



counsel + care 
for older people, their families and carers

guide

Guide 3:

Disability Benefits: Attendance Allowance and Disability Living Allowance

Attendance Allowance and Disability Living Allowance are non means-tested benefits for people who have physical or mental health problems. Attendance Allowance is a benefit for people aged 65 and over who need regular care or supervision. Disability Living Allowance is a benefit for people under 65 who need regular care or supervision, or who have mobility problems.

The Counsel and Care advice service works with older people, their families and carers to get the best care and support. All the guides and factsheets we produce are available from our website: www.counselandcare.org.uk or paper versions can be ordered by calling 020 7241 8522. You can call our advice line on 0845 300 7585 to arrange an appointment to speak to one of our experienced advisors.



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Your donations, legacies and payroll giving enable Counsel and Care to get the best care and support for older people, their families and carers

The Counsel and Care service is now part of Independent Age, a unique and growing charity providing information, advice and support for thousands of older people across the UK and the Republic of Ireland. Visit www.independentage.org for more information about Independent Age.

There are differences in the ways each country cares for and supports older people. The information in this guide applies essentially to England, although there may be similarities with countries in the rest of the UK.

We also produce five separate guides for both Scotland and Wales covering the needs assessment process; paying care home fees and making a formal complaint, which are the key areas where the policy and legislation differs significantly from England.

All of the guides we publish may be downloaded from www.counselandcare.org.uk/advice-and-information

or posted to you if you call our guide order line on **020 7241 8522**.

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1 Attendance Allowance

1.1 What is Attendance Allowance?

Attendance Allowance (AA) is a tax-free disability benefit for people age 65 or over, who are ill or disabled, and who have a need for regular help with personal care or supervision by another person.

Attendance Allowance is paid by the Department for Work and Pensions. It is not a means-tested benefit so it can be claimed whatever your income or savings. You do not have to have paid any National Insurance contributions.

There are two rates of Attendance Allowance:

Lower rate £51.85

Higher rate £77.45

The lower rate is paid if you need care or supervision during the day or during the night.

The higher rate is paid if you need care or supervision during the day and night.

1.2 How to qualify

To qualify for Attendance Allowance, you must need regular help with personal care and/or need regular supervision from someone else. However, you do not need to have care workers, relatives or neighbours visiting you; you can claim even if you live by yourself and receive no outside help. Attendance Allowance is for people who would benefit from receiving help or supervision not whether they actually receive it.

If you have difficulties with any of the following activities you should think about claiming Attendance Allowance:

- Getting dressed or undressed
- Getting into or out of the bath
- Washing, shaving or brushing your teeth
- Going to or using the toilet
- Dealing with incontinence
- Taking medication or receiving medical treatment
- Walking, standing or using stairs
- Sitting down or getting out of a chair
- Getting in or out of bed, or turning over in bed
- Preparing a hot meal

OR

- You are unsteady on your feet
- You have falls
- You cannot see or hear very well
- You get confused or suffer from anxiety
- You are prone to seizures or dizzy spells
- You find it difficult to control your behaviour
- You forget to take your medication or take too much
- You cannot be left alone
- You forget to turn off appliances, lock doors etc.

This is not a complete checklist but gives you some idea of who might qualify for Attendance Allowance.

To qualify for Attendance Allowance you must have a 'regular' need for help with personal care or supervision.

During the day 'regular' help is defined as:

- Frequent attention throughout the day in connection with bodily functions; or
- Continual supervision throughout the day in order to avoid substantial danger to yourself or others.

During the night 'regular' help is defined as:

- Prolonged or repeated attention in connection with your bodily functions; or
- A prolonged period, or at frequent intervals, for the purpose of watching over you to avoid substantial danger to yourself or others.

1.3 Who can claim?

To claim Attendance Allowance you must be over the age of 65. If you are nearly 65, you should claim Disability Living Allowance and not wait to claim Attendance Allowance, as Disability Living Allowance is a more generous benefit and continues beyond the age of 65 (see section 2).

