



## **WHAT CAN YOU CLAIM?**

**A basic guide to Social Security benefits which people with learning disabilities may be able to claim.**

**The Down's Syndrome Association  
April 2007  
This information is updated every year.**

information

## A GUIDE TO BENEFITS

WHEN TO CLAIM	BENEFIT	PAGE
<b>AGE 0</b>	Child Benefit*	4
	Disability Living Allowance - Care	5
	Carer's Allowance	6
	The new Tax Credits	8
	Child Tax Credit	9
	Working Tax Credit	10
	Family Fund	11
<b>2</b>	Blue Badge (formerly Orange Badge)	12
<b>3</b>	Disability Living Allowance - Mobility Higher rate	13
<b>5</b>	Disability Living Allowance - Mobility Lower rate	14
<b>16</b>	The disabled person can claim benefits in their own right:	14
	Incapacity Benefit	15
	Severe Disablement Allowance	16
	What happens to Incapacity Benefit and Severe Disablement Allowance if you start work or training?	18
	Benefits in Residential Care	18
	Income Support*	19
	The Social Fund*	21
	Housing Benefit*	22
	Council Tax Benefit*	23
	Jobseeker's Allowance*	23
Health Benefits*	24	
<b>60+</b>	State Retirement Pension*	25
	Pension Credit*	25
	Winter Fuel Payments*	26
	Attendance Allowance	26
<b>Appendix:</b>	Appointees	27
	Revisions, Supercessions and Appeals	27
	Protecting your NI contributions	28
	Useful Addresses	29

\*NB These benefits can of course be claimed by people without disabilities as well.

## **INTRODUCTION**

**This leaflet is about welfare benefits which people with learning disabilities may be able to claim.**

Some of the benefits mentioned in the leaflet are just for people with disabilities. Other benefits can be claimed by anyone.

This leaflet is only a brief guide. Rules about Social Security benefits can be complicated, so if you think you might be entitled to one or more of these benefits, get advice about your own situation from one of the organisations listed at the end of this leaflet.

The information in this leaflet relates to England and Wales. Scotland and Northern Ireland have different legal and administrative systems (although a lot of the information in this leaflet also applies to Scotland and Northern Ireland). Contact the Scottish and Northern Irish organisations listed in the back of this leaflet for more detailed information.

The Department for Work and Pensions (which used to be the Department of Social Security) deals with policy decisions about Social Security. Benefit Agency and Jobcentre offices, which deal with most of the benefits mentioned in this leaflet, are being re-structured and re-named. They will be referred to in this leaflet as Department for Work and Pensions (DWP) offices. You may know them as Jobcentre Plus offices. Some benefits, such as Disability Living Allowance and Carer's Allowance have central offices (addresses at end of this leaflet). If you don't know whom to contact, phone the Benefits Enquiry Line (the DWP helpline for people with disabilities): Freephone 0800 88 22 00 or ring the welfare benefits advisers at the Down's Syndrome Association.

**Keep copies of all correspondence and forms you send to the DWP.**

# CLAIM FROM BIRTH

## **CHILD BENEFIT**

*Claim at birth*

*Lasts up to age 16 (or 19)*

**Child Benefit is paid for all children from birth to 16 years old, and in some cases to age 19.** To get Child Benefit, the child must either be living with you, or you must be contributing to the maintenance of the child. Your savings and your income do not affect Child Benefit. You do not have to be the natural parent. You get a higher amount for the eldest child and a lower amount for all other children. The higher rate of Child Benefit for lone parents was abolished on 6 July 1998, but some people may still be able to receive it. Special rules apply to children living in local authority care or in hospital and to families where the parents or the child go abroad for long periods.

Child Benefit is counted as income when some other benefits, for example, Income Support, are worked out, but it doesn't count for Child Tax Credit and Working Tax Credit.

## **HOW TO CLAIM**

The Inland Revenue is now responsible for the administration of Child Benefit, instead of the DWP. You should claim in writing on form CH2, which is available from DWP offices, Inland Revenue enquiry offices, and the Inland Revenue or DWP websites.

Forms can be taken or sent to:

- the Child Benefit Centre (address at end of this leaflet) or
- Inland Revenue enquiry centres or
- DWP (Jobcentre Plus) offices.

Send the child's birth or adoption certificate along with the form. But don't delay making your claim, even if you don't have the certificate. Child Benefit can only be backdated for 3 months from the date your claim is received.

Child Benefit is paid every four weeks. If monthly payments cause financial hardship, get in touch with the Child Benefit Centre, and they may be able to change to weekly payments.

\*\*\*\*\*

## DISABILITY LIVING ALLOWANCE

### Disability benefit

*Claim care component from 3 months*

*Claim the higher rate of the mobility component at age 3, the lower rate at age 5*

**This is the main disability benefit for people with learning disabilities, and other disabilities, up to the age of 65.** A person with disabilities can get Disability Living Allowance (DLA) if they need extra help with personal care or with getting around.

DLA is for people whose illness or disability is likely to last at least six months. And you can't usually start to get DLA immediately. In most cases you have to have needed the benefit for a three month qualifying period before you start to receive it.

### **DLA has two parts: the care component and the mobility component.**

- The care component has three rates.
- The mobility component has two rates. The higher rate of the mobility component can be claimed at age 3 (see page 13). The lower rate of the mobility component cannot be claimed until someone is 5 years old (see page 14).
- Someone can get just the care component, or just the mobility component, or both.
- DLA can be given for a fixed period (eg, 2 years) or for an indefinite period.

### **The care component**

This is paid to someone who needs extra help *with personal care and being looked after*.

People can claim this part of DLA **from birth up to the age of 65**. But the earliest you can start to get DLA is usually at three months old because of the qualifying period, so it's usually best to claim at 3 months at the earliest. For children with Down's syndrome, a claim should be made when you, the parent or carer, feel that the child's needs are greater than those of other children of the same age (see below "Extra help for children").

