

Carers are people who look after family members, relatives, friends or neighbours who cannot manage at home without help.

This might be because of a disability or an illness or because they are older and frail. It might be because they have a baby or child/ren who have a disability or illness.

If you are a carer, the care you give might range from doing the shopping once a week to 24-hour nursing care.

This booklet is designed to provide information, which will help you obtain your maximum welfare benefit entitlement, and to let you know where you can obtain more detailed information in Surrey.

**The information in this booklet has been
compiled by the staff at
Surrey Welfare Rights Unit and is correct at
June 2017**

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Carer's Allowance

Do You Qualify?

Are you aged over 16? **YES**

Do you pass the UK residence and presence test? **YES**

Are you spending at least 35 hours a week caring for one person?
YES

Is the person you care for in receipt of Attendance Allowance, middle or higher rate care component or Disability Living Allowance, standard or enhanced daily living component of Personal Independence Payment or Constant Attendance Allowance? **YES**

If you are studying, you are in education that is under 21 hours per week? **YES**

You are not earning more than £116 per week? **YES**

There is no-one else receiving Carer's Allowance for looking after the same person that you care for? **YES**

If you have answered YES to all these questions you are entitled to claim Carer's Allowance.

How to claim

There are several ways of making a claim for Carer's Allowance: you can claim:

- online: <https://www.gov.uk/carers-allowance>
- by printing off and filling in the [DS700 form](#) or the [DS700SP form](#) if you get a State Pension, and sending it to
The Carer's Allowance Unit
Mail Opening Site A
Wolverhampton
WV98 9AB

You can also get a printed form by contacting the Carer's Allowance Unit
cau.customer-services@dwp.gsi.gov.uk

Telephone: 0345 608 4321

Textphone: 0345 604 5312

Monday to Thursday, 8:30am to 5pm

Friday, 8:30am to 4:30pm



If the person you are claiming for is still waiting for their Disability Living Allowance (DLA), Personal Independence Payment (PIP) or Attendance Allowance (AA) decision then still make a claim to maximise your payment period. If you were actually entitled to Carer's Allowance (CA) before you claimed, it can be backdated for up to three months from the date you claimed.

You can get help with form filling from the agencies listed at the back of this booklet. Always ask if they do home visits if it is difficult for you to take time off from caring. You will have to have your benefit paid directly into a bank or building society or Post Office account.

Weekly Benefit Entitlement

From April 2017

Claimant	£62.70
Adult dependant (Claims prior to April 2010 only)	£36.90

Increase for adult dependants

You may be getting an increase in your benefit for an adult dependant if that adult dependant is either:

- Your spouse, with whom you must live, and whose earnings or occupational/personal pension is not higher than the adult dependant's addition, i.e. £36.90 **or**
- Any adult who is caring for a child for whom you are receiving Child Benefit and you are living with that adult.

Most people who benefit under this rule are living together as husband and wife with one partner looking after the child rather than working. The earnings/pension rule above for spouses also applies to other adult dependants for whom you are claiming an increase.

If you are claiming Carer's Allowance for the first time after April 2010 you can no longer get an adult's dependant addition.

Carer's Allowance – rules of entitlement

Age

- You must be at least 16 when you claim Carer's Allowance (CA).

UK residence and presence test

- You must be physically present, and ordinarily resident, in Great Britain to claim CA, and have been present for at least 104 weeks in the last 156 weeks on the date you make a claim.
- There are special rules about claiming if your right to reside in Great Britain is subject to any limitation or condition. If you are unsure about whether you may be affected, please seek advice from the local Citizens Advice or one of the other advice agencies listed at the end of this booklet.

Caring for someone for at least 35 hours per week

- You do not need to be related to the person for whom you care, nor do you have to live with them.
- CA is paid on a weekly basis and, during each week, you must be caring for someone for at least 35 hours. The CA "week" runs from Sunday through to Saturday, and it is within this "week" that the 35 hours must be counted. You cannot average the hours from one week with another.

