STEWARTS

# WELFARE BENEFITS & OTHER SOURCES OF FUNDING

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# PRO BONO ADVICE



- Legal Service celebrated its 20th year last year!
- The team provide Pro Bono advice on:
  - Financial issues
  - Critical illness or personal accident insurance
  - Employment and returning to work
  - Welfare benefits
  - Powers of attorney and applications to the Court of Protection
  - Post-discharge care and housing
  - Transport

provide **practical help** and **financial support** if you are:

- **ill** or have a **disability**
- caring for someone or someone **cares for you**
- **unemployed**, looking for work, or
- when your **earnings are low**
- bringing up children
- retired

**https://benefits-calculator.turn2us.org.uk/**

# DLA FOR CHILDREN



DLA can help with the extra costs of bringing up a disabled child.

DLA is awarded **based on the support your child needs**, not their condition or impairment.

You can apply even if your child does not have a formal diagnosis.

You can claim DLA for each disabled child under 16 who:

- has difficulty with mobility and/or
- needs more care than a non-disabled child of the same age

They must have had these difficulties for at least 3 months and expect them to last for at least 6 months (unless they have a life limiting condition).

## Care component

The rate the child gets depends on the level of looking after they need:

- lowest rate - help for some of the day, such as an hour's extra care during the day or night
- middle rate - frequent help or continual supervision during the day or supervision at night, such as frequent help of 20 minutes or more during the day and night or extra supervision during the day and at night, or someone to help while they're on dialysis
- highest rate – regular help or supervision throughout both day and night, or they're nearing the end of life (for example, because of a life-limiting illness).

| Care component | Weekly rate |
|---|---|
| Lowest | £29.20 |
| Middle | £73.90 |
| Highest | £110.40 |

## Mobility component

The rate the child gets depends on the level of help they need getting about:

- Children under 3 are not eligible for the mobility component.
- highest rate – they are **3 years old or over** and either:
  - cannot walk
  - can only walk a short distance without severe discomfort
  - could become very ill if they try to walk
  - shows extreme and disruptive behaviour that requires regular supervision or physical restraint
  - they're blind or severely sight impaired
- lowest rate - they are **5 years old or over** and can walk but need help and or supervision when outdoors or when somewhere new

| Mobility component | Weekly rate |
|---|---|
| Lower | £29.20 |
| Higher | £77.05 |

If your child is under these ages when you claim DLA for them, you should be sent a claim pack 6 months before they turn 3 and 6 months before they turn 5. If not, contact the https://www.gov.uk/disability-benefits-helpline.

# DLA FOR CHILDREN CONTD



The child will either get:

- an indefinite award, where their DLA payment is ongoing
- a fixed award, where they get DLA for a fixed time and you will then need to reapply

They are more likely to get a fixed award if they have a condition that is temporary or may change over time.

## How to apply

To claim DLA for a child you need to be their parent or look after them as if you're their parent. This includes step-parents, guardians, grandparents, foster-parents or older brothers or sisters.

You can apply by either:

- printing off and filling in the DLA claim form from - https://www.gov.uk/government/publications/disability-living-allowance-for-children-claim-form
- phoning the Disability Living Allowance helpline - 0800 121 4600 - and asking for a printed form

DLA can be paid from the start of the claim. It cannot be backdated.

Your claim will start on the date the form is received **or the date you call the enquiry line** (if you return the claim pack within 6 weeks).

# The Claim Form

The information booklet and form for claiming DLA is over 60 pages **BUT** only about 40 pages are the form you need to complete **AND** half the questions are tick boxes or personal information.

**You will need:**

- The child's medical information, such as:
  - List of diagnoses
  - List of aids and equipment and adaptations to the child's home
  - Details of medical treatment including name of their GP, hospitals, therapies, other investigations
- Include evidence such as assessment reports or doctors' letters
  - Can ask specialist to prepare one to accompany the application
- Nursery or school information including details of someone the DWP can contact such as Teacher or Key Worker
- Can include a statement from anyone else involved in the child's care such as social worker or carer

Step by step guide to completing DLA application forms

https://cerebra.org.uk/download/disability-living-allowance-dla-guide/

(NB – have to insert your contact details to download it)

## Majority of days?

Does the child's needs stay the same **on the majority of days** or does it change from day to day?