### **What counts as "help" with personal care or being looked after?**

- Extra help can be anything to do with physical help: help with walking or moving (indoors), eating and drinking, sleeping, going to the toilet, bathing, shaving, coping with menstrual periods, dressing and undressing, seeing, hearing, taking medicines, physiotherapy, speech therapy, extra stimulation and playing with a child with learning disabilities. It can also include help with communicating, reading and writing. All this kind of help is called "attention .... in connection with bodily functions". It **does not usually** mean help with housework, laundry or shopping.

- Extra help also includes having to be with someone constantly to keep them safe. This kind of help is called "supervision".

**Someone may get the care component of DLA if they need a lot of either "attention" or "supervision", or both.** There are three rates of the care component. Which rate someone gets depends on how much help they need and whether they need help only during the day, or only during the night, or during both.

### **Extra help for children**

All children need to be looked after. For a child under 16 to count as needing "extra help", they have to need **a lot more** help or looking after than another child of the same age. Help could be "extra" because things take longer, or because things have to be done differently with your child. Help that only younger children would normally need is "extra" help.

- **DLA is not taxable.**
- **DLA is paid on top of other benefits and might mean you get more money from other benefits. Tell your local DWP office if you start to get DLA.**
- **Someone can get DLA even if they have never paid national insurance contributions.**
- **DLA is not means-tested - your income and savings don't matter.**

### **HOW TO CLAIM**

- Phone the Benefits Enquiry Line for people with disabilities: Freephone 0800 88 22 00 and ask for a DLA claim form. You need to say if it's for a child (under 16) or an adult.
- Or phone the DLA Unit on 0845 7 123456.

**The rules for getting DLA are complicated. This is only a brief summary. If you are thinking about claiming it for yourself or someone you look after, get advice from one of the organisations listed at the end of this leaflet.**

\*\*\*\*\*

**CARER'S ALLOWANCE**  
(formerly Invalid Care Allowance)

**Disability benefit**  
*Claim when the person you are caring for gets DLA. Lasts as long as you continue caring.*

**The Carer's Allowance (CA) is a benefit for people who are 16 and over, who spend 35 or more a week regularly caring for a severely disabled person.** From October 2002, the rules were changed so that people over 65 could make a claim for CA.

### **You may get Carer's Allowance if:**

- You are caring for someone who receives the **higher or middle rate care component** of Disability Living Allowance or Attendance Allowance. You don't have to be living with the person you look after.
- You must be caring for someone 35 or more hours a week.
- You are not receiving certain other benefits. You cannot get CA if you are already getting Income Support, Jobseeker's Allowance, Retirement Pension, bereavement benefits and some other benefits. But you may still get some extra money (the carer's premium) if you claim CA while on means-tested benefits like Income Support or Housing Benefit (see below).
- You are not working and earning more than a set amount, currently £87 per week. You can deduct tax, national insurance contributions, half of any personal pension contributions, and child care costs, from your earnings. If you earn more than £87 per week, but not much more, check your situation with the CA Unit (address at the end of this leaflet).
- You are not a full-time student (attending a course for 21 hours or more a week).

### **Advantages of claiming CA:**

- You will be paid national insurance contribution credits. (You will need contribution credits to claim your Retirement Pension at a later date).
- You can earn up to £87 per week in addition to your CA. **But you must tell the CA Unit if you plan to take on any work, as this may affect your allowance. It is a good idea to tell them in writing and keep a copy of your letter.**
- You can get CA even if you have never worked.
- Some carers may be able to get extra money (the carer's premium) in their Income Support, Housing Benefit, and Council Tax Benefit, if they claim CA, even though they don't receive the full amount of CA.
- You get a Christmas Bonus.

- |   |
|---|
| <ul style="list-style-type: none"><li>• <b>Your savings, and your partner's earnings, don't matter for CA - but your own earnings from work do.</b></li><li>• <b>CA is taxable.</b></li></ul> |
|---|

- **Once you have been caring for 6 months, you can have up to 4 weeks off caring in any 6 month period, without your CA being affected. You or the disabled person can be in hospital for up to 12 weeks before you lose CA.**

### **Don't wait to claim CA**

If you have claimed DLA for the person you look after, and think that you will be entitled to CA once they are getting DLA, do not wait to claim CA until the DLA claim is settled. Claim CA at once. Although CA will not be paid until the DLA claim is settled, your CA can then be backdated to the date of your claim, or the start of the DLA payment, whichever is later.

### **Extra money for a partner or dependent children**

If you get CA, you may be able to get extra CA for a dependent husband/wife, or another adult who cares for your children, or for your dependent children. This does depend on how much your partner earns, or receives in other benefits. If your partner's earnings are not high, check your situation with the CA Unit (address at the end of this leaflet). To get this extra money, you have to claim for it separately. But if you are receiving other means-tested benefits, or think you might have to claim them in the future, **YOU MUST GET ADVICE** before you claim this extra money. In most cases, it's better to claim the means-tested benefits – but **CHECK** your own situation.

### **HOW TO CLAIM**

- Phone the Benefits Enquiry Line for people with disabilities: Freephone 0800 88 22 00.
- Or ring the CA Unit on 01253 856123.

Claim as soon as possible. CA can now usually only be backdated for up to 3 months. You can claim up to 3 months in advance.

**If you get CA, it is safer to report any changes in your circumstances in writing to the CA Unit (address at the end of this leaflet). Always keep a copy of the letter for your own records.**

\*\*\*\*\*

## **WORKING TAX AND CHILD TAX CREDITS**

**These tax credits replaced Children's Tax Credit, Working Families Tax Credit and Disabled Person's Tax Credit in April 2003.** They have now replaced the support for children paid through Income Support and income-based Jobseeker's Allowance. People on these benefits are being paid Income Support or Jobseeker's Allowance for themselves and their partners, and Child Tax Credit for their children.

