



## Disability Living Allowance and Attendance Allowance

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If you are looking after someone then they may be entitled to Disability Living Allowance (DLA) or Attendance Allowance (AA). These are important benefits because they increase the income of the person you are looking after and they may also allow you to claim benefits as a carer. For instance, one of the rules for claiming Carer's Allowance is that you must be looking after someone

who is getting AA or the middle or highest rate care component of DLA.

This factsheet is written for the person who is claiming DLA or AA. It explains the rules for these benefits which will help you to make a decision on whether the person you are looking after might qualify for DLA or AA. Many carers help the person they are looking after to complete the claim form or complete it on their behalf. The more you know about these benefits the more likely it is that the person you are looking after will be able to make a successful claim.

Carers who are disabled or ill can also claim AA or DLA, even if they already get, or qualify for, Carer's Allowance.

### General rules

DLA and AA are state benefits that help with the extra costs of long-term illness or disability. They are paid to the person who has the illness or disability although DLA will be paid to the adult responsible for a disabled child under 16. Disability or illness can be either physical and/or mental.

DLA and AA can be paid regardless of your income, savings or National Insurance contribution record. Both benefits are tax free. You can get DLA or AA even if you are working or studying. Getting DLA or AA does not reduce other benefits. In fact, it may even increase the amount you get, or help you qualify for other benefits and/or tax credits - see page 7.

There are no restrictions on how you can spend your DLA and AA money. You do not, for instance, have to





spend it on paying for the care that you need: you can spend it on anything that you want. Getting DLA or AA may also help you or your carer to get a Council Tax discount (Rate Rebate in Northern Ireland). Contact Carers UK's Adviceline for more information (see page 8).

If you get Constant Attendance Allowance (paid with Industrial Injuries Disablement Benefit or War Disablement Pension) at an amount the same as or more than DLA or AA, then neither DLA or AA will be paid.

## Should you claim Attendance Allowance or Disability Living Allowance?

This depends on your age. For DLA you must make a claim before your 65th birthday. If you are aged 65 or over, you cannot claim DLA for the first time. You should claim AA instead.

If you are paid DLA before you reach 65, it will continue after your 65th birthday for as long as you satisfy the rules for the benefit.

## Disability Living Allowance

### Who qualifies for DLA?

To qualify for DLA you must:

- because of disability or ill health, need help with your personal care or someone to check that you are ok and/or have difficulties with mobility when walking outside, and
- have had the disability or been in ill health for at least three months and be likely to have the disability or be in ill health for a further six months (unless you have a terminal illness), and
- have no immigration conditions attached to your stay in the UK (subject to some exceptions), and
- have been in the UK for at least 26 of the last 52 weeks (unless you have a terminal illness).  
Note: some people are treated as having been in the UK while abroad, eg service personnel and some people from European Economic Area nations.

### Care and mobility

There are two parts or 'components' of DLA:

- a care component
- a mobility component.

The care component can be paid if you need help with

your personal care or someone to check that you are ok. The mobility component can be paid if you have problems with mobility when walking outside.

### The care component

This is paid at one of three rates: the lowest rate, middle rate, and highest rate. The more help you need the higher the rate of DLA care component you will be paid.

#### Lowest rate

The lowest rate care component of DLA for April 2010 to March 2011 will be paid at £18.95 a week.

For the lowest rate you must:

- be 16 or over, and unable to prepare a cooked main meal; or
- need help with personal care for about an hour a day.

#### Not able to cook a main meal

The meal should be a labour intensive, reasonable, main daily meal for one person. It should be the sort of main meal that you would normally eat. Activities involved in preparing the meal might include: deciding it is time to cook; planning the meal; peeling and chopping vegetables; lifting saucepans; moving around a kitchen safely; timing the cooking; lifting food out of an oven.

#### Help with personal care for about an hour a day

The personal care should be provided for about an hour a day. It can be shorter periods that add up to an hour, eg 4 periods of 15 minutes each. Personal care is explained on page 3.

#### Middle and highest rate

The middle rate care component of DLA for April 2010 to March 2011 will be paid at £47.80 a week.

The highest rate care component of DLA for April 2010 to March 2011 will be paid at £71.40 a week.

For the middle rate you must satisfy a day-time test or a night-time test. These are explained on page 3. For this benefit, night usually starts just after your household has gone to bed and ends just before your household gets up in the morning.