- Majority of days means 4 days a week, or 16 days a month
- Put down how their needs change, for example if they have a good day every few weeks, or their health condition or disabilities get worse 2 or 3 times a year or they have to have regular treatment which means they need more assistance
- Think about your child's bad days and provide examples of their bad days.
- Remember that what seems normal or easy to you or your child might not be to others.

› Make sure you include everything that is difficult or impossible to do, even if it is not every day. And explain why it is difficult or impossible.

## Describing your child’s condition and needs

- Try to keep a diary of how your child’s condition affects them. This could be a notebook or piece of paper stuck to the fridge. It should be something easy to find, fill in and refer to. Use the diary to help you complete the form but **do not send it as evidence.**
- Think about the everyday things you do.
- It may seem obvious to you, but it may not be to the assessor.
- Give detail and say if things happen sometimes, a lot or all the time.

# DLA FOR CHILDREN CONTD



- The person making the decision is not a medical person. Use simple language in your answers. You do not have to use medical terms. The important thing is to describe how the condition affects your child's daily life.
- The DWP will compare your child with a non-disabled child of the same age. Concentrate on your child's additional needs. The assessor knows that most children aged 3 need some help eating. If your child is unable to eat without you feeding them and they get frustrated or upset, explain this.
- Speak with anyone involved in your child's care, such as their therapists, doctor, social worker or teacher. Everyone will have a different perspective.

**Keep copies!!**

…of evidence.

…of the form.

…of anything you send to the DWP!

- If posting, use a signed for service if you can.

## Next steps

- The DWP may contact you or any other named on the form for more information
- This could include a physical assessment.
- You will receive a letter within **7 weeks** advising when you will get a decision
- You will receive a decision within 15 weeks

## Helps **working age people** with the additional costs of **long-term ill-health or disability**

- Income (wages, benefits) and savings will not be taken into account.
- It is for **the impact** that your condition or disability has on your ability to do various activities.
- It will look at a **12 month period**.

- The only way to start a PIP claim is for the benefit claimant to **call the DWP on 0800 917 2222**.
- The application form will be **sent to you by post**.
- The application form needs to be completed and returned to the **DWP by post**.
    - Take **a photocopy or photographs** of the application form before sending it to the DWP
    - Send the application form by **recorded or special delivery**

**Section 1 – About your health condition or disability**

You should set out in the form:

- the conditions and/or disabilities you have
- the physical or mental symptoms (such as pain, discomfort, tiredness, or lack of motivation) you have
- how often you have the symptoms
- how long the symptoms last
- if your symptoms are, for example, likely to increase the risk of an accident or injury

You can also send supporting evidence, such as letters or report from health professionals.

**Section 2 – About your health professionals**

You should set out in the form:

- the health professionals who treat or care for you most regularly and who are best placed to advise on how your health condition or disability affects you, for example:
  - GP
  - hospital doctor
  - specialist nurse
  - community psychiatric nurse
  - occupational therapist
  - physiotherapist
  - social worker
  - counsellor
  - support worker

You can list details of up to 3 health professionals in section 2, and add any additional health professionals at Question 15

**Section 3 – How your health condition or disability affects your day-to-day life**

There are 12 assessed activities on the form, and you need to set out how your condition or disability affects your ability to do each one of the activities, which are:

**Daily living activities**

1. Preparing food;
2. Taking nutrition/eating and drinking;
3. Managing therapy or monitoring a health condition;
4. Washing and bathing;
5. Managing toilet needs or incontinence;
6. Dressing and undressing;
7. Communicating verbally;
8. Reading and understanding signs, symbols and words;
9. Engaging with other people face to face; and
10. Making budgeting decisions.