Example: Rachel spends the following time caring for Neelam:

- | | | |
|----------|--------------------|----------|
| • Week 1 | Sunday to Saturday | 30 hours |
| • Week 2 | Sunday to Saturday | 39 hours |
| • Week 3 | Sunday to Saturday | 34 hours |
| • Week 4 | Sunday to Saturday | 38 hours |

She is only able to claim CA for weeks 2 and 4. She cannot average the hours to make 35 hours each in weeks 1, 2, 3 and 4.

- You must care for **one** person for at least 35 hours – if you care for more than one person, you cannot add the hours together to make a total of 35 hours. However, you do not have to spend some time every day caring for someone as long as the total hours in each CA week is 35.

Example: Helen looks after her neighbour during the day from Monday to Friday while the neighbour's daughter is at work. The daughter looks after her mother at weekends and at night. Helen can claim CA if she spends at least 35 hours caring for her neighbour.

- The care must be “regular and substantial” but this is not defined. Time spent getting ready for a disabled person to visit, or clearing up after they have gone, can count towards the 35 hours if it is directly related to the disabled person.

Example: Rashid is severely disabled and comes home each weekend. He is on a special diet and is also incontinent. He can have angry outbursts and objects have to be removed before his visit to ensure his safety while at home. The time spent by his mother, Seema, buying and cooking his special food, making the house safe before his visit, and in washing his laundry after he has returned, can count towards the 35 hours.

Seema spends 3 hours on Thursday getting things ready for Rashid. She collects him at 6 pm on Friday afternoon, and takes him back to school on Monday morning. Seema spends Monday morning clearing up. The hours she spends caring for Rashid include the 3 hours on Thursday and the time spent clearing up on Monday morning.

Caring for someone in receipt of a qualifying disability benefit

The person for whom you care **must** be receiving one of the following benefits:

- Attendance Allowance at either the Higher Rate of £83.10 or the Lower Rate £55.65
- Care component of Disability Living Allowance at either the Higher Rate of £83.10 or the Middle Rate of £55.65
- Daily Living component of Personal Independence Payment at either the Enhanced Rate of £83.10 or the Standard Rate of £55.65.
- Constant Attendance Allowance of £67.90 per week or more, paid as part of a war or industrial disablement pension.

The lower rate of the DLA care component, or the mobility component of either DLA or PIP **do not** count as qualifying benefits for CA.

If the person for whom you care does not receive Attendance Allowance (AA), Personal Independence Payment (PIP) or Disability Living Allowance (DLA), they may be eligible to make a claim:

- if they are 65 or over AA
- if they are under 16 DLA
- if they are aged between 16-65 PIP

Forms for AA can be obtained by phoning the Attendance Allowance helpline on 0345 605 6055; DLA forms can be obtained from the DLA Helpline on 0345 712 3456; for general information about PIP phone 0345 850 3322; for PIP claims, phone 0800 917 2222.

The basic qualifying condition for these benefits is that a person must be so disabled that s/he needs attention or supervision from another person (DLA and AA) or help participating in everyday life (PIP). The help must be needed more often than not on a weekly basis, so four days out of seven. The help must be with daily living activities such as getting in and out of bed, washing, dressing, eating, getting to and from the toilet, getting in and out of a chair, understanding verbal or written communication, and other such “hands on” care. **Help from the carer with shopping, cleaning, gardening or other “household” tasks usually does not count.** However, if the *person* needs close personal contact from another person to enable *her* to perform a household task *herself*, this contact can sometimes count.

Personal Independence Payment (PIP)

Claimants of working age who want to make new claims for disability benefit now have to claim PIP. Current DLA claimants whose claims are due for renewal or who notify of a change in their circumstances, and young people reaching age 16 will be invited to make a PIP claim instead of having their DLA renewed or reviewed. All other DLA claimants will be invited by DWP to claim PIP at some point. The timing of the invitation is determined by the DWP. It is the intention to complete the migration of working age DLA to PIP by the end of 2018. PIP is non-means tested and has two components, Daily Living and Mobility. Both components each have two rates, “standard” and “enhanced” and awards are based on a points-based assessment around specific activities.

Either rate of Daily Living award

- is a qualifying benefit for Carer's Allowance;
- is a qualifying benefit for the Severe Disability Premium **if** the disabled person lives alone (or is treated as living alone) and no one is receiving CA for looking after them.