You must have needed supervision or help with personal care for six months before you are eligible to claim Attendance Allowance. However if you have a terminal illness, you can qualify from the time this was diagnosed (see section 5).

You must have lived in the UK for six out of the previous twelve months and you must not be subject to immigration control.

1.4 How to claim

You can claim Attendance Allowance by filling in form AA1A from the Department for Work and Pensions. You can obtain a claim form by

telephoning the Benefits Enquiry Line (tel.: 0800 88 22 00) or download a form from the government website: www.direct.gov.uk. Advice on filling in the form is given in section 3. Attendance Allowance cannot be backdated but, if you provide your national insurance number over the phone when you request a form, the claim will start from the date you request the form, rather than from the date you return the completed form.

Staff at the Benefits Enquiry Line can complete the form with you over the phone and post it back for you to check and sign. Alternatively, they may be able to send someone to visit you at home and help you fill in the form. If you are filling in the form yourself, and want some assistance or advice, your local Citizens Advice Bureau (tel.: 08444 111 444; www.citizensadvice.org.uk) or local Age UK or Age Concern (tel.: 0800 169 6565; www.ageuk.org.uk) may be able to help you complete the form.

If you cannot manage your own affairs or you are confused, somebody else, such as a relative, carer or friend can make a claim for you on your behalf. There is a section on the claim form to fill in if you are claiming this benefit on behalf of another person.

If you are already receiving Attendance Allowance but wish to discuss your claim, you can call the Attendance Allowance Unit helpline (tel.: 08457 123 456).

2 Disability Living Allowance

2.1 What is Disability Living Allowance?

Disability Living Allowance (DLA) is similar to Attendance Allowance but it is paid to people who claim it under the age of 65. As with Attendance Allowance, it is paid to people who need regular help with personal care or supervision, but also to people who have difficulty walking or need someone with them to walk outside in unfamiliar places.

Disability Living Allowance is tax-free benefit. It is not means tested which means your income, capital and savings are not taken into account in deciding your eligibility. You do not need to have made national insurance contributions.

There are two parts to Disability Living Allowance: a care component and a mobility component. These components can be claimed separately or together.

There are three rates for the care component:

Lower	£20.55
Middle	£51.85
Higher	£77.45

There are two rates for the mobility component:

Higher	£54.05
Lower	£20.55

2.2 Care component

The care component of DLA is awarded to people who need regular help with personal care or need regular supervision.

Help with personal care means that you need assistance with daily living tasks, such as; help with getting dressed or undressed, washing, getting in or out of the bath, eating, taking medication, or going to the toilet. If you have a visual or hearing impairment, it could also cover needing help to read post, answer the telephone, or help to communicate with others.

You may need regular supervision because you could cause harm to yourself or to others around you. This could be because you may forget to take your medication or turn off appliances, because you get confused or wander, because you have fits or seizures, or because you have falls for example.

- To qualify for the highest rate of DLA care component, you have to need regular help with personal care or supervision during the day and night.
- To qualify for the medium rate of DLA care component, you have to need regular help with personal care or supervision during the day or night. Alternatively, you need someone with you when you are on dialysis.
- To qualify for the lower rate of DLA care component, you have to need help for only some of the day (usually less than an hour a day) or be unable to make yourself a hot meal, even if you had all the ingredients.

2.3 Mobility component

The higher rate mobility component of DLA may be paid if you satisfy any of the following conditions:

- You cannot walk at all
- You can only walk a short way without severe discomfort
- You could become very ill if you try to walk
- You are deaf and blind
- You are certified by your eye care specialist as being severely sight impaired or blind

- You get the highest care rate of DLA and have severe learning difficulties and severe behaviour problems.

