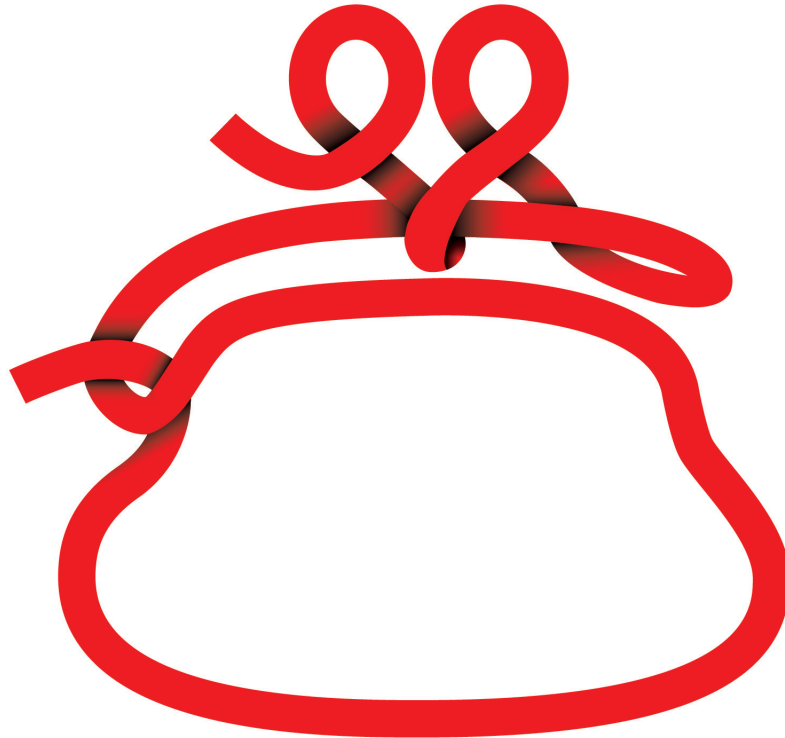


Attendance Allowance



If you are looking after someone who has a disability or illness and is aged 65 or over, they may be entitled to Attendance Allowance.

This factsheet can be used if you are claiming Attendance Allowance on behalf of the person you are looking after or for yourself. The information is written from the point of view of the person claiming the benefit. It applies to people living in England, Wales, Scotland and Northern Ireland.

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What is Attendance Allowance?

Attendance Allowance is a benefit paid to people who are 65 or over who have care needs, to help with the extra costs of long term illness or disability.

Attendance Allowance can be paid regardless of your income, savings or National Insurance contribution record and is a tax free benefit. If you are a carer who has care needs, you can claim Attendance Allowance for yourself and this will not affect your Carer's Allowance.

Getting Attendance Allowance does not reduce other benefits, it may even increase them. If you have a carer then claiming Attendance Allowance may help them to qualify for certain benefits (such as Carers' Allowance). Attendance Allowance may also entitle you and/or your carer to further help with council tax.

There are no restrictions on how you can spend your Attendance Allowance, and you do not have to spend it on paying for the care that you need. However, your council or trust can take Attendance Allowance into account when calculating how much you might need to pay for any care services you receive.

Attendance Allowance will not apply to:

- people who are between 16 and 64 years, who should claim the Personal Independence Payment (PIP) instead (or Disability Living Allowance (DLA) if the person lives in Northern Ireland)
- people aged 65 or over and who are already in receipt of DLA or PIP

Who can claim Attendance Allowance?

To qualify for Attendance Allowance you must meet all of the following criteria:

- be aged 65 or over
- need help looking after yourself because you have a disability or illness
- have had the disability or illness for at least six months (you can make your claim before the six months have passed, but you will not receive any payment until they have)

- have no immigration conditions attached to your stay in the UK subject to some exceptions (if you have immigration restrictions on your stay in the UK claiming benefits may affect your future right to remain in the UK, so seek specialist immigration advice before claiming – you can search for immigration specialists at find-legal-advice.justice.gov.uk)
- meet the residence and presence conditions (see page 16)

You may need help with various activities because you have a physical disability or illness, a sensory impairment, a learning disability or a mental health condition. You may have multiple disabilities or conditions.