- The new tax credits are administered by the Inland Revenue not by the DWP.
- They are means-tested. They are usually paid on the basis of the previous year's income. Income is basically your taxable income for the year. There is no capital limit (unlike for means-tested benefits) but your actual income from savings is taken into account.
- Any money you receive as a maintenance payment for the children is not taken into account and therefore paid in addition to the tax credits.
- A tax credit lasts for a year (the tax year, April to April). Obviously, your circumstances may change over the course of a year. Some changes you have to tell the Inland Revenue about straight away. Other changes do not have to be reported at once, but remember, the Inland Revenue will take all relevant changes into account at the end of the year, and work out whether you have been over or underpaid.

### **How do the new tax credits affect other benefits?**

Some of the other benefits described in this leaflet are taken into account as income when your tax credits are worked out (such as the Carer's Allowance). Others are disregarded (such as Disability Living Allowance and Child Benefit). Both Child Tax Credit and Working Tax Credit count as income when other means-tested benefits are being worked out.

If you are claiming other benefits, GET ADVICE before claiming the tax credits.

## **CHILD TAX CREDIT**

**Child Tax Credit (CTC)** combines the child support elements of all the benefits and tax credits in the old system. This means it is available to families in work and families out of work. It is means-tested.

### **You may get Child Tax Credit if:**

- You have a child under 16 (or 19 if they are in full-time, non-advanced education).
- There is an extra element if you have a child under one.
- There is an extra element if you have a disabled child, and a further element if your child gets the higher rate of the care component of DLA.

The Inland Revenue work out your "maximum tax credit", then they look at your income. This means that although families with a child with Down's syndrome may have a higher "maximum tax credit" than other families, they could still end up only receiving the basic CTC, if their income is high enough.

Most families will qualify at least for the basic credit (which is equivalent to the old Children's Tax Credit). However, the old tax credit was paid as a reduction in income tax. The new Child Tax Credit is a payment to the main carer in the family (usually the mother). The Inland Revenue pay CTC directly into a bank, building society, or post office card account.

### **What happens if you are already on Income Support or income-based Jobseeker's Allowance?**

Most people on Income Support or income-based Jobseeker's Allowance do not have to make a claim for CTC. They will continue to get money for their children paid with their benefit. By October 2004, they will have automatically been transferred onto CTC without having to make a claim.

## **WORKING TAX CREDIT**

**Working Tax Credit (WTC)** is to help people with children, or people with a disability, or people over 50, or people over 25 working full-time, who don't earn very much.

### **You may get Working Tax Credit if:**

- You or your partner have a child and work at least 16 hours a week, or
- You count as having a disability and work at least 16 hours a week, or
- You are over 25 and work at least 30 hours a week, or
- You or your partner are at least 50, work at least 16 hours a week, and qualify for the 50 plus element of WTC.
- You may also get extra WTC if you pay for childcare.

Almost everyone with Down's syndrome will satisfy the tests and count as having a disability.

WTC will be paid with your wages if you are employed. If you're self-employed, the Inland Revenue want to pay WTC directly into a bank, building society, or post office card account.

- **CTC and WTC are means-tested - income is taken into account.**
- **CTC and WTC are not taxable.**
- **CTC and WTC run for a year. If your circumstances change and you do not tell the Inland Revenue, you could end up having to repay money.**
- **Claims for CTC and WTC can be backdated for up to three months.**

### **HOW TO CLAIM**

- Claim both Child Tax Credit and Working Tax Credit on form TC600. You may get just CTC, or just WTC, or both.

- You can get the claim form from your local DWP office or Inland Revenue enquiry centres, or directly from the Tax Credit helpline on: 0845 300 3900.
- You can also make a claim online at [www.inlandrevenue.gov.uk](http://www.inlandrevenue.gov.uk).

\*\*\*\*\*

## THE FAMILY FUND

**Disability benefit**  
*Claim from birth*  
*Up to age 16*

The Family Fund is funded by the government, but it is run by the Family Fund Trust. The Fund gives money to buy equipment or services for children who need extra help because of a severe disability.

For children with Down's syndrome, it seems that the Trust is particularly looking to help children with additional problems, eg, medical (heart, lung or bowel problems), behavioural, communication, vision or hearing problems. Do not be put off applying – get in touch and talk to the Trust about your child. The Trust considers helping with items or services if the child's disability means there is a special need for them.

### **Families with a child with a severe disability can apply to the Fund if:**

- The child is under the age of 16 (but in certain circumstances, the Fund will consider a child over 16)
- The family lives in the UK

You will be asked about your income and savings. Grants from the Family Fund are means-tested, but you do not have to be on Income Support to apply.

### **You may get help with:**

- Washing machines and tumble dryers, fridge-freezers, dishwashers
- Clothing and bedding
- Holidays or outings
- Driving lessons
- Transport
- Play and leisure equipment

**These are only examples of the things the Fund can be used for. It is not a complete list and families are encouraged to ask for anything that they feel they need, as long as it is directly related to the child's disability.**

## **HOW TO CLAIM**

Write to the Family Fund (address at the end of this leaflet). A representative from the Fund will visit the family.

\*\*\*\*\*

## **CLAIM FROM AGE 2**

**THE BLUE BADGE SCHEME**  
(formerly the Orange Badge Scheme)

**Disability benefit**  
*Claim from age 2*

**The Blue Badge scheme operates throughout England and Wales (except for parts of central London). It is run by local councils.**

The Blue Badge scheme is to help people who have a lot of difficulty getting around, to park where there are parking restrictions, for example, close to shops, public buildings, and so on. A car displaying an Blue Badge driven by a disabled person, or with a disabled person as a passenger, can be parked in some, but not all, parking restricted areas.