The lower rate mobility component of DLA may be paid if you are able to walk outside in an unfamiliar area without guidance or supervision. This may be because:

- You are deaf or blind
- You have behavioural problems
- You need someone to keep an eye on you
- You have problems talking to others.

2.4 Who can claim?

You must be under 65 to claim Disability Living Allowance. Once you are awarded Disability Living Allowance, it will continue to be paid after you reach 65 as long as you continue to meet the care or mobility eligibility criteria. You do not need to apply for Attendance Allowance once you reach 65.

To be eligible for Disability Living Allowance you must have had the difficulties for three months and likely to need the help for at least another six months. If you have a terminal illness, you can qualify from the time this was diagnosed (see section 5).

You do not need to have care workers, relatives or neighbours currently visiting you to claim Disability Living Allowance; you can claim even if you live by yourself and receive no outside help. Disability Living Allowance is for people who would benefit from receiving help or supervision not whether they actually receive it.

You must have lived in the UK for six out of the previous twelve months and not be subject to immigration control.

2.5 How to claim

Disability Living Allowance is paid by the Department for Work and Pensions. You can claim Disability Living Allowance by filling in form DLA1A obtained by telephoning the Benefits Enquiry Line (tel.: 0800 88 22 00) or the Disability Living Allowance Helpline (tel.: 08457 123 456) or by downloading the form from the government website: www.direct.gov.uk. For advice on filling in the form, see section 3.

You should receive notification of whether you have been successful within 39 working days. If you are claiming and you have a terminal illness, you should receive notification within eight working days (see section 5).

Disability Living Allowance cannot be backdated.

2.6 How long will the award last?

Disability Living Allowance is given either for a fixed period or an indefinite period. If you get both the mobility and the care component, they will be awarded for the same amount of time.

Although you cannot be given a mobility component if you are 65 or over, if someone is awarded the mobility component before the age of 65, it can continue until the end of the fixed period or until the end of your life.

If you are 65 and over and you were given a mobility component for a fixed period that is coming to an end, you will normally be sent a claim pack to renew your award. You must renew within a year in order to continue receiving

Disability Living Allowance, otherwise you will need to claim Attendance Allowance.

2.7 Motability Scheme

If you receive the higher rate mobility component of Disability Living Allowance, you may be able to exchange it (in full or part of it) to lease or hire purchase a Motability car, electric scooter or automatic wheelchair. This is organised through the Motability scheme (tel.: 0845456 4566; www.motability.co.uk). To find your nearest provider visit the Motability website.

2.8 Planned changes to Disability Living Allowance

The government is planning to replace Disability Living Allowance with a new benefit called a Personal Independence Payment (PIP). The new benefit will be introduced in April 2013. From April 2013 to March 2016, everyone aged 16 to 64 receiving DLA will be reassessed to see whether they are entitled to a PIP. If they are found to be eligible, they will then receive a PIP rather than DLA. If they are not found to be eligible for PIP, their DLA will stop. People aged 65 or over who are already receiving DLA will continue to receive it and will not be reassessed for PIP.

PIP will have many similarities with DLA. It will have two components: a daily living component and a mobility component. The amounts paid for PIP have not been announced yet.

The DWP has produced an information document of frequently asked questions on PIP at www.dwp.gov.uk/docs/personal-independence-payment-faqs.pdf.

3 Filling in the forms

It is worth taking your time to fill in the claim form. Remember, your claim form is usually the only information that the Disability Benefits Unit has to reach a decision about whether you qualify. It is important to give as many details of your difficulties as possible, including the time it takes you and how many times you may need help (even if you do not have anyone to help you) so that they can get a clear picture of your problems. Try to provide additional information about your difficulties in the white box at the end of each question that applies to you.