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



these circumstances, seek further advice from the Carers UK Adviceline (see page 8) or the Benefit Enquiry Line (see page 5).

For the highest rate you must satisfy a day-time and a night-time test. Alternatively, you will get the highest rate if you are terminally ill. A terminal illness is one that may result in death in the next 6 months.

### Day-time test

To satisfy a day-time test you must need:

- frequent (at least three times) help with personal care throughout the day (personal care is explained below); or
- someone to check on you throughout the day to make sure that you are safe (what checking means is explained below);

### Night-time test

To satisfy a night-time test you must need:

- help with personal care at least twice a night, or once a night for at least 20 minutes (personal care is explained below); or
- 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 (what checking means is explained below).

To satisfy the tests you have to show that it is reasonable for you to need personal care or for someone to check on you. You do not have to actually receive help with personal care or have someone who checks on you.

If no-one is helping you with personal care, you may be accepted as needing help if you have some difficulty coping with your personal care. And if no-one is checking on you, you may still be accepted as needing this if you or another person may be placed in danger without it.

### Help with personal care

Personal care needs include help with things like:

- communicating
- eating and drinking
- seeing (ie you need someone to see for you)
- breathing
- using the toilet
- walking
- 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.

You may need help with various activities because you have a physical disability or illness, or a sensory impairment, or a learning disability, or a mental health condition. Or, you may have multiple disabilities or conditions. The help must usually be given in your presence. Here are some examples of the reasons you may need help and the type of help you may need:

- You have a spinal disability which makes core movement difficult. You need somebody to assist you with many daily activities such as getting in and out of bed, washing and dressing, and getting in and out of chairs.
- You are profoundly deaf and British Sign Language is your first language. You therefore need an interpreter when communicating with hearing people, to interpret spoken announcements, and perhaps also to interpret written English.
- You have a mental health problem and you need prompting and encouragement to look after yourself and do things such as take your medication, eat, wash and dress.
- You are blind and you need someone to assist in many situations such as selecting clothes to wear, using cooking appliances safely and preparing food.
- You have a learning disability and need help with many activities including managing money, writing letters and looking after your health and hygiene.



### **Someone to check on you**

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 that results from your disability. 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 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.

### **Children under 16**

Children under 16 must need more help with personal care or checking than a child of the same age who has no disability.

### ***The mobility component***

The mobility component is paid if you have difficulties walking outside. It is paid at one of two rates. The higher rate can be claimed from the age of three and the lower rate from the age of five.

The lower rate mobility component of DLA for April 2010 to March 2011 will be paid at £18.95 a week.

The higher rate mobility component of DLA for April 2010 to March 2011 will be paid at £49.85 a week.

### **Lower rate**

The lower rate is paid if you are able to walk, but need guidance or supervision from another person when walking out of doors on an unfamiliar route. Help must be needed most of the time. Children under 16 must need more guidance and supervision than a child of the same age with no disability.

Guidance is directing you along the route; either physically or through verbal or other signals. For example, you may need guidance if you are blind, or you use British Sign Language, or you cannot remember directions or you are easily confused.

Supervision is someone watching over or monitoring you in case they need to intervene, eg you may suffer panic attacks, have poor road sense or be unsteady on your feet.

### **Higher rate**

For the higher rate you must have a physical disability

that means:

- you are unable to walk; or
- you are virtually unable to walk; or
- you cannot walk without the effort required endangering your life or seriously affecting your health; or
- you have had both legs amputated at or above the ankle, or you were born without legs or feet; or
- you are both deaf and blind;

or, you have a severe learning disability and:

- you qualify for the highest rate of the care component (see page 2); and
- your behaviour is extreme and regularly requires another person to intervene to prevent you harming yourself, another person or property; and
- your learning disability severely affects your intelligence and your social functioning.

Note: The assessment of whether you are virtually unable to walk looks at your disability’s combined effects on the distance, speed, manner and length of time for which you can walk. Any walking you do in “severe discomfort” is ignored. Severe discomfort may include any pain, nausea, breathlessness or dizziness brought on by walking. Your walking is assessed using any walking aid that you usually use (eg a stick).

Note: You qualify if you have had both legs amputated at or above the ankle, or you were born without legs or feet, regardless of whether you wear artificial limbs.

Note: You are classed as being “both deaf and blind” if you are 80% deaf and 100% blind.

