

WELFARE RIGHTS UNIT

DISABILITY LIVING ALLOWANCE (DLA), PERSONAL INDEPENDENCE PAYMENT (PIP) AND ATTENDANCE ALLOWANCE (AA)

From April 2022

DLA ceased for new claimants in June 2013 and existing claimants who were under 65 on 8 April 2013 will be 'invited' to claim PIP at some point. DLA, PIP and AA are financial benefits for people with personal Care needs. DLA and PIP also have mobility components for those people who have outside mobility problems.

PIP is paid to people who claim for the first time before their state pension age, those who claim after their state pension age the benefit becomes AA. AA does not have a mobility component and has only two payment rates, whereas DLA has three payment rates for care needs and two mobility payment rates and PIP has two daily living payment rates and two mobility payment rates.

DLA, PIP and AA:

- Are not taxable
- Are non-contributory (so there is no national insurance conditions)
- Are available to both employed and unemployed people
- Are not means-tested
- Do not affect means-tested benefits adversely, but can attract extra payments of benefit

AA, the Care component of DLA and the daily living component of PIP are intended to cover some of the extra cost someone with an illness or disability may have because they need care or supervision from another person.

The care component or the daily living component is not paid to someone whose only needs are housework type tasks, e.g. cleaning the home, shopping, gardening etc. They are paid if someone needs help with 'bodily functions', or needs supervision 'to avoid substantial danger to themselves or others' e.g. to prevent them having an accident or causing an accident. However, if awarded the person can spend the money on whatever they want. They could save it up for a holiday.

The general rules to qualify for DLA or AA are:

- The person must be present and normally living in Britain for at least 104 weeks in the previous 156 weeks
- The person must have no restriction or limitation on their right to resident in the UK
- The person must satisfy the disability tests
- The person must have satisfied the disability tests for 3 months for DLA and 6 months for AA. However, there is not a qualifying period for those people who are claiming under the 'Special Rules' because they are terminally ill.
- The person must be under state pension age for DLA, or state pension age and over for AA.

The disability tests for the Care component of DLA and AA:

For the high rate:

The person needs frequent attention throughout the day and night in connection with bodily functions, or needs continual supervision in order to avoid substantial danger to themselves or others.

For the middle rate DLA or low rate AA:

The person needs frequent attention throughout the day, or prolonged attention throughout the night, in connection with bodily functions, or needs continual supervision in order to avoid substantial danger to themselves or others.

For the low rate DLA:

The person needs part-time care during the day (approximately an hour) or, even if they had all the ingredients to cook a main meal, they would not be able to do so, e.g they cannot read the recipe, or they cannot lift pans, or they cannot chop vegetables etc.

The disability tests for mobility component of DLA:

For the high rate:

The person's 'physical condition as a whole' must be such that:

- They are unable to walk, or
- Virtually unable to walk, or
- The exertion required to walk would constitute a danger to their life, or would be likely to lead to a serious deterioration in their health, or
- They have no legs or feet (from birth or through amputation), or
- They are both deaf and blind, or

- They are entitled to the higher rate care component and are severely mentally impaired with extremely disruptive and dangerous behavioural problems, or
- Blind or severely visually impaired

For the low rate:

The person must be so severely disabled physically or mentally that they cannot take advantage of walking out of doors, in an unfamiliar place, without guidance or supervision from another person most of the time.

Some of the questions asked for AA and DLA Care Component

- Does the person need help with washing, bathing, showering or looking after their appearance
- Does the person need help dressing and undressing
- Does the person need help getting out of bed in the morning or getting into bed at night
- Does the person usually have difficulty or do they need help with moving around indoors
- Does the person fall or stumble because of their illness or disability
- Does the person have difficulty or do they need help with cutting up food, eating or drinking
- Does the person usually have difficulty or do they need help taking their medication or with their medical treatment
- Does the person usually need help from another person to communicate with other people
- Does the person usually need help from another person to actively take part in hobbies, interests, social or religious activities
- Does the person usually have difficulty or need help during the night
- Does the person usually need help with toilet needs.

Please note that the claimant only has to need help, they do not have to be receiving help. A lot of people do not want someone to help them with very personal things and they struggle to manage by themselves. Or the person may be able to care for themselves, but they need to be told to do so – that is called supervision. People with a mental health problem or a learning disability may need supervision rather than physical help.