Here are some additional tips for you to consider when filling in the forms:

- Keep in mind that a medical diagnosis alone will not entitle you to a disability benefits award. If you have a medical condition or diagnosis, give its medical name (if you know it) and explain how this affects your day to day life and what tasks you experience difficulties with. Do not assume that the decision-maker knows about your condition or its symptoms and effects.
- Ask for help from people that know you well, such as, family, friends or carers, to help you fill in the application form. Some people find that as they have lived so long with their health problem, or that their difficulties have increased over a prolonged period of time, that it is easy for them to overlook or underestimate their problems. It can be useful to have someone else's view.
- It may be helpful to keep a diary of what problems you face with tasks over the course of a week. It may be that you forget about difficulties with tasks, such as cutting your toe nails, which you may not do every day.

- Remember that the Disability Benefits Unit is interested in what you cannot do, not what you can do. If you struggle to do things, find them painful or it takes you a long time, you should emphasise this on the form.
- Some days you may be able to do more for yourself than other days, but it is important to not fill in the form as if it was one of your best days. Complete the form with details of the help you need on your bad days and say how often this happens.
- You should answer as many questions as possible and put down as much detail as you can, even about things that you find embarrassing or seem trivial. Give examples of your difficulties, such as if you have fallen or hurt yourself trying to do tasks. It can be useful to include supporting letters from your GP or your consultant.
- It is important to provide your GP's contact details and permission to contact them or it may delay your claim.
- If there are things you avoid doing because it is difficult for you, for example, you avoid wearing shoes with laces because you cannot bend down to do up the laces, put this on the form.

Once you have filled in the claim form, you should send it to the Disability Benefit Unit in the pre-paid envelope that is in the claim pack.

If you have downloaded the form from the internet, you can find the address for your local Disability Benefit Unit at the back of the form.

4 Examples of who may qualify

Here are some examples of people who may qualify for a disability benefit:

- Miss Robinson is unsteady on her feet and has experienced several falls. Since her most recent fall when she broke her arm, Miss Robinson has lost her confidence in going out of the house on her own. Miss Robinson now tends to use her furniture to lean on as she moves around her home to try and keep her balance. She finds going upstairs particularly difficult and it takes her a long time to get upstairs.
- Mr Philby has arthritis in his hips, knees and feet. Mr Philby has always been very independent but now finds that it takes him so much longer to undertake his daily tasks. One example of this is that when Mr Philby walks to his local shop to buy groceries, he has to stop regularly to rest. The shop is only about 180 metres away but Mr Philby needs to rest two or three times, using the seat at the bus stop and sitting on garden walls.
- Mrs Nessa lives alone and had a heart attack several years ago. Mrs Nessa has become increasingly forgetful and has started to forget when she needs to take her heart medication: sometimes she misses a tablet, other times she takes too many tablets. She also finds dealing with correspondence very difficult and often gets confused. Her daughter has to deal with her bills and remind her of any hospital appointments she has to attend.
- Mr Hamilton needs regular renal dialysis at home. He needs help and supervision from his wife each time he has this treatment.
- Mr David is 93, is frail and neglects himself. He needs prompting to eat, drink, wash or change his clothes. Mr David has now stopped using his bed and sleeps in his clothes sitting in his armchair. His ankles are swollen and he has sores breaking out on his legs.

5 If you have a terminal illness

There are special rules to speed up the application procedure for people who have a terminal illness (where someone has a progressive illness and their life expectancy is not expected to be more than six months). Claims under the special rules are not subject to the normal qualifying period to receive a disability benefit (three months for DLA or six months for AA) and should be dealt with within 15 days, without the need for a medical examination.

If you have a terminal illness, you should ask your doctor or consultant to complete a DS1500 form. This form should be provided free of charge and provides the necessary information about your condition required to process your application under the special rules. If you have a completed DS1500 form to support your application, you do not have to fill in the whole of the DLA or AA claim form but you do need to tick the box that says you are claiming under the special rules. You will automatically be awarded the higher rate of Attendance Allowance (if you are over 65) or the higher rate of the care component of Disability Living Allowance (if you are under 65). If you are under 65 and want to claim the mobility component of DLA, you will still need to fill in the mobility section of the DLA claim form.