Most claimants will be invited to a face to face medical as part of the PIP process.

Children will continue to claim and receive DLA up until their 16th birthday.

Full time education

You (the Carer) must not be in full time education. This means more than 21 hours per week of supervised study e.g. attending lessons or seminars. It does not include study at home or meal breaks.

Earnings and work

There is no limit on the number of *hours* a Carer may work and claim CA, but there is a limit on the *earnings* from work, either as an employed person or from self-employment. If you earn more than £116 per week after allowable expenses, you will not be eligible to claim CA for the following week. The level of the earnings will affect Carers who balance periods of caring and work, for instance claiming CA for a child who is home for school holidays.

What counts as earnings?

- Wages
- Any bonus or commission including tips
- Holiday pay
- Pay in lieu of notice
- Maternity and sick pay
- Allowances for attending meetings as a local councillor.

Allowable expenses:

- National Insurance contributions
- Income tax
- Half of any contribution towards an occupational or personal pension
- Expenses incurred "wholly and exclusively" in connection with your work e.g. travel expenses *during* your work. Fares or travel expenses *to and from work* are not allowable expenses.

- A maximum deduction of 50% of the care costs for the disabled person or a child under 16 cared for by the Carer, when the Carer is unable to care for them because they are working. The paid carer must not be a close relative (parent, son, daughter, brother, sister or partner) of the carer or disabled person. The paid carer does not need to be registered.

Working Tax Credit.

There is a minimum number of hours that a worker has to be engaged in paid work in order to qualify for Working Tax Credits; this is either 16, 24 or 30 hours.

Lone parent households have to be engaged in at least 16 hours work.

Couple households with dependent children have to be in work for at least 24 hours a week. These hours can be worked by one person or shared between the couple as long as one of them is working at least 16 hours.

Exceptions to the 24 hour rule apply in a couple household with dependent children where one person is working 16 hours and the other person is either

- entitled to Carer's Allowance; or
- incapacitated **and** in receipt of certain benefits; or
- an inpatient in hospital or
- in prison

Others who may qualify for Working Tax Credit with 16 hours work are those workers who are aged 60 or over or who qualify for the disability element as part of their award.

In households where none of the above apply the working hours requirement is 30 hours, the claimant has to be aged over 25.

Tax Credit claims can only be backdated for one month and changes of circumstances which increase the level of an award will only be paid for a one month past period.

An initial Working Tax Credit award is made on the basis of your (and your partner's) previous tax year income and circumstances at the date of claim. If current tax year income or your personal circumstances change the award can be amended.

HMRC decisions are subject to the mandatory reconsideration process before they can be appealed, see "How to Appeal" later in the booklet.

Other income which affects Carer's Allowance

If you are claiming an increase on your Carer's Allowance for your partner any earnings or occupational pension or personal pension which your partner receives, may affect the amount payable for the increase. It will not affect your basic entitlement to Carer's Allowance. See page 7 for more details.

- Any occupational pension or personal pension that *you* receive does not count as earnings and will not affect your Carer's Allowance.
- Any savings which you or your partner have will not affect Carer's Allowance.
- There is no limit on **unearned** income e.g. interest on savings, share dividends and rent from a tenant.

There is no one else receiving Carer's Allowance for looking after the same person that you care for

Carer's Allowance is only paid to one Carer for a disabled person, even if two or more people share the care. If you cannot claim Carer's Allowance (because someone else is already claiming) you may be able to get Carer's Credits to help you meet the National Insurance criteria for State Retirement Pension.

Example:

Lam and Kim both spend at least 35 hours per week caring for their mother who gets Attendance Allowance. They will have to decide who will make the claim for Carer's Allowance. They cannot both be paid Carer's Allowance.

What happens to Carer's Allowance when you reach state retirement age?

Carers over retirement age are eligible to claim and receive Carer's Allowance, but most will find that it "overlaps" with their State Retirement Pension (see section on State Retirement Pensions). It is likely that there are two main groups of Carers over retirement age who can benefit from claiming Carer's Allowance. They are:

- Carers who are in receipt of a small state pension who may be able to “top-up” their pension to the level of Carer’s Allowance.
- Carers in receipt of means-tested benefits (Pension Credit or Housing Benefit) who will be able to claim a Carer Premium as part of their means-tested benefit claims (see section on Carer Premium).

