Benefits factsheet

How Periods in Hospital Can Affect Social Security Benefits – April 2020

Time spent in an NHS hospital can reduce the amount of benefit a person can get. Some benefits stop being paid while the claimant is in hospital.

National Insurance benefits like Retirement Pension, and widows and bereavement benefits are normally not affected if the claimant is in hospital. If the person gets benefit for a dependant, that may be affected after being in hospital for a year – see later.

It is the duty of the claimant or their appointee to tell the office that pays their benefits about hospital stays that might affect their benefits. If any benefit is overpaid the benefits office almost always recovers it.

What counts as a day in hospital?

A complete 24-hour period from midnight to midnight counts as a day in hospital. For Disability Living Allowance (DLA), Personal Independence Payment (PIP) and Attendance Allowance (AA) the day a person enters hospital and the day they leave count as days at home. For all other benefits the day the person goes into hospital is a day at home, while the day they leave counts as a day in hospital.

‘Linking’

It is not just one ‘block’ of time in hospital that can affect benefits. If a person stays in hospital and they don’t have at least 29 consecutive days at home in between hospital stays, then the times in hospital are ‘linked’ together to make one period.

Example

Mary entered hospital on July 1st and left on July 22nd. She goes home for two weeks, but is readmitted on August 5th. As she was not at home for 29 days the two spells in hospital are linked together. As a result the day after her second admission, August 6th, is Mary’s 21st day in hospital for disability benefits purposes. It is her 22nd day for other benefits.

Immediately

People who get Jobseekers Allowance (JSA) can normally stay on it for up to 2 weeks in hospital. They must tell the Job Centre that they are unfit for work. However, if the person has already had two spells of sickness within the last year they would stop getting JSA. If a person on JSA has to stay in hospital for longer than two weeks but not more than 13 weeks, they can stay on JSA with reduced conditionality. After 13 weeks they would have to stop claiming it. They would then, if they met the qualifying conditions, need to make a claim for Employment and Support Allowance (ESA).
28 days in hospital

The main benefits affected at this stage are Disability Living Allowance for adults, Personal Independence Payment, and Attendance Allowance. These stop being payable while the person remains in hospital. Both care and mobility components of DLA for adults are affected, as well as daily living component and mobility component of PIP. In the past this suspension was not applied to people who used their mobility component for a Motability vehicle. However from April 2013 all new hospital inpatients are treated the same way whether they have a Motability vehicle or not.

Another complication for the care component, the daily living component and Attendance Allowance is that time spent in care homes can also be ‘linked’ with stays in hospital unless the person has at least 29 days at home in between.

Means tested benefits like Pension Credit, Income Support, income based Employment and Support Allowance and Housing Benefit and Council Tax Support can be affected. This is because of the severe disability amount or premium. This is an amount that is included in those benefits for some people who get DLA care component, daily living component of PIP, or Attendance Allowance. If these benefits stop being paid then the means tested benefits can also reduce. Some people might lose their means tested benefits because of this.

Carers Allowance can also be affected. This can be paid for short breaks when the carer is not caring for the disabled person. However if the disabled person stops getting a qualifying disability benefit then the Carers Allowance also has to stop. This could affect any means tested benefits that the carer gets.

Children under 18 in hospital

DLA care and mobility components for a child under 16 used to stop after 84 days in hospital. As a result of the Supreme Court judgment on 8 July 2015, there are no longer rules to suspend DLA and PIP for claimants under 18 years of age admitted to hospital or a similar institution.

This means that while a child is in hospital their DLA for under 16s or PIP for under 18s will continue to be paid. DLA child claimants will not be invited to claim PIP while in hospital. They will be asked to call the DWP when they receive a renewal or award review claim form to check if the award can be extended.

Child Benefit and Guardians Allowance can also stop after 84 days in hospital. These two benefits can continue if the claimant spends at least the amount of the benefit each week on the child.

52 Weeks in hospital

Housing Benefit for a single hospital patient normally stops. It could stop earlier if it was clear that the person was likely to be in hospital for more than 52 weeks.

If a person gets Income Support and this contains the disability premium or enhanced disability premium, these premiums stop at this stage. If a person gets income based Employment and Support Allowance, the Work Related Component, the Support Component and the enhanced disability premium would stop.

Any housing costs that were paid with Income Support, Pension Credit or ESA would also stop after 52 weeks.
The housing costs can be paid to another person if they can be seen as liable to pay them. An example would be a partner remaining at home.

Where one member of a couple has been in hospital for more than 52 weeks they normally stop being treated as a couple and will need to make new claims as single people.

Some people get non means tested benefits like Retirement Pension that contain an addition for a dependant. If the claimant is in hospital for 52 weeks the addition needs to be paid to the dependant or to another person on their behalf.

**Other benefits and hospital stays**

**Tax Credits**

Child Tax Credit and Working tax Credit are not normally affected by hospital stays. However, if someone stops being treated as an employed because of a stay in hospital, they will no longer qualify for Working Tax Credit.

**Universal Credit**

For a single claimant there is normally no change to Universal Credit if they are in hospital. If the partner is in hospital and the stay is expected to last, or has lasted, more than 6 months; the joint claim will end and they will both need to claim as single people.

If a child or qualifying young person is in hospital; the child addition will be included in the award, if the stay in hospital is temporary. However the child amount will stop if their stay is expected to last, or has lasted for more than 6 months.

If the person being cared for goes into hospital, the carer amount will not be included in the Universal Credit award, once they no longer meet the qualifying conditions for Carers Allowance.

**This factsheet is a general guide. It is not a full statement of the law.**

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