If you are caring for someone who is terminally ill but who does not know how seriously ill they are, you can claim a disability benefit on their behalf. The benefit will still be paid directly to the person who is ill but there will be no indication on their award letter of their prognosis.

All new claims made under the special rules are awarded for a fixed period of 3 years and reviewed at the end of this period.

6 Being awarded a disability benefit

You should be notified of the result of your claim within one to two months. Most claims are decided on the basis of the information on the form but, in a few cases, a doctor will visit you to obtain more details or they will write to your GP. You will be informed in writing if you have been awarded Attendance Allowance or Disability Living Allowance, and the rate that you are eligible for.

If you receive Disability Living Allowance, you do not have to use the money to pay for care. You can spend it on anything you like; exercise classes, a new washing machine or a holiday for example.

If you receive services from your local social services while living in your own home, then your Attendance Allowance, or the care component of Disability Living Allowance, will be taken into account in your financial assessment. However, any expenses incurred by yourself because of your disability, such as incontinence pads or a special diet, should be deducted from your assessed income.

6.1 How disability benefits affect your other benefits

Attendance Allowance and Disability Living Allowance are not included in the calculation for Pension Credit, Housing Benefit or Council Tax Benefit. In many cases, being awarded Attendance Allowance or Disability Living Allowance can mean you are entitled to a higher rate of these benefits, or you suddenly become eligible to receive these benefits, especially if you live alone, or you live with someone who also receives Attendance Allowance or Disability Living Allowance. This is because by receiving Attendance Allowance or Disability Living Allowance it increases your 'Appropriate Amount'. This is the amount of money the government says you are entitled to receive a week.

If you are awarded Attendance Allowance or Disability Living Allowance and you are already receiving Pension Guarantee Credit, Housing Benefit or Council Tax Benefit, you should inform the Benefit Offices straight away.

If you are awarded Attendance Allowance and do not already claim Pension Credit, Housing Benefit or Council Tax Benefit, then you should check whether you are now eligible for these benefits. Contact the Benefit Enquiry line (tel.: 0800 882 200) to have a benefits check.

If you have a carer and you are awarded Attendance Allowance or Disability Living Allowance, your carer may now be entitled to Carer's Allowance or have an 'underlying entitlement' to Carer's Allowance. If your carer already claims Carer's Allowance, it can have an effect on both their benefits and yours, so it is advisable to seek advice before making a claim. For further information about Carer's Allowance and to obtain a claim form (DS700) please contact the Benefit Enquiries Line (tel.: 0800 882 200). You may also want to see our guide:

Carers: What support is available? (guide number 10).

7 If you are turned down for a disability benefit

If your claim for Attendance Allowance or Disability Living Allowance is refused, you have one calendar month to challenge the decision but this can be extended if there are special circumstances for the delay in responding, for example, you have been ill.

To challenge their decision, you can:

- Ask for a written or spoken explanation of reasons for the decision.
- Ask for your claim to be reconsidered. You can only ask for your claim to be reconsidered if you have already asked for a written or spoken explanation.
- Lodge an appeal against the decision using a GL24 form. The form and further information, is available from:
<http://www.dwp.gov.uk/docs/gl24dwp.pdf>. A 'First-tier Tribunal' will hear your appeal at a hearing or can read your written evidence.

At this stage it may be best to seek support from an advice organisation, such as your local Citizens Advice Bureau (www.citizensadvice.org.uk) or your local Age UK or Age Concern (tel.: 0800 169 6565; www.ageuk.org.uk). They may be able to help you to draft a letter of appeal on your behalf and help you explain why you disagree with the decision. If you can, send medical evidence or a supporting statement from your doctor or your consultant to help with your appeal.

If your appeal or request for reconsideration is successful, they will backdate any award of Disability Living Allowance or Attendance Allowance to the date of the original decision.