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Note: If you are terminally ill there are simpler rules which make it easier to apply – see page 11 for details.

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How much is Attendance Allowance worth?

There are two rates of Attendance Allowance:

Rate	Amount per week (2015/16 rate)
Higher	£82.30
Lower	£55.10

You will be paid the **higher rate** of Attendance Allowance if you meet one of the following criteria:

- you satisfy both the daytime and night-time tests
- you are terminally ill (someone is classified as terminally ill if they are not expected to live longer than 6 months)

You will be paid the **lower rate** of Attendance Allowance if:

- you satisfy the daytime or night-time tests

Specific rules apply for some kidney patients undergoing renal dialysis at least 2 times per week.

Do I satisfy the tests for Attendance Allowance?

Attendance Allowance can be paid if you need help with your personal care or someone to check that you are ok. The legal term used for needing help with personal care is **attention** and the term used for needing someone to check on you is **supervision** – see pages 6-7 for more information.

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Note: What matters is that you need either attention or supervision, not whether you are currently getting all the help that you need.

So remember to think about the help you need, not just the help that you currently get.

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Daytime test

To satisfy a daytime test you need to show that you reasonably need either one of the following:

- frequent help with personal care throughout the day (ie about three times or more)
- someone to check on you throughout the day to make sure that you are safe

Night-time test

To satisfy a night-time test you need to show that you reasonably need either one of the following:

- help with personal care at least twice a night, or once a night for at least 20 minutes
- someone to check on you at least twice a night, or once a night for at least 20 minutes, to make sure that you are safe

If no-one is currently helping you with personal care you may still be accepted as needing help if you have some difficulty coping.

If no-one is currently checking on you, you may still be accepted as needing supervision if you or another person may be placed in danger without it.

Attention – help with personal care

Personal care needs include help with things like:

- getting into and out of a chair
- bathing and washing
- dressing and undressing
- help with medication and treatment
- getting in and out of bed and sleeping
- communicating
- eating and drinking
- seeing (ie you need someone to see for you)
- breathing
- using the toilet
- walking

The help must usually be given in your presence. Here are some examples of the help you may need:

- You have arthritis which makes movement difficult. You need somebody to help you with daily activities such as getting in/out of bed, washing and dressing, and getting in/out of chairs.
- You are profoundly deaf and British Sign Language is your first language. You need an interpreter when communicating without sign language, to interpret spoken announcements, and perhaps also to interpret written English.
- You have a mental health problem and you need prompting to look after yourself and to do things such as taking your medication, eating, washing and dressing.
- You are visually impaired and need someone to assist in situations such as selecting clothes to wear, using cooking appliances safely and preparing food.
- You have a learning disability and need help with activities including managing money, writing letters and looking after your health and your hygiene.

Supervision – needing someone to check on you

To qualify as needing supervision you must need someone to check on you regularly during the day. The checks must be to avoid a ‘substantial danger’ to yourself or others due to your disability.

For example, you may need such checks if you have memory loss, are in danger of falling, have poor awareness of potential dangers, have serious behavioural problems, lose consciousness or have seizures.

Substantial danger may include situations such as falling, leaving the gas on, self-harm, violence towards others or a serious risk to your health should you be left unsupervised. The potentially dangerous situation does not have to happen frequently, but you must need frequent checks to reduce the chance of harm.

How to claim Attendance Allowance

England, Wales and Scotland

- Contact the Attendance Allowance Helpline on **0345 605 6055** (textphone 0345 604 5312).
- Visit www.gov.uk/attendance-allowance to apply online or download a claim form.