To qualify for an Blue Badge the person with disabilities must be aged 2 and over, and:

- be getting the higher rate of the mobility component of Disability Living Allowance; OR
- be getting war pensioner's mobility supplement; OR
- be using a vehicle supplied by a government department or getting a grant towards running your own car or invalid trike; OR
- be registered blind; OR
- drive regularly and have a severe disability in both arms; OR
- have a "permanent and substantial disability which causes inability to walk or very considerable difficulty in walking".

The car does not have to be driven by the disabled person, but the disabled person has to be in the car - unless they have just been dropped off or are being picked up.

## **HOW TO CLAIM**

Contact your local council.

\*\*\*\*\*

## **CLAIM FROM AGE 3**

### **DISABILITY LIVING ALLOWANCE**

#### **Disability benefit**

*Claim care component from 3 months*

*Claim the higher rate of the mobility component at age 3, the lower rate at age 5*

**Disability Living Allowance has two parts: the care component and the mobility component. The care component can be claimed from 3 months (see page 5).**

The mobility component is paid to someone who needs *help with getting around*. It is paid to people who have difficulties walking outside. There are two rates. People can claim the higher rate if they are **between 3 and 65 years old**. The lower rate can be claimed **between 5 and 65 years**.

#### **The higher rate of the mobility component**

**The higher rate** of the mobility component is paid to people:

- who cannot walk at all; OR
- who can only walk in a very limited way; OR
- whose health would be at risk if they made the effort of walking; OR
- who are both deaf and blind; OR
- who have no legs or feet; OR
- who have severe learning disabilities, are getting the higher rate of the care component of DLA, and whose behaviour is very disruptive.

Some people with Down's syndrome will qualify for the higher rate of the mobility component.

#### **Road tax exemption**

If you get the higher rate of the mobility component, you will be sent a form to apply for exemption from Vehicle Excise Duty (road tax). As long as the car is used mainly for the purposes of the person getting DLA, then road tax does not have to be paid.

#### **Motability**

If you get the higher rate of the mobility component, you may be able to use it to buy a new or used car by hire purchase through an organisation called Motability (address at the end of this leaflet).

**HOW TO CLAIM**  
See page 6.

\*\*\*\*\*

## **CLAIM FROM AGE 5**

### **DISABILITY LIVING ALLOWANCE**

**Disability benefit**

#### **The lower rate of the mobility component**

**The lower rate** of the mobility component is paid to people who might be able to go to familiar places on their own, but who could not manage going to a strange place without someone with them to help and guide them. There is an extra test for children under 16 for the lower rate.

#### **Extra help for children**

Many children under 16 would not be able to go to a strange place on their own. So there is an extra test for children for the lower rate only. They will get the lower rate if they **need more guidance or supervision out of doors** than another child of the same age would need.

The Down's Syndrome Association believes that all children with Down's syndrome qualify for the lower rate of the mobility component at the age of 5. If your child doesn't receive it, please contact us for advice.

**The rules for getting DLA are complicated. This is only a brief summary. If you are thinking about claiming it for yourself or someone you look after, get advice from one of the organisations mentioned at the end of this leaflet.**

Remember, although the care and mobility components are described separately in this leaflet, they are part of the same benefit, Disability Living Allowance.

\*\*\*\*\*

## **CLAIM FROM AGE 16**

**Young people with Down's syndrome can claim benefits in their own right at 16.** Usually, the benefit they can claim is Incapacity Benefit. (Before April 2001, the benefit they could claim was Severe Disablement Allowance, topped up by Income Support.) Remember that if someone's needs haven't changed, they should keep Disability Living Allowance as well.

If the whole family is on benefit (such as Income Support or Jobseeker's Allowance), **GET ADVICE** before a child turning 16 claims in their own right.

\*\*\*\*\*

## **INCAPACITY BENEFIT**

### **Disability benefit**

*Claim from age 16*

*Lasts as long as you can't work or until retirement.*

**Incapacity Benefit is for people who can't work because of an illness or disability.**

Up to April 2001, you had to have paid enough national insurance contributions to get Incapacity Benefit. After April 2001, those aged under 20 (in some cases 25) could claim Incapacity Benefit regardless of their national insurance contributions .

### **You may get Incapacity Benefit if:**

- You are under pension age (60 for women, 65 for men).
- You are “incapable of work”.
- *Either:* You have paid enough national insurance contributions. *Or:* You became incapable of work in youth (under 20, or in some cases, 25).
- You can't get Statutory Sick Pay

There are three rates of Incapacity Benefit:

- 1-28 weeks: short-term lower rate
- 28-52 weeks: short-term higher rate
- after 52 weeks: long-term rate

For the first year of Incapacity Benefit, you may be able to claim Income Support to top up your income.

### **“Incapable of work”**

For the first 28 weeks of being unable to work, you are “incapable of work” if you pass the “own occupation test”, that is, you can't do the job you usually do. After that, you are assessed as “incapable of work” only if you pass the “personal capability assessment”, that is, if you can't do any kind of work. If you don't have a regular job (an “own occupation”), you are assessed under the “personal capability assessment” from the start.

The tests are carried out by filling in a questionnaire.

But certain people are exempt from these tests. They will automatically be considered “incapable of work”. One group of people who are exempt are people with “severe learning disabilities”. They will not have to fill in the questionnaire. (People with Down's syndrome, for example, will usually be exempt from these tests.) But you will have to get medical evidence, usually from your GP, stating that you have a learning disability.

## **Incapable of work in youth**

This is the way most young people with Down's syndrome will get Incapacity Benefit.