Carer’s Allowance – Overlapping Benefits

Carer’s Allowance is known as an “earnings replacement benefit” and is intended to compensate you because you are caring for someone and therefore cannot work full-time. **Usually, you may not receive more than one “earnings replacement benefit” at a time. Always seek advice if you are unsure what the rules allow.**

You cannot usually receive more than one of the following:

- Carer’s Allowance
- Contribution-based Jobseekers Allowance
- Contribution-based Employment and Support Allowance
- Maternity Allowance
- State Retirement Pension
- Widow’s Pension (no new claims from April 2017)
- Bereavement Allowance (no new claims from April 2017)
- Widowed Parent’s Allowance (no new claims from April 2017)

Where there is entitlement to more than one of these earning replacement benefits then the following rules apply:

- If you are in receipt of a contributory benefit such as contribution based Employment and Support Allowance or State Retirement Pension, then this can be topped up by any balance of non-contributory benefit that is due:

Example

Jane, 65, looks after her brother; he is 63 years old and is claiming Disability Living Allowance. She is already in receipt of a small Retirement Pension of £24.60 per week based on her own contributions (known as Category A), which were insufficient to give her a full pension. She claim Carer’s Allowance and the £24.60 is topped up by £38.10 to give a total of £62.70 per week (the normal weekly rate of CA).

Benefits you can receive which do not affect Carer's Allowance are:

- Disability Living Allowance
- Personal Independence Payment
- Attendance Allowance
- Industrial Injuries Benefits and Reduced Earnings Allowance
- Child Benefit
- Child Tax Credit
- Guardian's Allowance
- Bereavement Support Payment

How does your Carer's Allowance affect other Benefits?

If you are claiming

- Income-based Jobseeker's Allowance
- Income-related Employment and Support Allowance
- Income Support
- Pension Credit
- Housing Benefit

and are receiving Carer's Allowance (*or would be if it were not overlapping with another benefit*), you will be entitled to the Carer Premium (Carer's Addition with Pension Credit) of £34.95 each week, to be included in the calculation of your means-tested benefits.

Carer's Allowance, if paid to you, is taken into account as income for means-tested benefits, so you will be better off each week by £34.95. However, if the person you are caring for is receiving any of the means-tested benefits above, they will not qualify for the **Severe Disability Premium/Addition**, currently £62.45 a week, while you are in receipt of Carer's Allowance.

Important

The Severe Disability Premium/Addition may seem a greater financial benefit than the Carer Premium, but it is paid to the disabled person, not the Carer. You must consider your own individual circumstances and seek expert advice before deciding whether or not to claim Carer's Allowance. If you do not claim Carer's Allowance, you will have to look at whether or not you might need National Insurance credits or whether you will have to sign-on as available for work.

What happens if you claim Universal Credit?

Universal Credit is a means-tested benefit for working age people that is being gradually introduced. It is replacing Income Support, income-based Jobseekers Allowance, income-related Employment and Support Allowance, Housing Benefit, Child Tax Credit and Working Tax Credit. As Universal Credit is being rolled out gradually most Carers in Surrey will not be affected until Summer 2018, although some Carers living in certain areas will be affected earlier.

Claiming CA and the impact on Universal Credit

Under the current benefit system, a claim for Carer's Allowance can affect the benefits of the person you are caring for if they receive a Severe Disability Premium (or addition) with their means-tested benefits.

If you as a Carer are in receipt of UC, and your UC award includes a Carer element the person you care for will not be entitled to a Severe Disability Premium / Addition as part of their means-tested benefits. This is the case even if you aren't actually being paid Carer's Allowance.

The Severe Disability Premium / Addition has been abolished for UC, which means that if the person you are caring for is on UC, your Carer's Allowance or Carer element in your UC award would not have any impact on their UC.

Note: If the person you are caring for has UC with transitional protection the situation may be more complicated so seek advice for further information.