Northern Ireland

- Contact Disability and Carers Service on **028 9090 6178** (textphone: 0800 243 787).

If you ask for a claim form by phone, it should be stamped with the date of issue. This is the date from which the benefit will be paid if the claim is successful, providing you return the form within six weeks. If you are not able to complete the form by this date, please let them know and seek advice.

If you download the claim form or get one from a local advice agency, the claim will start from the date the completed form is received.

Read the form and the notes that go with it before you start to complete the form. You can attach pages to the application form if you think there is not enough space to explain the help that you need. Remember to add your name and national insurance number to the extra pages.

If you have equipment or adaptations that help you with your daily life explain any help that you need to use them, and any help you need from another person in addition to the equipment and adaptations.

Completing the claim form

- Take your time to complete the form. If you have received it from the Attendance Allowance Helpline (England, Wales and Scotland) or Disability and Carers Service (Northern Ireland) you will usually have 6 weeks to complete and return it.
- List all of the help you need before completing the claim form.
- Be honest with yourself about how long things take you and if you can do them safely.
- Ask your carer, if you have one, to list all the help they give you to make sure you don't miss anything out.
- Remember that what matters is whether you need the help, not whether you are already getting it.
- Think about the difficulties you have and what type of help you would need to make things easier.
- Keep a diary for a week or so if you are unsure about how much help you need.
- You do not have to need help every day – the test is 'most of the time'. If your needs vary from day to day, make a list of the help you need on each day of the week or month, depending on how much the pattern varies.
- Don't just think about what happens on good days – get an overall picture of the help you need.
- Explain any falls or accidents you have had.
- Keep a copy of your form.

When filling in the form the aim is to explain how your disability or ill health affects you. The form asks you:

Washing, bathing and looking after your appearance – do you need help:

- getting in and out of the bath or shower?
- adjusting shower controls? shaving or putting on make-up? washing?

Going to the toilet – do you need help:

- adjusting your clothes after using the toilet?
- finding the toilet in unfamiliar places? using the toilet during the night?
- changing clothes or bedding if you have an accident?

Getting dressed or undressed – do you need help:

- with fastenings, shoelaces and buttons?
- recognising when your clothes are on inside out?
- pulling clothes on or taking them off?

Communicating – do you need help:

- understanding or hearing people, or being understood by them?
- answering the phone? reading and writing letters?

Mealtimes – do you need help:

- eating and drinking?

Help with medical treatment – do you need help:

- identifying your tablets?
- reading and understanding instructions about taking medication?
- managing a condition like diabetes?
- recognising whether your condition deteriorates?
- adjusting your hearing aid?

Supervision – do you need someone to watch over you:

- in case you have a seizure or pass out?
- because you lack awareness of danger?
- because you could be a danger to yourself or others?
- in case you get confused, forgetful or disorientated?
- to give you medication for angina or asthma attacks?
- to help calm you down during a panic attack?

Getting around indoors – do you need help:

- navigating stairs? getting up from a chair?
- getting in and out of bed?
- moving safely from room to room?

Supporting information

You may have information about your health and the help you need from a number of different people. This might include:

- letters from your GP or consultant
- your care plan from your local council or trust – giving information about the help you need
- a report from your occupational therapist – giving information about the equipment and adaptations you need
- information from a Community Psychiatric Nurse
- appointment letters
- prescriptions lists

You can send this information with your application.

If you are asked for more information

Once you have returned the form, the decision maker from the Department for Work and Pensions (DWP) may contact you, your doctor or someone you mentioned on the form to ask for more information or to arrange for a doctor to visit you. In Northern Ireland this will be a decision maker from the Social Security Agency (SSA).

If a doctor appointed by the DWP or SSA comes to visit you, your carer can be with you during the appointment. The doctor may want to examine you and ask further questions. It is a good idea to make a note beforehand of the things you want to tell the doctor about.