- You have to be 16 or over.
- You have to have been incapable of work for 6 months – but this can be the 6 months coming up to your 16th birthday. You can claim up to 3 months in advance.
- You become incapable of work under 20, or in some cases, under 25. If you are over 20 and have not claimed Incapacity Benefit, but you have been in education since before you were 20, you may still be able to claim without satisfying the national insurance contributions condition up to the age of 25. Get advice.
- You are not in full time education (if you are under 19). However, this does not stop most young people with Down's syndrome under 19 getting the benefit. Full time education is 21 hours a week or more. But any hour of education in which either the content of the lesson, or the way it is delivered, would not be suitable for a person without a disability, does not count towards the 21 hour total.

- **Incapacity Benefit is not means-tested - your income and savings don't matter.**
- **The short-term lower rate is not taxable, but the short-term higher rate, and the long-term rate are taxable in most cases.**

### **HOW TO CLAIM**

- Phone the Benefits Enquiry Line for people with disabilities: Freephone 0800 88 22 00.
- Or pick up a form from your local DWP office.

**You must ask for the form to claim Incapacity Benefit for Young People – form IB (Y)1.** This is a special form for people who have not paid national insurance contributions.

\*\*\*\*\*

## **SEVERE DISABLEMENT ALLOWANCE**

**Disability benefit**

**Before April 2001, Severe Disablement Allowance (SDA) was the benefit for people not working because of illness or disability, who hadn't paid enough national insurance contributions to get Incapacity Benefit (see page 15).**

**Severe Disablement Allowance was ABOLISHED for new claimants on 6 April 2001.** You cannot make a new claim for SDA.

**What happens to people who are on Severe Disablement Allowance?**

- If you were on Severe Disablement Allowance and you were over 20 on 5 April 2001, you will remain on Severe Disablement Allowance indefinitely, as long as you still fit the conditions (see below).
- If you were on Severe Disablement Allowance and you were under 20 on 6 April 2001, and you continue to meet the conditions, you will have automatically been transferred onto the long-term rate of Incapacity Benefit on 6 April 2002. You will qualify under the "youth" rules explained on page 16.

**You may continue to get Severe Disablement Allowance if:**

- You are aged 16 but under 65; AND
- You are "incapable of work" and have been "incapable of work" for 196 days (28 weeks); AND
- You live in Great Britain; AND
- Your incapacity for work began on or before your 20th birthday; OR
- you automatically counted as "80% disabled"; OR
- you were assessed as being "80% disabled"

- |   |
|---|
| <ul style="list-style-type: none"><li>• <b>SDA is not means-tested - your income and savings don't matter.</b></li><li>• <b>SDA is not taxable.</b></li></ul> |
|---|

Remember, if you haven't got a lot of savings, you may get Income Support to top up your SDA.

**HOW TO CLAIM**

- There are no new claims possible for Severe Disablement Allowance.

\*\*\*\*\*

## **WHAT HAPPENS TO INCAPACITY BENEFIT AND SEVERE DISABLEMENT ALLOWANCE IF YOU START WORK OR TRAINING?**

Obviously, many young people with Down's syndrome may start by claiming Incapacity Benefit (or be on Severe Disablement Allowance) and then later decide to start work or training.

**You can stay on Incapacity Benefit/Severe Disablement Allowance and do a limited amount of work. From 8 April 2002, new rules were introduced about the kind of work you can do.** You used to be able to do "therapeutic" work. This has been replaced by "permitted" work.

You can do:

- Voluntary work for which you only get expenses (as long as it isn't for a close relative).
- Permitted work, which is:
  - work as part of a treatment programme under medical supervision while you are in hospital or a regular hospital out-patient as long as you don't earn more than £81 per week.
  - work for an unlimited period, as long as you don't earn more than £20 per week (this is under 5 hours a week at the minimum wage).
  - work for an unlimited period, as long as you don't earn more than £81 per week, and it is "supported work", that is, it is supervised by someone whose job it is to find work for people with disabilities.
  - work for up to 26 weeks, as long as you do not earn more than £81 per week and work on average less than 16 hours a week. Under certain circumstances, this 26 week period can be extended. Get advice about your own situation.

**You can decide to start work or training and stop claiming Incapacity Benefit/Severe Disablement Allowance.** If you need to stop work later and claim these benefits again, it may be possible to do so. But the rules are complicated. It is important to get advice about your own situation, if you are thinking about starting work.

\*\*\*\*\*

## **BENEFITS IN RESIDENTIAL CARE      Disability benefit**

There are several types of residential care and nursing homes which people with a learning disability can live in. The rules about getting benefits in this kind of accommodation are very complicated. If you are considering this kind of accommodation, contact your local Social Services department. You have to be assessed by Social Services as a first step to getting any help with funding residential or nursing care.

## HOW TO CLAIM

Contact your local Social Services department. You will find their telephone number in the phone book under the name of your local council.

\*\*\*\*\*

## INCOME SUPPORT

*A disabled person can claim at age 16  
Lasts as long as your circumstances don't  
change*

**Income Support is the safety net of the benefits system. You may get Income Support if you do not have enough income from other sources.**

**You may get Income Support if:**

- Your income is less than your applicable amount. Your applicable amount is the minimum level of income the Government says you should have to live on.
- Your capital and savings are less than £6,000. The lower limit is £10,000 and the upper £16,000 if you live permanently in a care home. The value of the home you live in is ignored.
- You are not working full-time. Full-time work is 16 hours a week or more. (But a person with disabilities who works more than 16 hours a week may still be able to get Income Support. Check if you are in this situation.)
- You are not a full-time student. (But see the section "Special rules for young people with disabilities" below.)
- You are aged 16 or over.
- You live in Great Britain.

### **Who claims Income Support?**

If your claim for IS began before to April 2004 and you have dependent children living with you, your IS may still include payments for the children. After October 2004 these payments will be stopped and paid instead as Child Tax Credit. You won't lose any money.