**Mobility activities**

11. Planning and following journeys; and
12. Moving around.

The daily living and mobility components are paid at two rates:

1. Standard rate

This is based on your ability to carry out activities “limited” by your physical or mental condition.

You need to **score 8-11 points** for daily living and/or mobility activities to be awarded the standard rate for that component.

2. Enhanced rate

This is based on the ability to carry out activities which are “severely limited” by your physical or mental condition.

You need to score at least **12 points** for daily living and/or mobility activities to be awarded the enhanced rate for that component.

You need to be awarded at least 8 points to be awarded to a component of PIP.

You can be awarded a combination of rates; for example, you could be awarded the standard rate for the daily living activities and the enhanced rate for the mobility activities.

Currently, the weekly rates of PIP are:

| | | |
|---|---|---|
| Daily living: | £73.90 for the standard rate | £110.40 for the enhanced rate |
| Mobility: | £29.20 for the standard rate | £77.05 for the enhanced rate |

# PIP – WHAT THE DWP DOESN'T WANT YOU TO KNOW



You score points for the individual descriptors within the assessed activities. For example:

| Activity | Descriptors | Points |
|---|---|---|
| **1. Preparing food** | a. Can prepare and cook a simple meal unaided. | 0 |
| | b. Needs to use an aid or appliance to be able to either prepare or cook a simple meal. | 2 |
| | c. Cannot cook a simple meal using a conventional cooker but is able to do so using a microwave. | 2 |
| | d. Needs prompting to be able to either prepare or cook a simple meal. | 2 |
| | e. Needs supervision or assistance to either prepare or cook a simple meal. | 4 |
| | f. Cannot prepare and cook food. | 8 |

| Activity | Descriptors | Points |
|---|---|---|
| **2. Moving around** | a. Can stand and then move more than 200 metres, either aided or unaided. | 0 |
| | b. Can stand and then move more than 50 metres but no more than 200 metres, either aided or unaided | 4 |
| | c. Can stand and then move unaided more than 20 metres but no more than 50 metres. | 8 |
| | d. Can stand and then move using an aid or appliance more than 20 metres but no more than 50 metres. | 10 |
| | e. Can stand and then move more than 1 metre but no more than 20 metres, either aided or unaided. | 12 |
| | f. Cannot, either aided or unaided, –<br>(i) stand; or<br>(ii) move more than 1 metre. | 12 |

All of the descriptors are available at [https://www.citizensadvice.org.uk/Global/Migrated_Documents/adviceguide/pip-9-table-of-activities-descriptors-and-points.pdf](https://www.citizensadvice.org.uk/Global/Migrated_Documents/adviceguide/pip-9-table-of-activities-descriptors-and-points.pdf)

**For each activity:**

1. Consider your **"good days"** and **"bad days"**

2. Whether you can or cannot do the following on **the majority of days**

(i.e., **4 days a week**, 16 days a month)

3. Whether you can or cannot do the activities:

   a. **safely** – can you do it without getting injured?

   b. **reliably** – can you finish the task every time?

c. **Repeatedly** – could you do it again straight after?

d. **in a timely manner** – does it take you twice as long?


4. When considering what aids you use or need, never miss an aid off your list because you think it's obvious, and always:

a. explain how the aid(s) help you

b. explain what would happen if you didn't use the aid(s)

c. make it clear if a health professional advised you to use the aid(s)

a. include any that would help you if you had the aid(s)

b. include any aid(s) that your condition prevents you from using

5. Do you rely on other people to help you with a certain activity?

If so, exactly what assistance do they provide you?