If you have a terminal illness

Special rules allow people who are terminally ill to get help quickly. You are considered to be terminally ill if you have a progressive illness that is likely to limit your life expectancy to six months or less. It is impossible to say exactly how long someone will live and some people who receive Attendance Allowance under these rules live much longer than six months.

Under these special rules you do not have to satisfy the qualifying period (ie that you have had the disability or been in ill health for at least six months). You also do not have to have been present in Great Britain for 104 weeks out of the last 156 week before claiming – you only need to be present at the time of claiming.

If you are claiming Attendance Allowance under these rules, your claim should include a DS1500 form which is available from your GP or consultant. You (or the person making the claim on your behalf) will be given a freepost address for the DS1500 when you make the claim over the phone.

You will not have to complete the part of the claim form which asks about your personal care or supervision needs as you will automatically qualify for the higher rate of Attendance Allowance.

The decision

You will receive a written decision on your claim that tells you what rates of benefit have been awarded and from what date.

Attendance Allowance can be awarded for a fixed period or for an indefinite period. If you are awarded the benefit for a fixed period, the decision will tell you when the period ends. A new claim form will be sent to you well before the period of your award ends.

Challenging the decision

If you are refused Attendance Allowance or it is awarded at a lower rate than you expected you can ask the Department for Work and Pensions to look at the decision again. You must do this before you appeal. This is called a mandatory reconsideration.

If you still disagree once they have done this you must lodge an appeal with HM Courts and Tribunals Service and attach a copy of the mandatory reconsideration notice with the appeal.

It is important to challenge a decision or get advice as quickly as possible because there are time limits that generally mean you must take action within one month. If you fall outside of this time limit then it may still be possible to challenge the decision. Contact Carers UK for further information – see final page for contact details.

For more information about appealing a benefit decision visit www.carersuk.org/appealsguide

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Note: This information does not apply to Northern Ireland. Instead you can ask the Social Security Agency to look at the decision again. Alternatively you can appeal the decision. Call Carers Northern Ireland for further information – see final page for contact details.

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What to do if your circumstances change

If you are paid the lower rate of Attendance Allowance and the help that you need increases, you can contact the Department for Work and Pensions (England, Wales and Scotland) or the Disability and Carers Service (Northern Ireland) and ask for your case to be looked at again. You will be asked to complete a form giving details of how your needs have changed. See pages 17-19 for contact details.

Going into hospital, residential care or a hospice

Attendance Allowance stops after you have spent 28 days in:

- an NHS hospital
- residential care funded by your council or trust, or the NHS

If you pay for residential care without help (see final bullet point above) Attendance Allowance continues to be paid in full.

Attendance Allowance will also continue to be paid if you are in a nursing home and the only help you get with your fees is an amount called the Registered Nursing Care Contribution from the NHS. You can also continue to receive Attendance Allowance if you go into a hospice that is not funded by the NHS.

Special rules apply if your council or trust is temporarily funding your stay in a care home while you sell your former home. Seek advice if you are in this situation.

Stays in hospital or residential care separated by 28 days or less are added together when working out when Attendance Allowance should stop.

If you live in Scotland and receive free personal care towards residential care your Attendance Allowance will stop after the 28 days. To find out more about free personal care contact Care Information Scotland on **08456 001 001** or at www.careinfoscotland.co.uk

Other help you might qualify for

Means-tested benefits

If you are already receiving means-tested benefits (such as Income Support, income related Employment and Support Allowance, income based Jobseekers Allowance, Pension Credit, Housing Benefit and Council Tax Reduction) getting Attendance Allowance may mean that you become entitled to an increase in your benefit. If you are getting Child Tax Credits or Working Tax Credits you may also be entitled to an increase in benefit if you are awarded Attendance Allowance.

An award of Attendance Allowance can also mean that you become eligible for a means-tested benefit or Tax Credits for the first time. So if you are awarded Attendance Allowance it is a good idea to get a benefit check.