A single person can claim Income Support for themselves. A couple are assessed together.

### **How is Income Support worked out?**

#### **Your applicable amount**

First, your applicable amount is worked out. The Government sets a certain amount of money for an individual. This is called **their personal allowance**. It varies according to age. The Government also sets extra amounts of

money, which depend on the circumstances of the individual or the family. These are called **premiums**.

For example, a person with disabilities may get the disability premium, or someone who is a carer may get the carer's premium.

When an individual's or family's personal allowances and premiums are added together, this makes up **their applicable amount**. It represents the minimum amount that the Government thinks that individual or family should have to live on each week.

### **Your income**

Then the Benefits Agency looks at your actual income. Most income from earnings and other benefits is counted in full. But Housing Benefit and Council Tax Benefit do not count as your income. It is very important to remember that Disability Living Allowance does not count as income either.

### **Your savings**

**If someone has savings of more than £6,000 (or £16,000 in some cases), they cannot get Income Support, no matter how low their income is.**

If your or your partner's savings are less than £6,000, they are completely ignored. If someone has savings of over £6000 and neither partner is over 60, they are assumed to have a certain amount of income from the savings. This is added on to their actual income, and so the amount of Income Support they get is reduced, or they may not get any Income Support.

As Child Tax Credit has replaced the children's allowances and premium in Income Support, any savings a child has are not counted for IS purposes.

### **Finally**

**When someone applies for Income Support, their applicable amount is compared with their actual income (including the income assumed to come from their savings). If their actual income is lower than their applicable amount, they receive Income Support to make up the difference.**

### **Special rules for young people with disabilities**

Most 16-17 year olds cannot get Income Support. Most students who are still in full-time education after the age of 19 also cannot get Income Support.

**But many 16-17 year olds who are disabled, and also many students with disabilities aged 19 and over, can get Income Support in their own right.**

So, if someone in your family has learning disabilities and is aged 16 or over, check whether they can get Income Support. But remember, if they do get Income Support in their own right, Child Benefit and Child Tax Credit will no longer be paid for them. If the whole family is on benefit, check before a child

turning 16 claims in their own right. In some circumstances, the family as a whole can end up worse off.

### **Income Support and housing costs**

Income Support can help towards the cost of paying a mortgage. It only covers the interest payable and there may be a waiting period of 39 weeks.

### **Income Support and other benefits**

Remember that it is possible to claim Income Support on top of other benefits. For example, someone can get Severe Disablement Allowance topped up by Income Support, or Incapacity Benefit (at least for the first year). Check your own situation to make sure you are not missing out.

### **The advantages of being on Income Support**

If you are on Income Support, you will automatically be entitled to some other benefits. These include help with various health costs (see page 24), the maximum amount of Housing Benefit (page 22), exemption from paying Council Tax (page 22), free school meals, access to the Social Fund (page 21), etc.

- **Income Support is sometimes taxable.**
- **Someone can get Income Support even if they have never paid national insurance contributions.**
- **Income Support is means-tested - your income and savings are taken into account.**

### **HOW TO CLAIM**

- Phone the Benefits Enquiry Line for people with disabilities: Freephone 0800 88 22 00.
- Or contact your local DWP office.

**Remember, if a person with learning disabilities has not claimed Income Support because they did not know they were entitled, they MAY get the benefit backdated for up to 3 months. Get advice if you are in this situation.**

**From 6 October 2003, Pension Credit replaced Income Support for people over 60 (see page 26).**

\*\*\*\*\*

### **THE SOCIAL FUND**

**The Social Fund is to help people on low incomes to meet unusual costs, such as having a baby, paying for a funeral, paying a winter fuel bill (pensioners only), moving out of residential care, or something like buying new furniture.**

Some payments from the Social Fund have to be paid if you meet the conditions. For others, you have to meet the conditions and your local office has to have enough money in its budget.

To get help, you usually have to be on benefit, for example, getting Income Support, or income-based Jobseeker's Allowance, or more than the basic amount of Child Tax Credit, or Working Tax Credit which includes the disability elements, or Pension Credit. For some Social Fund payments, you can qualify if you get Housing Benefit or Council Tax Benefit. Most payments from the Social Fund are loans, which have to be paid back. Grants, which don't have to be paid back, can be given.

If you are claiming a Sure Start maternity grant or a funeral expenses payment, you have to claim within a time limit.

If you are on a low income, and you have to meet an extra cost, contact one of the organisations at the end of this leaflet to get advice about applying to the Social Fund.

\*\*\*\*\*

## **HOUSING BENEFIT**

*Claim if you pay rent*

**Housing Benefit helps people on a low income to pay their rent. You can get Housing Benefit whether you are working, or claiming other benefits, such as Income Support (see page 19).**

**If you are paying a mortgage, you may get help with your housing costs through Income Support.**

Someone on Income Support paying rent will get maximum Housing Benefit.

- **Housing Benefit is not taxable.**
- **Housing Benefit is ignored when Income Support is worked out.**
- **Someone can get Housing Benefit even if they have not paid national insurance contributions.**
- **Housing Benefit is means-tested - your income and savings are taken into account.**

## **HOW TO CLAIM**

Get a form from your local council. It is local councils which deal with Housing Benefit and Council Tax Benefit, not the DWP.

\*\*\*\*\*

## **COUNCIL TAX BENEFIT**

*Claim if you pay council tax and you are over 18*

**The amount of council tax you pay can be reduced in a number of ways.** Some of these you have to claim for. Others are given automatically, if you qualify. People on Income Support do not have to pay council tax.