8 If your needs or situation changes

If you currently receive the lower rate of Attendance Allowance or the lower/medium rate of Disability Living Allowance but your care needs have changed you may be entitled to a higher rate. You should contact the Disability Benefits Unit dealing with your benefit and ask for your claim to be looked at again. You will probably be asked to complete a form giving details of how your needs have changed.

For Attendance Allowance, you need to meet the criteria for the higher rate for six months before it can be paid (although you can apply for the increase before the six months are up). For Disability Living Allowance, you need to meet the criteria for the higher rate for three months before it will be paid.

If you are receiving Disability Living Allowance after the age of 65 and your needs increase, you cannot start to receive the lower rate care component or either rate of the mobility component for the first time. You can only continue to receive them if you were awarded them under the age of 65, unless you can prove that you met the qualifying conditions before the age of 65.

It is important to note that if you apply for your disability benefit to be looked at again, the decision maker could decide to maintain your existing rate, reduce your rate to a lower level or stop your award completely.

8.1 If you go into hospital

Your Attendance Allowance or Disability Living Allowance will be stopped after 28 days if you are admitted to an NHS hospital, or similar type of facility (for example, a care home where you are fully funded by the NHS). It will restart

as soon as you return home, but you will need to let the Disability Benefits Unit know the date you are discharged from hospital.

If you go back into hospital after being at home for fewer than 29 days, the two (or more) hospital stays are added together and your Attendance Allowance or Disability Living Allowance will stop after a combined total of 28 days. You will still be paid Attendance Allowance or Disability Living Allowance for the days spent at home in between the hospital stays.

If you were not already receiving Attendance Allowance or Disability Living Allowance before going into hospital you can claim whilst you are in hospital but you will not receive a payment until you return home.

8.2 If you go into a care home

If you live in a care home and receive help towards the fees from your local council (permanently or under the twelve week disregard), your Attendance Allowance or the care component of Disability Living Allowance will stop after 28 days. The mobility component of Disability Living Allowance is not affected by moving into a care home, so you should continue to receive this

If you live in a care home and have entered into a deferred payments arrangement to cover the period whilst your property is being sold, you are still entitled to receive Attendance Allowance (or Disability Living Allowance) and Pension Guarantee Credit. If you have entered into a deferred payments arrangement but do not have your property on the market, you are still entitled to receive Attendance Allowance but not Pension Guarantee Credit.

If you are paying your own care home fees you are still entitled to receive Attendance Allowance (or Disability Living Allowance). If you were not already

claiming these benefits, it is important to do so. You should get the higher rate if you have 24-hour care and/or supervision needs, but you may get the lower rate if you only have needs during the day or night, but not both.

If the NHS pays your care home fees (this is called NHS Continuing Healthcare), you will lose your entitlement to Attendance Allowance or Disability Living Allowance after 28 days.

8.3 If you go abroad

You can continue to receive Attendance Allowance or the care component of Disability Living Allowance if you move to another country in the European Economic Area (EEA) or Switzerland. This is providing you have sufficient national insurance contributions and are eligible for a State Pension, contribution-based Employment and Support Allowance, Bereavement Benefits or long term Incapacity Benefit from the UK.

If you go abroad for medical treatment in a non-EEA country, you can continue to receive Attendance Allowance or Disability Living Allowance. There is no time-limit but you must intend to return to the UK. To continue to receive the disability benefit, you will need to give a written program of medical treatment to the Department for Work and Pensions.

If you go abroad permanently to a non-EEA country your Attendance Allowance and Disability Living Allowance will stop.

For more information about benefits abroad, see our guide:

Moving to and returning from abroad: benefits and services (guide number 5).

This guide is not a full explanation of the law and is aimed at people aged over 60

The Counsel and Care service is now part of Independent Age. Independent Age is the operating name of the Royal United Kingdom Beneficent Association.

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