Any deductions that are being made from means-tested benefits because other adults share your household may be removed if you get Attendance Allowance.

If you or your partner already get means-tested benefits or tax credits, notify all of the offices which pay them to you that you are now getting Attendance Allowance. You can find out what benefits you are entitled to and how much you should be paid by getting an online benefit check (see note below) or by contacting the Carers UK Adviceline – see final page for contact details.

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Note: You can get a benefits check online by visiting either of the following websites:

www.entitledto.co.uk/benefits-calculator

www.turn2us.org.uk/benefits_search.aspx

It will take about 20 minutes to complete.

These online tools are not suitable for everyone. Special rules apply to some groups of people, for example students, people under 18, people in permanent residential care, UK nationals who live abroad and people who are not British or Irish citizens.

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Blue Badge Scheme

The blue badge scheme allows people with severe walking disabilities to park in parking restricted areas. For example, if you have a badge, you can park free and for any length of time at on-street parking meters and on-street pay and display areas.

There are some situations where you will automatically be eligible for a blue badge, which include if you:

- are registered blind
- receive the war pensioners' mobility supplement
- have been awarded a lump sum benefit from the Armed Forces Compensation scheme (tariffs 1 to 8). You have also been certified as having a permanent or substantial disability which means you can't walk or find walking very difficult.
- you receive a government grant towards your own vehicle. (**Note:** in Scotland this criteria does not make you automatically eligible, unless you have a Motability vehicle in which case you will be receiving the higher rate of Disability Living Allowance mobility and so would be automatically eligible.)

If none of these apply to you, you may still be eligible for a blue badge subject to further assessment by your council or trust. This will be the case if you meet one of the following criteria:

- You have a permanent or substantial disability which means you can't walk or find walking very difficult.
- You have severe upper limb disabilities in both arms, drive a motor vehicle and have difficulty using parking meters.
- **(Scotland only)** You are unable to walk or virtually unable to walk because of a temporary but substantial disability which is likely to last for a period of at least 12 months but less than three years.

Public transport concessions

If you receive Attendance Allowance and live in England, Wales or Scotland you may be able to purchase a Disabled Person's Railcard.

For more information call **0845 605 0525** (textphone 0845 601 0132) or visit www.disabledpersons-railcard.co.uk

If you live in Northern Ireland and are aged 65 or over you will be eligible for a Senior Citizen SmartPass. Contact Translink for more information on **028 9066 6630** or at www.translink.co.uk

Some disabled people may qualify for free local bus travel, although this is not directly linked to whether or not you receive Attendance Allowance. Contact your council or trust for further information. If you live in Scotland you will receive free bus travel if you receive Attendance Allowance. There are other circumstances where you may qualify for free bus travel – find out more at www.transportscotland.gov.uk/public-transport/concessionary-travel/about-the-scheme

Companion Entitlement (for Scotland only)

If you receive Attendance Allowance, you will be eligible for a Companion Card, allowing a companion to travel with you for free. You should contact your council or visit Transport Scotland for further information at www.transportscotland.gov.uk/public-transport/concessionary-travel/Companion-entitlement

Residence and presence

To satisfy the residence and presence tests you must meet both the following conditions:

- You must have been present in Great Britain for 104 weeks out of the 156 weeks before claiming (two out of the last three years).
- You must be habitually resident.

‘Present’ means physically present in the UK. Some people may be treated as being in the UK while abroad, eg members of the armed forces. Special rules apply to countries in the European Economic Area (EEA) and several others who Britain has agreements with. If you think this applies to you, you should seek advice. The AIRE Centre can provide advice on individual rights in Europe and can be contacted on [020 7831 4276](tel:02078314276) or by email at info@airecentre.org

The habitual residence test is a test to see if you normally live in the United Kingdom, the Channel Islands, the Republic of Ireland or the Isle of Man. The test will be applied if you have been living abroad. Relevant factors are where you normally live, where you expect to live in future, your reasons for coming to this country, the length of time spent abroad before you came here, and any ties you still have with the country where you have come from.