Carer Premium

If you are getting, or treated as getting, Carer's Allowance (see Overlapping Benefits) a Carer Premium/Addition will be included in your applicable amount for Income Support, income-based Jobseeker's Allowance, income-related ESA, Pension Credit and Housing Benefit. It is also included in the calculation for health benefits on the grounds of low income.

From April 2017 the Carer Premium/Addition is £34.95 per week

"If you are getting Carer's Allowance"

If you are in receipt of Carer's Allowance this will qualify you for the Carer Premium/Addition to be included in your applicable amount. Although Carer's Allowance is counted in full as income when calculating means-tested benefits, overall income will increase by the amount of the Carer Premium/Addition. So if you have not claimed Carer's Allowance because you could not see any advantage, if you are entitled, it is worth claiming in order to get the Carer Premium/Addition.

"If you are treated as getting Carer's Allowance"

You can be treated as getting Carer's Allowance even if you are not actually receiving the benefit. If you are entitled to Carer's Allowance, but not receiving it because of the overlapping benefit rules, then you are still entitled to the Carer Premium/Addition. See section on Overlapping Benefits for more information.

Further Points

- Two premiums/additions are awarded where both you and your partner satisfy the conditions for Carer's Allowance.
- If you are not claiming a means-tested benefit because your income is too high, the addition of the Carer Premium/Addition into your applicable amount may now bring you into entitlement. Always check.
- If you stop getting, or stop being treated as getting, Carer's Allowance, your entitlement to the Carer Premium/Addition continues for a further 8 weeks.
- If your financial gain by claiming Carer's Allowance is only the Carer premium/addition then take note of the overlapping rules as the Severe Disability Premium/Addition is substantially higher than the Carer Premium/Addition. However, if you are entitled to the Carer

Premium/Addition on the grounds that you are being “*treated*” as receiving Carer’s Allowance, (see previous page), then the person for whom you care will not lose their Severe Disability Premium /Addition as you are not actually in receipt of benefit. In this case you both get to keep your premiums / additions.

Example

*Lakshmi is claiming Contribution-based Employment and Support Allowance. She is also a Carer and would be able to receive Carer’s Allowance if she wasn’t in receipt of an overlapping benefit (ESA). Because she is still entitled but not in receipt of Carer’s Allowance, she gets the Carer Premium as part of her income-based Employment and Support Allowance top up. Her mother, who she cares for, lives elsewhere. Her mother is entitled to receive the Severe Disability Addition as part of her Pension Credit as Lakshmi is **not in receipt** of Carer’s Allowance.*

Severe Disability Premium and Carer premium for couples

If you are claiming income-related Employment and Support Allowance and both you **and** your partner are getting DLA middle or higher rate care component or the daily living component of PIP you could qualify for 2 x Severe Disability Premium, which is an extra £124.90 per week. You will be entitled to these premiums providing no “non-dependant” (another relevant adult) lives with you **and** no-one is **receiving** Carer’s Allowance or has a carer element included in their Universal Credit award for looking after either of you.

If either of you, or both of you care for each other and can establish and underlying entitlement to Carer’s Allowance then you can also be paid 1 or 2 x Carer Premiums in addition to your Severe Disability Premiums. If you are not in receipt of an overlapping benefit and would actually be paid Carer’s Allowance, if you made a claim, then seek advice on how that could affect your benefit income before you go ahead.

The full rules and criteria for Employment and Support Allowance are not provided in this booklet. If you think you may qualify or want to know more about the benefit seek advice from one of the agencies listed at the back of this booklet.

Benefits Claims and Changes of Circumstance

Whether you are acting on behalf of another person as their appointee or you are claiming a benefit yourself, you must:

- claim within the time limits **and**
- give as much information as possible to enable benefit to be correctly awarded **and**
- notify the Department of Work and Pensions (or whichever statutory agency is paying you benefit) of any change of circumstance, which might affect your benefits or the benefits of the person you are acting for. If you are unsure what changes should be reported, seek advice.