## **Attendance Allowance**

### ***Who qualifies for AA?***

To qualify for AA you must:

- satisfy one or more of the day-time or night-time tests (see page 3), or have a terminal illness. Special rules also apply for some patients undergoing renal dialysis – in this instance, seek further advice from the Carers UK Adviceline (see page 8) or the Benefit Enquiry Line (see page 5), and
- have satisfied a day-time or night-time test for at least 6 months (unless you have a terminal illness), and



- have no immigration conditions attached to your stay in the UK (subject to some exceptions), and
- have been in the UK for at least 26 of the last 52 weeks (unless you are applying under the special rules for people with a terminal illness).
- be aged 65 or over.

Some people can be treated as having been in the UK whilst abroad, eg service personnel and some people from European Economic Area states.

### **The day-time and night-time tests**

The day-time and night-time tests for AA are the same as for the middle and highest rates of the care component of DLA (see page 2).

If you satisfy a day-time or a night-time test you get the lower rate of AA.

If you satisfy a day-time and a night-time test, you get the higher rate of AA. Alternatively, you will get the higher rate if you are terminally ill. A terminal illness is one that may result in death in the next 6 months.

The lower rate of AA for April 2010 to March 2011 will be paid at £47.80 a week.

The higher rate of AA for April 2010 to March 2011 will be paid at £71.40 a week.

## **Claiming DLA or AA**

Claim on forms:

- DLA1A Adult for DLA (or DLA1A Child if

- under 16), and
- AA1 for AA.

You can get a form from:

- your local Social Security Office or Jobcentre Plus office
- the Directgov website [www.direct.gov.uk](http://www.direct.gov.uk)
- the Benefit Enquiry Line for carers and disabled people on 0800 88 22 00 (Textphone 0800 24 33 55), open from 8.30am to 6.30pm Monday to Friday, or 9am to 1pm on Saturdays. In Northern Ireland, the telephone number is 0800 220 674 – open 9am to 5pm Monday to Friday. It may take a week for the form to arrive in the post.

If you call the Benefit Enquiry Line for a claim form, 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. A second date is given as the deadline when the form should be returned by, for the award to start from the date when the form was requested. If you are not able to complete the form by this date, please let them know and also seek advice.

The form is long and complex. Make sure you put all of your difficulties on the form. You can get help to complete the form from one of the organisations listed below, or from the Benefit Enquiry Line on 0800 88 22 00 (0800 220 674 in Northern Ireland). If you need further information or advice, please contact the Carers UK Adviceline (see page 8).. You may also get independent help from a Citizens Advice Bureau, a disability organisation, a carer's group, or other special interest agencies (eg Age Concern branch, welfare rights unit).

If you have a terminal illness your claim should include form DS1500 – available from your GP or consultant. You do not have to complete the part of the main claim form that asks about your personal care or supervision needs. If you are claiming DLA, you do need to complete the part about difficulties walking outside to claim the mobility component. Claims for people who are terminally ill are processed quickly. A claim for a terminally ill person can be made without that person's knowledge.

## **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. DLA and AA can be awarded for a fixed period or for an indefinite period. If you are awarded



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 disagree with the decision you can appeal to an independent tribunal. You also have the option of requesting a revision of the decision. This means asking for the decision to be looked at again by the Department for Work and Pensions.

You must usually ask for an appeal or revision within one month of the date on the letter informing you of the decision.

If you ask for a revision but you are not happy with the new decision, you can appeal to an independent tribunal against the new decision. You may also have the option of asking for a further revision of the new decision.

You can request a written statement of reasons for the decision within one month of the date on the letter informing you of the decision. This may provide a better explanation for the decision. If you ask for a written statement of reasons, the time limit for asking for an appeal or revision is extended by 14 days. If the date on the written statement of reasons is more than one month later than the date on the decision letter, the time limit is extended to 14 days after the date on the written statement of reasons.

If you miss the time limit, you may still be able to ask for a revision or appeal if “special circumstances” prevented you from asking earlier. If you are asking for an appeal, the time limit can also be extended if your appeal has a reasonable chance of success. A request for a revision or appeal cannot be accepted more than 12 months after the normal time limit has expired.