If you get help, say who helps you (for example, a relative or friend) and explain:

a. why they help
b. how they help
c. how often they help

6. Make it clear if you need someone to:

   a. remind you to do an activity

   b. explain how to do an activity

   c. physically help you do an activity

   d. help with all or some of a task

   e. help you all of the time or just sometimes

   f. be on hand - help only if needed or to make sure you're safe

7. Always explain what happens (or would happen) if you don't get help.

For example:

a. you're more likely to have an accident or injury

b. you're more likely to experience physical or mental symptoms like pain, discomfort or tiredness

c. it'll take you at least twice as long to do an activity as someone without your condition

8. Do you need help but don't get it?

Remember to keep your answers to within the relevant period of 3 months before the date of your application and how you expect your condition and/or disability to affect you for 9 months after the date of your application.

# PIP - WHAT HAPPENS NEXT



In the final section of the form, you need to insert your contact details and information about your ability to attend an assessment with an independent health professional.

An assessment may not be needed if you provide enough information in the application form and in any supporting evidence you send.

If you are invited to an assessment, you must attend. If you don’t attend, and don’t have a good reason for not attending, your PIP claim will end.

You will then receive your decision letter.

Carer's Allowance is paid to someone who spends **at least 35 hours a week caring for someone**.

Care provided may include the following:

- help with washing and cooking
- taking the person you care for to a doctor's appointment
- Help with household tasks, like managing bills and shopping

The person receiving care:

- has to have a **long-term illness or disability**
- needs to **receive certain welfare benefits**, which includes the **higher or middle rate of the care component of DLA**

The carer is not required to live with or be related to the person they are caring for

The carer **cannot be studying for 21 hours a week or more**

The carer cannot **earn more than a certain amount a week**

Carer's Allowance is currently paid at a rate of £81.90 per week

- To make a claim, you apply online at https://www.gov.uk/carers-allowance/how-to-claim
- If you cannot apply online, you can download the form at https://www.gov.uk/government/publications/carers-allowance-claim-form and apply by post
- Alternately you can call the Carer's Allowance Unit on 0800 731 0297 to request a form and apply by post

# For individuals who are out of work or on a low income

You must be 18 or over and under state pension age (although if you are over 16 years old and certain criteria apply you may also be eligible)

It is a means tested benefit, meaning that your **income and savings will be taken into account**.

You are only able to claim Universal Credit if your capital (and your partner's capital if you are making a joint claim) **is less than £16,000**.

To make a claim for Universal Credit you need to set up an account and apply online at: www.gov.uk/apply-universal-credit

**Contact the Universal Credit helpline on 0800 328 5644**
(Textphone: 0800 328 1344) for:

- help with the application form or
- to see if you can apply by telephone in certain circumstances

It will be helpful to have information to hand about the following:

- rent and housing situation
- childcare provider
- income and savings
- bank account - like your sort code, the last 4 digits of your account number and how much money is in each account

Rates start at £316.98 and the amount of UC you receive will then depend on:

- your age
- whether you live with a partner
- whether you have children
- whether you have a disability
- whether you work or have other income; and
- other benefits you receive - Carer's Allowance counts as income for other means-tested benefits

# UNIVERSAL CREDIT CONTINUED



Universal Credit takes into account any special rules which might affect your award, for example the benefits cap.

This is a limit on the total amount of income from benefits that a household can receive depending on circumstances.

There are exemptions to the cap, for example;

- Households where someone is in receipt of a disability benefit (such as DLA)
- Households where one member receives (or is entitled to) Carers' Allowance
- Households where someone is in receipt of Working Tax Credit

You are also exempt from the cap if you are over state pension age. However, if you are part of a couple and one of you is under state pension age, the cap may apply.

# UNIVERSAL CREDIT CONTINUED



You might get the disabled child element added to your Universal Credit if your child gets:

- the care component of DLA or daily living component of PIP

**and**

- they are under 16 **or** a qualifying young person (between 16 and 19, depending on their education/employment)

There are 2 additions:

1. disabled child addition (if the child receives the low or medium care element of DLA, or standard daily living of PIP)
2. severely disabled child addition (if the child receives the highest care element of DLA, or enhanced daily living of PIP)

# UNIVERSAL CREDIT CONTINUED



If you are already on UC when your child is awarded DLA / PIP then report it to the DWP straight away in your journal

You will receive the additional amount in your next payment

The payment can be backdated to the date you applied for UC/DLA/PIP

**Council Tax Support**

You may be eligible for Council Tax Support if you are on a low income or claim certain benefits. This needs to be applied for separately via your local authority.

