no-one receives Carer's Allowance for looking after you.

If you are already receiving means-tested benefits the payment for severe disability will increase the amount you get.

If previously you were not entitled to Pension Credit, Housing Benefit or Council Tax Benefit you may qualify once you get Attendance Allowance or DLA because of the extra amount for severe disability or extra premiums.

At the time of writing claims for Pension Credit can be backdated for up to twelve months. But the Government has said it will reduce this to up to 3 months backdating from Autumn 2008. Claim Pension Credit at the same time as you claim Attendance Allowance/DLA to ensure you do not lose out. Your claim may initially be refused, but if DLA is awarded any Pension Credit can then be backdated to when you made the claim.

If an award of the extra amount for severe disability is likely to mean that you will start to qualify for Housing Benefit and/or Council Tax Benefit make a claim for these when you claim Attendance Allowance or DLA.

Example

James is 80, lives on his own and does not have a carer. His income used to be just his pension and Pension Credit totalling £124.05 a week. When he was awarded Attendance Allowance of £44.85 he also started to get the extra amount for severe disability which increased his Pension Credit to £174.40.

For more information see Age Concern Factsheet 48, *Pension Credit* and Factsheet 17, *Housing Benefit and Council Tax Benefit* or contact a local advice agency. People under 60 may like to get further information from a local advice agency such as the Citizens Advice Bureau.

11.1 Benefits for carers

If you are a carer and the person you care for is awarded Attendance Allowance or the middle or higher care component of DLA you may qualify for Carer's Allowance of £50.55 a week.

You must be caring for the person for at least 35 hours a week, and not earning more than £95 a week from paid work (after certain work expenses have been deducted). But if you are getting a state pension or certain other benefits you may not get Carer's Allowance as well.

Someone with a low income who is entitled to Carer's Allowance (even if it is not paid because they are getting another benefit or pension) may be able to get more help from means-tested benefits (Pension Credit, Housing Benefit and Council Tax Benefit) due to the extra amount for carers.

Before claiming Carer's Allowance you should be aware that if the person you care for has a low income and gets the extra amount for 'severe disability' as part of their Pension Credit or other benefit they will lose this money if you start receiving Carer's Allowance for looking after them.

Carers UK, 32–36 Loman Street, Southwark, London SE1 0EE, can give information and support for carers including information about benefits for carers. Carer's helpline 0808 808 7777 (free call), website: www.carersonline.org.uk.

12. Hospital and care homes

This section looks at what happens to your allowance if you are in, or move into, a hospital or care home.

12.1 Attendance Allowance or DLA in an NHS hospital

If you are receiving Attendance Allowance or DLA it stops 28 days after you enter an NHS hospital or 'similar institution' (this is not defined but could be a care home where you are fully funded by the NHS).

If you are already in an NHS hospital, you cannot start receiving Attendance Allowance or DLA. But if you make a claim and satisfy the disability conditions you may be able to start receiving the allowance when you go home.

Any periods in a hospital within 28 days of a previous admission are added together so if you have had a recent stay in a hospital, your Attendance Allowance may stop before the 28 days. Once you are back in your own home it starts again. The days you are admitted and discharged do not count as days in hospital.

Even if you live mainly in a hospital you may be able to receive Attendance Allowance when staying with friends or relatives for short periods such as weekend visits.

12.2 Attendance Allowance or DLA in a care home

The mobility component of DLA is not affected by admission to a care home.

Whether or not you can receive Attendance Allowance or DLA care component depends on how the fees are being met. If you are paying the full charges in a care home, you can claim and receive Attendance Allowance or DLA provided you fulfil the conditions. You can receive these allowances whether you arranged the admission yourself or the local authority arranged it for you.

Payments for your nursing care in a care home do not affect your entitlement to Attendance Allowance or DLA.

If you need local authority financial support to pay the care home fees, you cannot start to receive Attendance Allowance or the care component of DLA. If you are already getting one of these allowances it stops 28 days after admission. But you will still retain an 'underlying entitlement' to the allowance, so that if you move out of the home you could start to receive it again.

If the local authority provides temporary funding which will later be reimbursed by you (for example, under a deferred payment agreement) the allowances can be paid for that period. Pension Credit can be paid at the same time as Attendance Allowance or DLA care component in these circumstances. For more detailed information see Age Concern's Information sheet IS/13, *Care home funding and Attendance Allowance*.

13. Further information

13.1 Department for Work and Pensions

The Department for Work and Pensions (DWP) is the Government department responsible for State pensions and benefits. The DWP agencies who administer benefits are the Pension Service, Jobcentre Plus and the Disability and Carers Service. Older people deal mainly with the Pension Service; telephone 0845 60 60 265 (lo-call rate - this is a central number which routes callers to their local Pension Service office).

The Benefit Enquiry Line for people with disabilities can be contacted on 0800 88 22 00 (free call), (textphone for deaf people: 0800 24 33 55 - free call). They send out claim forms and can help to complete Attendance Allowance or DLA forms or arrange for someone to visit you at home.

Disability and Carers Service, Warbreck House, Warbreck Hill Road, Blackpool FY2 0YE, tel: 0845 7 12 34 56 (lo-call rate).

