Benefits Factsheet

Attendance Allowance – April 2019

This is a tax-free benefit for people who are over state pension age when they start to need help or supervision with personal care tasks. It is not means tested so it does not matter how much income or capital a person has. For new claims a person must be habitually resident in the UK and have lived here for two out of the last three years.

People who are under state pension age when they first start to need help will need to claim Personal Independence Payment; this can continue to be paid after reaching state pension age, as long as the conditions of this benefit are still met.

Qualifying Periods
The person must have needed this help for 6 months before they can start to get Attendance Allowance.

People can qualify for Attendance Allowance in three ways:

- **Body Care**
  The law defines this as needing help with **bodily functions**. This means things like going to the toilet, bathing, washing, getting up and going to bed, getting dressed & undressed, moving around the home, eating and drinking. During the day this need for help should be **frequently throughout the day**. By night it needs to be **repeated** (at least twice) or **prolonged** (at least 20 minutes).

  It does not matter whether the help is actually provided or not. What is important is whether the person **reasonably needs the help**.
  Things like shopping, cooking, and housework are not relevant and should **not be mentioned** on the claim form.

- **Supervision**
  A person may qualify if they need someone to watch over them to make sure they do not come to serious harm, or cause serious harm to other people. This could apply to people with dementia, mental health or memory problems. It could also apply to some people who are at risk of falls. By day the need for supervision must be **continual**. This means most of the time and not every minute of the day. At night the person must need somebody to be awake to watch over them for a **prolonged period** or at **frequent intervals**.

- **Special Rules**
  Some people who are terminally ill can get Attendance Allowance. This applies if the person has a progressive disease where death can reasonably be expected within 6 months. They do not have to show any care or supervision needs, or wait the 6 months qualifying period before applying. Another person can apply on their behalf. The person’s doctor should complete a **DS1500** form to accompany the claim.
How Much?
There are two different rates of this benefit. The **higher rate** is for people who need care or supervision **both day and night**, and for people who are terminally ill. The **lower rate** is for people who need care or supervision just during the day or just during the night.

If someone has the lower rate of Attendance Allowance and later their condition changes and they start to need help both by day and night, they can ask to be considered for the higher rate. Before they can get any extra benefit they must have had the extra need for 6 months. The whole claim is looked at again and they could risk losing the benefit they already have.

How to Claim
Ring 0800 731 0122 and ask for a claim pack. It is important to fill it in carefully. Give details of all the person’s needs for care and supervision. To avoid losing money it is important to return the claim pack by the date stamped on the front page.

Challenging Decisions
If a claimant is turned down for this benefit or doesn’t get the rate they expected, they could challenge the decision. They must first ask the DWP to reconsider the decision within one calendar month. This is known as a ‘mandatory reconsideration’. If they are still unhappy with that decision they can then appeal directly to the Tribunal Service. They need to send a copy of the reconsideration decision with the appeal.

Where a person lives
If somebody lives in a residential care or nursing home they can normally only get Attendance Allowance if they pay the full cost of their care themselves. If they get financial help from a local authority (Social Care Services) their Attendance Allowance normally stops after a maximum of 28 days. People who get financial help from the local authority under a ‘deferred payment’ agreement can normally keep their Attendance Allowance.

Attendance Allowance also stops being paid after a maximum of 28 days in NHS hospital. Short spells in either hospital or residential or nursing care separated by less than 29 days at home in the community are 'linked' together to reach the 28-day cut-off point. Benefit becomes payable again when the person goes back home. If people are funded in a care home under NHS continuing care the situation is complex. Detailed advice is necessary.

It is the claimant’s responsibility to notify the Disability & Carers Centre of stays in hospital or care or nursing homes.

Other Gains
Getting Attendance Allowance can also increase other benefits. If people are on Pension Credit, Housing Benefit or Council Tax Benefit they might be able to get more benefit if they get Attendance Allowance. They should tell the benefit office when they start to get Attendance Allowance. Other people may find that when they get Attendance Allowance they can become entitled to one of these means tested benefits.

Carers
If a person gets Attendance Allowance and they have a carer, that person might be able to claim Carers Allowance. If the carer does not live with the disabled person they should get advice. It might not be to everybody’s advantage for the carer to get Carers Allowance.

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