**Main Council Tax Benefit helps people on a low income to pay their council tax. You can get Council Tax Benefit whether you are working, or getting other benefits. You have to claim this benefit.**

There is another type of help with the council tax, called "Second Adult Rebate." Second Adult Rebate can be paid regardless of whether you are on a low income or not. When you apply for Council Tax Benefit, the council will work out whether you can get main Council Tax Benefit, or Second Adult Rebate. If you qualify for both, you get whichever is highest.

### **Council tax and people with disabilities**

Your council tax bill may be reduced if you are someone with a disability, or you live with someone with a disability. Check that your council knows if you are in this situation.

### **HOW TO CLAIM**

Get a form from your local council. It is local councils which deal with Council Tax Benefit and Housing Benefit, not the DWP.

\*\*\*\*\*

## **JOB SEEKER'S ALLOWANCE**

*Claim if you are not working, and are actively looking for work*

Jobseeker's Allowance replaced Unemployment Benefit in October 1996. To get JSA, you have to be capable of work, available for work, and actively looking for work.

JSA has two parts:

- *Contribution-based JSA* - This can be paid for the first 26 weeks of unemployment, if you have paid enough national insurance contributions.
- *Income-based JSA* - This can be paid during the job-seeking period if your income and savings are low enough. The means test is very similar to the means test for Income Support. Income-based JSA can be paid on its own or together with contribution-based JSA.

### **Should you claim Income Support or JSA?**

Some people, including many young people with Down's syndrome, could claim either Income Support or JSA.

In most cases, young people with Down's syndrome should claim Income Support rather than JSA at the age of 16. It is the same amount of money, but on Income Support, you do not have to:

- sign on every fortnight
- prove you are looking for work
- risk having your benefit reduced

## **HOW TO CLAIM**

Claim JSA at your local DWP office.

\*\*\*\*\*

## **HEALTH BENEFITS**

**If you are on a low income, you may be able to get help with costs to do with your health.**

**To qualify for help, you must be on:**

- Income Support or income-based Jobseeker's Allowance, OR
- Child Tax Credit, or Child Tax Credit and Working Tax Credit, or Working Tax Credit including the disability element, AND your gross income (as calculated by the Inland Revenue for your tax credit claim) must be below £15,050.

**You may get:**

- free prescriptions
- help with fares to hospital
- help with paying for glasses
- help with paying dentist's fees
- help with the cost of wigs and fabric supports

**All children under 16 automatically get this help. People under 25 in Wales get free prescriptions. Pensioners (women or men over 60) get free prescriptions.**

If you are not on one of these benefits, but your income is low and your savings are less than £6,000, you may get some help with these costs (except for paying for prescriptions), but you have to claim it. If you think your income is low, fill in form HC1, available from post offices and DWP offices. If you can get help, you will be sent a certificate telling you how much. Certificates last for six months.

Free milk tokens, free vitamins and reduced cost dried milk are available for expectant mothers and families on Income Support or income-based Jobseeker's Allowance, or who get Child Tax Credit and are on a low income (under £14,155 a year). Free milk tokens are also available for children aged 5-16 whose disability prevents them attending school.

For more information, pick up the Department of Health leaflet “Help with NHS costs” from your local library, Citizen’s Advice Bureau, Doctor’s surgery, DWP office etc.

\*\*\*\*\*

## **CLAIM AT AGE 60**

### **STATE RETIREMENT PENSION**

*Claim at age 60 (for women)  
or 65 (for men)*

**The State Retirement Pension is paid to people over pensionable age (at the moment, 60 for women and 65 for men).**

You may qualify for a Retirement Pension if you are aged 60 (if you are a woman) or 65 (if you are a man) and you paid enough national insurance contributions during your working life. You may also qualify for a Retirement Pension on your spouse's national insurance record, even if you are divorced or widowed.

**If you get a pension and you are still working, your pension will not be reduced no matter how much you are earning.**

Remember, it is possible to get a State Retirement Pension and Pension Credit as well, if your pension is not very high.

\*\*\*\*\*

### **PENSION CREDIT**

**For people over 60, Income Support was replaced on 6 October 2003 by Pension Credit.** It is administered by the Pension Service (part of the DWP).

Pension Credit tops up income to a set minimum amount for single people and couples - the “guarantee credit” - like Income Support does now. But it also includes a new “savings credit” so that pensioners over 65 with savings will get more help than they do now through Income Support.

Pensioners who have responsibility for children need to claim the Child Tax Credit as well, since Pension Credit doesn’t include support for children.

### **HOW TO CLAIM**

- Ring the Pension Service application line on 0800 99 1234
- Write to FREEPOST NAT 3780, PO Box 457 Mexborough S64 9ZZ

\*\*\*\*\*

## **WINTER FUEL PAYMENTS**

*Claim at age 60 for both men and women*

**The Government has announced that ALL people over 60 will be eligible for a winter fuel payment.**

Everyone aged 60 or over in the week beginning on the third Monday in September is eligible for a winter fuel payment of £200 (if you are 60-79), or £300 (if you are over 80 in the qualifying week). If a couple are on Income Support, the Income Support claimant will receive the payment. Other couples will receive 50% each.

If you are receiving Retirement Pension or any other social security benefit (except Child Benefit, Council Tax Benefit or Housing Benefit) you will get a payment automatically. Otherwise, you must have claimed before 31 March.

If you were 60 or over in September/October 1997 and you did not receive a payment, you may be eligible for a back payment for each of the following winters.

### **HOW TO CLAIM**

- Contact the Winter Fuel Payments Helpline on 08459 151515.

\*\*\*\*\*

## **CLAIM AT AGE 65**

### **ATTENDANCE ALLOWANCE**

**Disability benefit**  
*Claim after age 65*

**Attendance Allowance is the main disability benefit for people over the age of 65.**

If you become sick or disabled before you are 65, you can apply for Disability Living Allowance (see pages 5 and 12). If you become sick or disabled after you are 65, you can apply for Attendance Allowance. If you are already receiving Disability Living Allowance, you continue to receive it after you are 65, but once you are past 65, you can no longer make a new claim for Disability Living Allowance.