Further help

For information and advice contact the Carers UK Adviceline on **0808 808 7777** (open Monday to Friday, 10am to 4pm) or email advice@carersuk.org

Information is also available on our website – visit www.carersuk.org

If you live in Northern Ireland you can contact Carers Northern Ireland for advice on **028 9043 9843**.

Other organisations

Age UK

0800 169 6565
www.ageuk.org.uk

The Appeals Service Northern Ireland

The service that handles appeals process for benefit decisions in Northern Ireland.

028 9054 4000 | Appeals.Service.Belfast@dndni.gov.uk
www.nidirect.gov.uk/the-appeals-service-northern-ireland-tas

Citizens Advice

Provides free, independent, confidential and impartial advice.
www.citizensadvice.org.uk

HM Courts and Tribunals Service

To search for a court or tribunal in England and Wales, or a tribunal in Scotland: courtribunalfinder.service.gov.uk

Independent Case Examiner

A free complaints review service for people who have made complaints about their claim for benefits.

England, Wales and Scotland

0845 606 0777 (typetalk 18002 0151 221 6500)
www.ind-case-exam.org.uk

Parliamentary and Health Service Ombudsman

The government official responsible for dealing with complaints about state services.

England, Wales and Scotland

0345 015 4033

www.ombudsman.org.uk

Pension Service

England, Wales & Scotland

www.thepensionservice.gov.uk

0845 60 60 265 (textphone: 0845 60 60 285)

Northern Ireland

www.dsdni.gov.uk

0808 100 2658

Benefit helplines

Attendance Allowance

England, Wales & Scotland

0345 605 6055 (textphone: 0845 604 5312)

Northern Ireland

028 9090 6178 (textphone: 028 9031 1092)

Benefit Enquiry Line

Northern Ireland

0800 220 674 (textphone: 028 9031 1092)

Carer's Allowance Unit

England, Wales and Scotland

www.gov.uk/carers-allowance

0845 608 4321 (textphone: 0845 604 5312)

Northern Ireland

028 9090 6186 (textphone: 028 9031 1092)

Disability Living Allowance

England, Wales and Scotland

845 712 3456 (textphone: 0845 722 4433)

Northern Ireland

028 9090 6182 (textphone: 028 9031 1092)

Pension Credit

England, Wales and Scotland

0800 99 1234 (textphone: 0800 169 0133)

Northern Ireland

New claims: 0808 100 6165 (textphone: 0808 100 1165)

Enquiry line: 0845 601 8821 (textphone: 0845 601 8841)

Personal Independence Payment

New claims: 0800 917 2222

Enquiry line: 0845 850 3322 (textphone: 0845 601 6677)

Tax Credits

England, Wales and Scotland

0345 300 3900 (textphone: 0345 300 3909)

This factsheet is designed to provide helpful information and advice. It is not an authoritative statement of the law. We work to ensure that our factsheets are accurate and up to date, but information about benefits and community care is subject to change over time. We would recommend contacting the Carers UK Adviceline or visiting our website for the latest information.

This factsheet was updated in April 2015.

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Carers UK Adviceline

For expert information and advice about caring.



0808 808 7777

(open Monday to Friday,
10am-4pm)



advice@carersuk.org

Carers UK

20 Great Dover Street
London SE1 4LX

020 7378 4999
info@carersuk.org

Carers Wales

029 2081 1370
info@carerswales.org

Carers Scotland

0141 445 3070
info@carerscotland.org

Carers Northern Ireland

028 9043 9843
info@carersni.org

Carers UK makes life better for carers.

Caring will affect us all at some point in our lives.

With your help, we can be there for the 6,000 people who start looking after someone each day.

We're the UK's only national membership charity for carers. We're both a support network and a movement for change.

Visit us at our website to join us, help us or access more resources:

carersuk.org