A request for a revision can be made on the telephone or in writing, but if you put it in writing you will have the opportunity to explain more fully why you think the decision is wrong. An appeal must be in writing, preferably on the Department for Work and Pensions form GL24. You can get this form from DWP offices or download it from [www.direct.gov.uk](http://www.direct.gov.uk)

Your request for a revision or an appeal should be made to the office that sent the decision letter. The address will be on the decision letter.

At any time, you can ask for the decision to be changed after the one-month time limit has expired, but only in specified circumstances. The most common of these are:

- the decision contained an official error, or
- there has been a relevant change of circumstances since the previous decision.

An official error is a mistake made by the Department of Work and Pensions. The error might be losing important paperwork, a “slip of the pen”, or a misinterpretation of the law. If you have lost money because of the error, payment may be backdated to when the decision was made.

The most common relevant change of circumstances is that your health gets better or worse so that you now qualify for a different rate of DLA or AA. If the amount you get goes down, it may do so from the date your circumstances changed. If the amount you get goes up, you are not paid until 3 months after the change for DLA or 6 months after the change for AA. However, if the change is that you are now terminally ill, the new rate is paid from the date you tell the Department of Work and Pensions of the change.

If you are unhappy with the outcome of your request for the decision to be changed for one of the above reasons, you can ask for an appeal, or a revision in some circumstances. Usually, you must do this within one month of the date on the letter telling you the outcome of your request for the decision to be changed.

## Going into hospital, residential care, or a hospice

DLA and AA stop after 28 days in an NHS hospital if you are 16 or over. If you are under 16, it stops after 84 days. If you have a car under the Motability scheme, DLA mobility component is paid in hospital until the agreement ends.

AA and the care component of DLA stop after 28 days if you are in residential care funded by the Local Authority or NHS Trust. This applies regardless of your age. The mobility component of DLA is still paid.

If you pay for residential care without help from the Local Authority or a NHS Trust, DLA and AA continue to be paid in full. DLA and AA 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 Trust. You can also continue to receive DLA or AA if you go into a hospice that is not funded by the NHS.

If the Local Authority is temporarily funding your stay in a care home while you sell your former home, then



special rules apply so seek advice.

Any two stays in hospital and residential care separated by 28 days or less are added together when working out when DLA and AA should stop.

## Top tips for claiming DLA or AA

- Take your time to complete the claim form. If you have obtained it from the Benefit Enquiry Line you will usually have 6 weeks to complete and return it.
- List all of the help you need before completing the claim form. Talk with your carer and ask them to list all the help they give you. This way, together, you will not miss anything out.
- Remember, what matters is whether you need the help, not whether you are already getting it. Also think about the difficulties you have and what type of help you would need to make things easier.
- If you are not sure about how much help you need, or how long things take, keep a diary for a week or so.
- You do not have to need help with care or have difficulties with mobility every day in order to qualify. The test is “most of the time”. If your needs vary from day to day, make a list of the help you need or the difficulties you have on each day of the week for a week or a month – depending on how much the pattern varies.
- If you are applying for the higher rate of the mobility component of DLA, do make a proper measurement of how far you can walk and how long it takes you to walk that far before you fill in the form.
- Keep a copy of your form.

It is possible that a request to increase your DLA or AA can result in it being decreased or stopped altogether. This is why it is so important to fill in your form as well as possible and to seek advice.

## Other help you may qualify for if you receive DLA or AA

If you receive DLA or AA, you may become entitled to various other types of help. Sometimes the entitlement will depend on you being in receipt of a particular component of DLA or a particular rate of DLA or AA.

### Means-tested benefits

If you are already receiving a means-tested benefit or Tax Credit, getting DLA or AA may mean that you become

entitled to an increase in the means-tested benefit or Tax Credit that is already being paid. An award of DLA or AA can also mean that you become eligible for a means-tested benefit or Tax Credit for the first time.

So, if you have been awarded DLA or AA it is always a good idea to check if you are entitled to any means-tested benefits or tax credits that you are not currently getting. And, if you already get any of the means-tested benefits or tax credits you should notify all of the offices which pay them that you are now getting DLA or AA.

The benefits and Tax Credits affected are: Income Support; Income-related Employment and Support Allowance, Pension Credit; Housing Benefit; Council Tax Benefit (or Rate Rebate in Northern Ireland); Income-based Jobseeker's Allowance, Child Tax Credit and Working Tax Credit.