For information on how to apply, please visit https://www.gov.uk/apply-council-tax-reduction

**Support for Mortgage Interest (SMI)**

Whilst not a welfare benefit, you may be eligible to apply for Government support towards your interest payments on your mortgage and/or loans you've taken out for certain repairs and improvements to your home.

To be eligible for SMI, you need to be a homeowner and usually need to be in receipt of one of the following qualifying benefits, which includes Universal Credit

You may still be able to get SMI if you cannot get one of the qualifying benefits because your income is too high.

SMI is paid as a loan and will need to be repaid (with interest) when you sell or transfer ownership of your home (unless the loan is moved to another property).

Find out more about SMI - https://www.gov.uk/support-for-mortgage-interest.

- If you disagree with your benefit decision, the first stage of appealing your benefit decision is to ask the DWP to look at your application again – this is called a mandatory reconsideration

- You can ask for a mandatory reconsideration in relation to all of the benefits we have discussed today within 1 month of the date on your decision letter

- You can ask for a mandatory reconsideration by telephone (or the UC Journal) to the relevant benefits department **HOWEVER**

- We always ask for a  mandatory reconsideration using the form available here - https://assets.publishing.service.gov.uk/media/656088523d7741000d420162/if-you-disagree-with-a-decision-made-by-dwp.pdf and include as much information as possible and send any further evidence to support the benefit claim

- A warning – this is the DWP looking again at their own decision and our experience is that it is rare for them to change their mind at this stage

- If you are unhappy with the outcome of your mandatory reconsideration (spoiler: this is likely) then you can appeal to the First Tier Tribunal.

- You can make an appeal within 1 month of the date of your mandatory reconsideration decision.

- You can appeal online - https://www.appeal-benefit-decision.service.gov.uk/benefit-type

OR

- By post using this form - https://assets.publishing.service.gov.uk/media/63ecabe0d3bf7f62ecf1d97f/SSCS1_0821_save.pdf

## Turn2us – grants search

https://grants-search.turn2us.org.uk/

**Newlife Children's Charity**

Equipment grants, and emergency equipment loans - https://newlifecharity.co.uk/equipment/

**The Family Fund**

Grants can be used for white goods, clothing/bedding, sensory toys, technology and family breaks etc - https://www.familyfund.org.uk/grants/schemes/sfdc/

**Variety Children's Charity**

Equipment grants - https://www.variety.org.uk/how-can-we-help/equipment-grants-for-children/
If wheelchair not funded by LA - https://www.variety.org.uk/how-can-we-help/wheelchairs-for-children/

**Travel and Transport**

1. If your child receives the higher rate mobility for DLA, you can lease a car by using the mobility component. You will **not have to pay** for insurance, tax, breakdown cover, servicing or MOTs.

2. If your child travels for NHS treatment, and you receive a qualifying benefit (which includes Universal Credit) or are part of the NHS Low Income Scheme, then you can claim reasonable costs for them and whoever goes with them.

3. Contact your local council for free school transport and disabled person's bus passes, which give carers free or discounted travel if they are with someone with a pass

4. With a Disabled Persons Railcard, you can get a third off rail fares for your child and someone travelling with them.

**Disabled Facilities Grant**

Up to £30,000 in England, £36,000 in Wales if the proposed works are:

- Necessary and reasonable to meet the disabled person’s needs; and
- Reasonable and practicable depends on the age and condition of the property

- To be eligible you must intend to live in the property for the grant for the grant period (currently five years)

- Grants are means tested – the amount received will depend on income and savings

Advicelocal (www.advicelocal.uk)

Citizens Advice (https://www.citizensadvice.org.uk/)

Turn2Us (www.turn2us.org)

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