Hours that you work, wages that you earn

If you are eligible to claim Income Support as a Carer you will not be restricted in the hours that you are able to paid work. However your earnings will affect your benefit. NOTE: If you are also claiming Carer's Allowance, the weekly earnings limit of £116 from April 2017 still applies to that benefit. There is a £20 disregard of earnings if you are in receipt of the Carer Premium. If you are not in receipt of Carer's Allowance or the Carer Premium, the earnings disregard is either £5 if you are a single person, or £10 if you are part of a couple. If you are claiming Jobseekers Allowance, it is only your caring hours (not any paid employed hours) that are disregarded and you are able to limit your paid work hours to 16 hours (or 24 if your partner is the JSA claimant).

Backdating

Backdating of benefits is difficult and restricted to very short periods, usually only for one or three months. In some cases you have to show good cause reasons for the late claim. The usual restrictions on backdating are lifted when an award of a qualifying benefit (such as AA, DLA or PIP) gives an entitlement to an additional premium or benefit.

Civil Penalties

This could apply to you if you fail to take reasonable care of your claim and knowingly let a change of circumstances result in an overpayment of more than £65. These penalties can be given by either the DWP or the Housing Benefit teams within local councils, although local councils have to actively apply to the DWP for permission to implement penalties.

The decision maker must be satisfied that you have negligently made an incorrect statement or representation, or have negligently provided the wrong information or evidence and have not attempted to correct the error.

Civil penalties cannot apply if you have been charged with an offence or cautioned about the overpayment. The decision to impose a civil penalty is an appealable decision

Overpayments

If you misrepresent or fail to disclose any facts affecting your benefit, the law allows any overpayment of benefit to be recovered from you.

You may have correctly told the Department of Work and Pensions (DWP) about a change of circumstances and they did not act on this information. If an overpayment of benefit has been caused by a DWP error, it may not be a recoverable overpayment.

If the DWP decides that there has been a recoverable overpayment, you should seek advice as soon as you can. The time limit for requesting a revision or an appeal is one month from the date of the decision.

The Decision Maker at the DWP deals with a revision of your claim; a First-tier Tribunal hears your appeal.

Even if your appeal is unsuccessful the Secretary of State for Work and Pensions has a final discretion to waive recovery of the overpayment depending on the circumstances and if recovery would cause hardship.

Fraud

If the agency that pays your benefit considers that you deliberately and dishonestly misrepresented the facts or failed to disclose, you could be accused of fraud and prosecuted for a criminal offence in the Magistrates or Crown Court. In this case, you must seek legal advice urgently.

Who to notify

You, or anyone acting on your behalf, should notify all the relevant offices that pay your benefits of any changes that could affect the payments. This disclosure does not have to be in writing.

Your award letter should contain the addresses of the agencies you are dealing with, e.g., the Disability Benefits Unit or the Carer's Allowance Unit. Alternatively, contact your local advice agency for the relevant addresses. If you telephone, make a note of the date and the name of the person you are speaking to and what you told them.

Revisions and Appeals

What to notify - examples

- Deterioration or improvement in the condition of someone claiming DLA, PIP or AA.
- Changes in your family, e.g., a young person leaving home, or someone moving in to look after you, or marriage or cohabitation, a new baby, or a child of the family moving in or out.
- The loss or reduction of any other benefit.
- For means-tested benefits, any changes to income or capital.
- Changes in earnings and working hours.
- Time spent in hospital, residential care or on a short-term break.

How to appeal benefit decisions

All benefit awards made by DWP and HMRC are subject to a **mandatory reconsideration** process before you are able to appeal directly to Her Majesty's Courts and Tribunal Service on an SSCS1 form (DWP) or SSCS5 form (HMRC). An appeal will not be accepted unless you include a copy of the **mandatory reconsideration notice** with your appeal request.

If there has been a change to the care or mobility needs of the person you care for, they can ask for their DLA/AA/PIP decision to be looked at again.

If the change is an improvement in their condition they have a duty to notify this to the Disability and Carers Service. If they have experienced a deterioration in their illness or disability then they can ask for a review of their award (known as a supersession). The whole award can be looked at again so further supporting evidence to show the deterioration will be required. Seek advice from your local Citizens Advice office as decision makers can reduce the level of an award and/or the time for which the award will run.

Taking a break from caring

What happens to your benefits when you have a break from caring?