### Energy efficiency grants

If you or your partner receive DLA or AA, you may be able to get a grant to help with home insulation and other heating improvements. For more information contact the Energy Savings Trust helpline on freephone 0800 512 012.

### Independent Living Fund (ILF)

If you are receiving the highest rate of the care component of DLA and you receive or will receive services from your Local Authority, you may qualify for help with the cost of care if you are aged between 16 and 65. However, there are other rules of entitlement. For more information please contact ILF on 0845 601 8815 or visit the website [www.ilf.org.uk](http://www.ilf.org.uk)

### Motability scheme

If you are receiving the higher rate of DLA mobility component you may be able to apply to the Motability scheme. Through this scheme you can use your mobility component to lease or buy a car, wheelchair or scooter. For further information about the Motability Car Scheme please call 0845 456 4566. For further information about the Motability Wheelchair and Scooter Scheme please contact 0845 607 6260. Or visit the website [www.motability.co.uk](http://www.motability.co.uk)

### Exemption from road tax (vehicle excise duty)

If you receive the higher rate of DLA mobility component, you will be exempt from road tax. For further information and an application form please contact the Disability Contact and Processing Unit on 08457 123456 or Textphone 08457 224433.

### Blue badge

The higher rate of DLA mobility component will also



entitle you to a Blue Badge which will give you parking concessions. If you are not getting the higher rate of DLA mobility component, you may still qualify for a blue badge if you meet certain conditions. Contact your Local Authority for further information.

### Public transport concessions

If you receive AA or DLA (except for the lowest rate of care component), you may be able to purchase a Disabled Person's Railcard which will give you, and a person travelling with you, concessions on many rail journeys. For more information please call 0845 605 0525 or textphone 0845 601 0132. Or visit the website [www.disabledpersons-railcard.co.uk](http://www.disabledpersons-railcard.co.uk)

Some disabled people may qualify for free local bus travel, although this is not directly linked to whether or not you receive DLA or AA. Contact your Local Authority for further information.

If you live in Scotland you will receive free bus travel if you receive the higher rate mobility component of DLA or, the middle/highest rate care component of DLA or, AA or if you hold a Disabled Person's Parking Badge (Blue Badge).

### Companion Entitlement (Scotland only)

If your mobility is such that you require to be accompanied when travelling, you can apply for a National Entitlement Card containing the companion entitlement (C+1) to allow a companion travel free of charge with you for the same journey by bus. You will qualify for a companion entitlement if you receive the middle/highest rate of the care component of DLA or, AA or if you are registered blind; or live in a care or residential home and eligible to receive the middle/highest rate of the care component of DLA or AA.

### Your carer

If you are disabled and another person looks after you, they are your carer and may be entitled to financial and practical help. For more information order Carers UK's booklet – Looking after someone: a guide to carers' rights and benefits – by calling 0845 241 0963 or sending an email to [publications@carersuk.org](mailto:publications@carersuk.org)

## About Carers UK

Carers UK is the voice of carers. Carers provide unpaid care by looking after an ill, frail or disabled family member, friend or partner.

Carers give so much to society yet as a consequence of caring, they experience ill health, poverty and discrimination. Carers UK is an organisation of carers fighting to end this injustice.

Carers UK improves carers' lives by:

- campaigning for the changes that make a real difference for carers
- providing information and advice to carers about their rights and how to get support
- mobilising carers and supporters to influence decision-makers
- gathering hard evidence about what needs to change
- transforming the understanding of caring so that carers are valued and not discriminated against.

### Carers UK

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Tel 020 7378 4999 Fax 020 7378 9871  
[info@carersuk.org](mailto:info@carersuk.org) [www.carersuk.org](http://www.carersuk.org)

### Carers Wales

[info@carerswales.org](mailto:info@carerswales.org) 02920 811 370

### Carers Scotland

[info@carerscotland.org](mailto:info@carerscotland.org) 0141 445 3070

### Carers Northern Ireland

[info@carersni.org](mailto:info@carersni.org) 02890 439 843

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### FURTHER HELP

For further help on claiming DLA or AA contact the Carers UK Adviceline on 0808 808 7777. The line is available on Wednesdays and Thursdays from 10am to 12 noon and 2 to 4pm. Or send an email to [advice@carersuk.org](mailto:advice@carersuk.org). Information is also available on our website [www.carersuk.org](http://www.carersuk.org)