The rules for getting Attendance Allowance are very similar to those for Disability Living Allowance.

Once you are past your 65th birthday, you cannot apply for any help with getting around. Attendance Allowance has no equivalent to the mobility component of DLA. But if you are already receiving either the lower or higher rate of the mobility component of DLA when you turn 65, you keep that benefit.

## HOW TO CLAIM

- Phone the Benefits Enquiry Line for people with disabilities: Freephone 0800 88 22 00.

\*\*\*\*\*

## APPOINTEES

An appointee is a named person who deals with Social Security benefits for another person, who because of disability, is unable to act on their own behalf. The appointee does not have to be a relative or carer or live with the disabled person. This person is appointed by the Secretary of State to be responsible for everything relating to Social Security benefits.

The appointee deals with the DWP on behalf of the person with disabilities, for example, claiming a benefit, or telling the DWP about any changes.

**But the money is still to be used for the disabled person.**

In the case of someone living in residential care the home manager will often be the appointee. In the case of a person living independently the social worker often becomes the appointee. Parents or carers are usually appointees to people with a learning disability who live at home.

If a someone suspects that the appointee is not using the person's benefits in the best interest of the disabled person then they are entitled to challenge the appointeeship. This is done by informing the local DWP office of your concerns. The DWP office will tell you what to do next.

### How to become an appointee:

- Apply in writing to the DWP.

\*\*\*\*\*

## REVISIONS, SUPERSESSIONS AND APPEALS

If you disagree with a decision made by the DWP, there are steps you can take. What to do next depends on which benefit you are claiming. **Get advice from one of the organisations mentioned in the back of this leaflet if:**

- you have just claimed a benefit and do not agree with the decision
- you have been receiving a benefit for some time, but now think it is wrong
- the DWP decide they want to reconsider your benefit

\*\*\*\*\*

## **PROTECTING YOUR NATIONAL INSURANCE CONTRIBUTIONS**

To qualify for some benefits (the contribution-based benefits), you need to pay national insurance contributions during your working life. (Contribution-based benefits include Jobseeker's Allowance, Incapacity Benefit, bereavement benefits and State retirement pension.)

If you are not working because you are caring for someone, you may be getting credits to protect your entitlement to a retirement pension. From April 2002, carers can also build up credits towards an additional pension. You may get credits automatically, for example, if you are claiming Carer's Allowance or Income Support. However, there are circumstances where you have to make a claim for Home Responsibilities Protection, even if you are claiming these benefits.

For more information, see the government's pension guide, "State pensions for carers and parents", available from social security offices or on [www.pensionguide.gov.uk](http://www.pensionguide.gov.uk). To check your contribution record, you can ask for a state pension forecast – ring the State Pension Forecasting Team on 0845 300 0168.

## USEFUL ADDRESSES

Child Benefit Centre  
PO Box 1  
Newcastle upon Tyne  
NE88 1AA  
Tel: 0845 3021444

Carers Allowance Unit  
Palatine House  
Lancaster Road  
Preston  
PR1 1HB  
Tel: 01253 856123

Disability Alliance  
Universal House  
88-94 Wentworth St  
London  
E1 7SA  
Tel: 0207 247 8776

*Publishes the Disability Rights Handbook*

Disability Living Allowance Unit  
Warbreck House  
Warbreck Hill Road  
Blackpool  
FY2 0YE  
Tel: 0845 712 3456

*Handles all DLA claims, except a first claim, which is dealt with by your local Disability Benefits Centre.*

Down's Syndrome Association  
Langdon Down Centre  
2A Langdon Park  
Teddington  
TW11 9PS  
Tel: 0845 230 0372

Down's Syndrome Scotland  
158/160 Balgreen Road  
Edinburgh  
EH11 3AU  
Tel: 0131 313 4225

The Family Fund Trust  
PO BOX 50  
York  
Y01 2ZX  
Tel: 01904 621115

Independent Living Fund  
PO Box 7525  
Nottingham  
NG2 4ZT  
Tel: 0845 601 8815

MENCAP National Office  
123 Golden Lane  
London  
EC1Y 0RT

Tel: 0207 454 0454

MENCAP in Northern Ireland  
4 Annadale Ave  
Belfast  
BT7 3JH

Tel: 028 9069 1351

Motability  
Goodman House  
Station Approach  
Harlow  
CM20 2ET

Tel: 01279 635666

Tax Credits - England Scotland and Wales  
Inland Revenue Tax Credits  
Comben House  
Farriers Way, Netherton,  
Merseyside  
L69 1BY

Tel: 0845 300 3900

Tax Credits - Northern Ireland  
Inland Revenue Tax Credits  
Dorchester House  
52-58 Great Victoria Street  
Belfast  
BT2 7WF

Tel: 0845 603 2000

This leaflet is a brief outline of welfare benefits which might be available to people with learning disabilities and their families. It is not a full statement of the law about benefits, and does not provide a guide for every situation.

**IF YOU ARE IN ANY DOUBT, CHECK YOUR BENEFIT ENTITLEMENT.**

For more information, you can contact:

- Down's Syndrome Association 0845 230 0372 - ask for the welfare benefits adviser
- MENCAP National Centre on 0207 454 0454 - you will be given the name and telephone number of a local contact
- the Welfare Rights Unit or Advice shop run by your local council
- your local Citizen's Advice Bureau
- the Benefits Enquiry Line (the DWP helpline for people with disabilities):  
Freephone 0800 88 22 00

This leaflet has been written by:

Hannah Harris, National MENCAP  
Christina Katic, Down's Syndrome Association, June 1995

Revised by Helen Wild/Christina Katic April 2007