The Carer's Allowance rules allow breaks in care of up to a maximum of 12 weeks within a 26-week period without affecting Carer's Allowance. Of those 12 weeks, up to 4 weeks can be for a temporary break in caring such as having a holiday or the person you care for taking a break in residential care. The remaining 8 weeks allow the carer or the disabled person to receive medical or other treatment as an in-patient in hospital.

What happens if you, or the person you care for, go into hospital?

If you, the Carer go into hospital, your entitlement to Carer's Allowance will stop after 12 weeks. It may stop sooner if you have been in hospital, or had another break in caring within the last 26 weeks.

If the person you are caring for goes into hospital, entitlement to Carer's Allowance will stop after 4 weeks if you care for someone who is 18 or over. Carer's Allowance may stop sooner if the hospital stay is linking to a previous recent admission. The reason why this may happen is because your Carer's Allowance depends on the disabled person you care for receiving their qualifying disability benefit. If the disabled person is re-admitted to hospital having been at home for 28 days or less, then the number of days during each hospital stay are linked together and payment of AA/PIP/DLA will stop after a total of 28 days.

If you care for someone under 18 their DLA or PIP can continue to be paid whilst in hospital. The usual 12-week time off from caring rule applies unless you are still providing care to the child / young person in hospital, in which case your Carer's Allowance / Premium can also continue.

You **must** report changes immediately in writing to the Carer's Allowance Unit. It is also important that the AA, PIP or DLA Unit is told that the disabled person/child is in hospital, otherwise the authorities may decide that any benefit paid after these periods must be paid back. It is a good idea to keep a copy of your letter.

If the person cared-for is in hospital and claims Income Support, Pension Credit or income-related Employment and Support Allowance, any Severe Disability Premium entitlement is withdrawn after the payment of PIP, DLA or AA stops, although any Disability and Enhanced Disability Premiums continue to be payable.

What happens if the person you care for takes a break in residential care?

If you are away from caring the “4 week-off” rule applies.

If you have had more than 4 weeks off in the past 26 weeks (six months) you are not entitled to Carer’s Allowance for any week you are not caring for the disabled person for at least **35** hours (see Carer’s Allowance Rules on Entitlement). However, odd days or weekends only are unlikely to affect your benefit as a weekend straddles two different weeks.

What happens if the person you care for dies?

Entitlement to Carer’s Allowance is extended for eight weeks after the death of the person being cared for. The eight weeks will run from the Sunday following the date of death or from the date of death if that was a Sunday. Entitlement for the 8 weeks is subject to other rules; for example, if the Carer starts gainful employment or full-time education, entitlement will end. Also, payment of certain other benefits, for example, Employment and Support Allowance, can reduce or stop payment of Carer’s Allowance. If you are receiving the Carer Premium, that premium continues for a further 8 weeks. Widows and widowers may wish to check with an advice agency to see if they would be entitled to bereavement benefits if their spouse or civil partner has died.

What happens if my disabled child is at boarding school?

If your child is away at boarding school and the cost is being met, or could be met, by the local education authority, you will not be able to receive Carer’s Allowance once your child has spent 28 days there. Two or more periods separated by 28 days or less will be linked together towards the 28-day limit. However, if your child comes home each weekend, and you care for him/her for 35 hours each week it may be possible to continue to receive your Carer’s Allowance. If your child comes home less frequently, or only during the school holidays, you can ask for your Carer’s Allowance to be reinstated during any week that you look after him/her for at least 35 hours.

Example:

Jamie is aged 11 and goes away to boarding school, which is in Somerset. The arrangement is that he will come home every third weekend and during the school holidays. He starts at school on 6 September. Jamie's mum, Lesley, receives Carer's Allowance as he is receiving DLA Middle Rate Care Component. Jamie's first weekend home is Friday 24 September and he will return to school on Monday morning 27 September. Jamie has been at school for 20 days, as the day he started and the day he comes home are not counted as days he is at school for benefit purposes.

Jamie next comes home on Friday 15 October for half term and returns to school on Monday 25 October.