It is necessary that the person fills in the form in quite a lot of detail. People get used to coping and finding easier ways to do things, e.g. someone with limited dexterity in their hands may not wear clothes that have buttons. Therefore it is useful if the claimant keeps a diary over the period of a fortnight or so, in order to focus their mind on their problems.

Even the embarrassing questions such as ‘Do you need help with your toilet needs’, needs a detailed explanation of the difficulties the person has in the toilet, or with incontinence. Eg the person may need help getting to and from

the toilet because they are unsteady on their feet, or they may need assistance standing up from sitting on the toilet, or they may need help changing incontinence pads. The person should also explain why they cannot use aids, such as a commode – they may not have a private place to put it.

The mobility questions for high rate mobility component of DLA include:

- Does the person have a physical problems that restrict their walking
- How far can the person normally walk (including any short stops) before they feel severe discomfort
- How many minutes can the person walk before they feel severe discomfort

It is a good idea to walk 40 – 60 metres to check speed, discomfort, gait and falls. A lot of people are not able to judge 40 – 60 metres accurately without actually walking it and taking note of the problems they encounter.

For the lower rate mobility component:

The person would have to show that they need guidance or supervision whilst walking outside in an unfamiliar place. This rate is often paid to people, who do not have a physical disability, but have a learning disability, or a mental health problem such as agoraphobia or panic attacks, or has a sight or hearing problem.

Special rules for people with a terminal illness

People who have a terminal illness and the prognosis is that they are likely to die within 6 months, do not have to fill in the care section of the form or meet the backward test, however they do have to fill in the mobility section if they have mobility problems. They can ask their GP or Consultant if they would fill in a DS1500.

Extra rules for children

There is an extra test for children under the age of 16. It has to be shown, in addition to the disability and mobility tests that they need more help than a child of a similar age who does not have a disability. High rate DLA mobility component is not paid to a child under the age of 3 and the low rate is not paid to a child under the age of 5.

General rules for PIP

PIP consists of two components; a daily living component and a mobility component and both components will have two rates, a standard rate and an enhanced rate. Eligibility will be decided on a points basis. The rates are as follows:

Daily Living Component - Enhanced Rate £92.40 week
Standard Rate £61.85 week

Mobility Component - Enhanced Rate £64.50 week
Standard Rate £24.45 week

To be entitled the claimant must:

- Be aged 16-state pension age
- Satisfy the daily living and/or mobility activities test for 3 months prior to the claim and likely to continue to satisfy the test for a further 9 months (However, claimants who are terminally ill and the prognosis is that they are likely to die within 6 months do not have to meet this test for the daily living component)
- Pass the residence and presence test and have been in Great Britain for at least 104 weeks in the last 156 weeks
- Pass the habitual residence test
- Not be subject to immigration control.

There is a list of descriptors for both components and the number of points they attract in our PIP information sheet. To be entitled to the enhanced rate of either component the claimant must be awarded 12 points, to get the standard rate they must be awarded 8 points.

Disability Living Allowance helpline -

If you were born after 8 April 1948

Telephone: 0800 121 4600 {Textphone: 0800 121 4523}

If you were born on or before 8 April 1948

Telephone: 0800 731 0122 {Textphone: 0800 731 0317}

Personal Independence Payment -

Claim Line: 0800 917 2222

Enquiry Line: 0800 121 4433

Attendance Allowance -

Telephone: 0800 731 0122 {Textphone: 0800 731 0317}

ADVICE & HELP

London Borough of Havering

Welfare Rights Unit Advice Line

Leave your name and phone number. We'll then call you to discuss your benefit issue.

01708 434444

Email WelfareRightsUnit@havering.gov.uk

Citizen's Advice Havering

Telephone Advice

Local Number - 0300 330 2179

Monday, Wednesday, and Friday: 10 am - 12:30 pm

Tuesday 10 am - 4 pm

Thursday 1 pm - 3:30 pm

Email Advice

On the website, click on the Email Advice button and selecting the area you would like advice on

www.haveringcab.org

Face-to-face (appointment only)

You can book 30 minute appointments at the local hubs at Harold Hill and Rainham - with the following links;

https://bit.ly/Book_CitizensAdvice_HaroldHill

https://bit.ly/Book_CitizensAdvice_RainhamLibrary

All benefits have complex rules and exclusions. Information provided here is as a guide only rather than a full statement of the rules and regulations. Information provided by Welfare Rights Unit, London Borough of Havering, at April 2022.