13.2 Local advice agencies

Local advice agencies may be able to help with general information, making an application or challenging a decision about your allowance. Local agencies include Age Concern organisations and groups, Citizen's Advice Bureaux, welfare rights organisations and disability groups such as DIAL groups (contact DIAL UK for details - the address is in Section 13.3). Some Age Concern organisations can help directly with benefit issues or they will be able to tell you which is the most appropriate source of help. Look in your telephone book, call the Age Concern Information Line on 0800 00 99 66 (free call), or ask at the library about local advice organisations.

13.3 National organisations

There are a number of national disability organisations which may be able to give advice and information about Attendance Allowance or Disability Living Allowance. A few of these organisations are mentioned below. If you have a particular disability or medical condition there may be a specialist organisation that could help or advise you. Most are listed in *The Voluntary Agencies Directory* (published by the National Council for Voluntary Organisations) which your local library should have.

Action for Blind People, 14-16 Verney Road, London SE16 3DZ, tel: 0800 915 4666, website: www.actionforblindpeople.org.uk.

Carers UK, 32–36 Loman Street, Southwark, London SE1 0EE, tel: 0808 808 7777 (free call), website: www.carersuk.org

DIAL UK, St Catherine's, Tickhill Road, Doncaster DN4 8QN, tel: 01302 310 123. Contact DIAL UK for details of local DIAL groups - these provide a disability information and advice service, website: www.dialuk.info.

Disability Alliance, Universal House, 88-94 Wentworth Street, London E1 7SA, tel: 020 7247 8776, website: www.disabilityalliance.org. Produces (along with other publications) the *Disability rights handbook*.

Royal National Institute for the Blind (RNIB), 105, Judd Street, London WC1H 9NE, helpline tel: 0845 766 99 99 (lo-call rate), minicom: 0845 758 5691 (lo-call rate), website: www.rnib.org.uk. Contact the RNIB for information and advice about sight problems.

RNID, 19-23 Featherstone Street, London EC1Y 8SL, helpline tel: 0808 808 0123 (free call), textphone: 0808 808 9000 (free call), textphone: 0808 808 0007 (free call), website: www.rnid.org.uk. RNID is the largest charity working to change the world for the UK's 9 million deaf and hard of hearing people.

14. Further Information from Age Concern

The following factsheets/information sheet may be relevant:

Fact sheet 17 *Housing Benefit and Council Tax Benefit*
Fact sheet 48 *Pension Credit*
Info Sheet IS/13 *Care home funding and Attendance Allowance*

Age Concern England's annual publication *Your Rights* gives more information about pensions, benefits and other kinds of financial help. It costs £5.99, and to order, please telephone our hotline (9am - 7pm Monday to Friday, 10am - 5pm Saturday): **0870 44 22 120** (national call rate), or visit our **website: www.ageconcern.org.uk/bookshop** (secure online bookshop).

If ordering by post, please send a cheque or money order, payable to Age Concern England, for the appropriate amount plus p&p to Age Concern Books, Units 5 & 6, Industrial Estate, Brecon, Powys LD3 8LA.

(Postage and packing: mainland UK and Northern Ireland: £1.99 for the first book, 75p for each additional book up to a maximum of £7.50. Free on orders over £250. For customers ordering from outside the mainland UK & NI: credit card payments only; please telephone the hotline for international postage rates or **email: sales@ageconcernbooks.co.uk**).

If you would like

- to find your nearest Age Concern
- any additional factsheets mentioned (up to a maximum of 5 will be sent free of charge)
- a full list of factsheets and/or a book catalogue
- to receive this information in large print

phone 0800 00 99 66 (free call) or write to Age Concern FREEPOST (SWB 30375), Ashburton, Devon TQ13 7ZZ. For people with hearing loss who have access to a textphone, calls can be made by Tynetalk, which relays conversations between text and voice via an operator.

Age Concern factsheets and other information materials can be downloaded free from our website at: www.ageconcern.org.uk. To receive a free e-mail notification when new and updated factsheets are published, please either contact the Factsheet Subscription Service on tel: 020 8765 7200 by email: factsheet.subscriptions@ace.org.uk, or sign up on-line.

Age Concern provides factsheets free to older people, their families and people who work with them. If you would like to make a donation to our work, you can send a cheque or postal order (made payable to Age Concern England) to the Personal Fundraising Department, ACE Freepost CN1794, London SW16 4BR.

Find out more about Age Concern England online at: www.ageconcern.org.uk.

Please note that the inclusion of named agencies, companies, products, services or publications in this factsheet does not constitute a recommendation or endorsement by Age Concern. Whilst every effort is made to ensure accuracy, Age Concern cannot be held responsible for errors or omissions.

No factsheet can ever be a complete guide to the law, which also changes from time to time. Therefore please ensure that you have an up to date factsheet and that it clearly applies to your situation.

Legal advice should always be taken if you are in doubt. (*Age Concern England does not give financial or legal advice*).

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APPENDIX

Scottish Supplement – Factsheet 34

The aim of this sheet is to give further information where the law and practice in Scotland may differ from the law in England described in the body of Factsheet 34.

Attendance Allowance and Free Personal Care

Free Personal care is classed as assistance from the Local authority, so that if you are receiving free personal care from the local authority, then your entitlement to attendance allowance will cease 28 days after admission to the care home.