Jamie's right to be paid DLA care stops on 4 October as he has been in publicly funded accommodation on 4 October for 28 days. Lesley's right to receive Carer's Allowance stops the same week. Lesley can ask for Jamie's DLA to be paid between 15 October and Monday 25 October inclusive. She therefore may be able to receive Carer's Allowance for 3 weeks so long as she has cared for Jamie for 35 hours during each of the weeks he is at home – she can count preparing for him to come home and clearing up afterwards in the 35 hours. If Jamie comes home at Christmas for at least 28 days this linking will be broken and a new 28 day period can start again.

What happens when my caring responsibilities end because the person I care for goes into residential care permanently?

When the person you have been caring for goes into residential care permanently you will lose your carer's benefits apart from the benefit run-on described above. If the person returns home temporarily you may receive benefits during the time they are at home, pro-rata. It is important to notify the change of circumstances to the relevant agencies as soon as possible.

It is a good idea to seek advice from one of the agencies listed at the end of the booklet when this happens as any new benefit entitlement would need to be established, see page 27 "What happens when I am no longer caring?"

How do I get paid Carer's Allowance for the weeks I am caring if it is not every week?

You need to write to the Carer's Allowance Unit, Mail Handling Site A, Wolverhampton, WV98 2AB Palatine House, Lancaster Road, Preston PR1 1HB, telephone 0345 608 4321 stating your National Insurance number. Ask them to send you Form DS700. It is helpful if you tell them in your letter the date and weeks you wish to be paid Carer's Allowance.



What happens when I am no longer caring?

What benefits could I be entitled to?

This depends on your particular circumstances. If you have reached state pension age you may be entitled to **State Retirement Pension**. If you have reached state retirement age for women you may also be entitled to **Pension Credit** if you have low or no other income.

If you are a lone parent with a child aged under the age of 5 you could be entitled to **Income Support**. You might have entitlement to Employment and Support Allowance if you are unable to work due to illness or disability.

Employment and Support Allowance

If you are sick, or have given up your caring duties because of your own condition, you may be able to claim Employment and Support Allowance.

There is a 13 week assessment phase to start with when you will be paid £73.10 per week if you are 25 or over – or £57.90 if under 25. After this period you will usually be sent for a medical- the “Work Capability Assessment”. A decision is made on whether or not you have limited capability for work and qualify for ongoing Employment and Support Allowance. A second decision is made about whether or not you should be expected to carry out work-related activity whilst receiving benefit. Claimants who met the criteria and were placed in the work related group with an effective decision date before 3rd April 2017 will receive an extra amount of £29.05 per week – the Work-Related component. It is no longer possible to be paid this additional amount if the claim was made and decided after 3 April 2017. If you are **not** expected to carry out work-related activity you will receive the Support Component of £36.55 per week.

Work Capability Assessment

You must score 15 points from either the physical or mental/ cognitive health descriptors or from a combination of both categories. The descriptors are a range of activities; points are scored on the level of difficulty you have in performing tasks or carrying out activities. You will be sent a questionnaire to fill in, form ESA50. Your GP may be asked for a report and you will probably be invited to a face-to-face assessment with a medically qualified practitioner. If you do not return your questionnaire or do not attend the assessment (without good cause), you will be treated as being capable of work and your benefit will stop.

Employment and Support Allowance can be based on your National Insurance contributions or it can be based on your income, or you may be entitled to both payments. Income-related Employment and Support Allowance can top up Contributory Employment and Support Allowance if you are on a low income. Payment of contribution-based Employment and Support Allowance is restricted to 365 days unless you are placed in the Support Group. If you do qualify for income-related Employment and Support Allowance, you could get extra premiums and allowances depending on your circumstances – for example, housing costs (mortgage interest) and/or extra benefit for a partner.

Available for work

In most other circumstances you will have to sign on as available for work if you have stopped caring and you need financial support. Depending on your circumstances financial support will be available from either Jobseekers Allowance or Universal Credit.

Jobseeker's Allowance

Jobseeker's Allowance is available to people who are working less than 16 hours a week and who are available for and actively looking for work. There are two types of JSA:

- **Contribution-based JSA** - this is based on your National Insurance contribution record and is non-means-tested. It is payable for up to 6 months and is taxable income.
- **Income-based JSA** - this is means-tested and payable if you have little or no other income and have savings under £16,000. If you have a partner they must be working less than 24 hours a week. It can top up contribution-based JSA if your total income is low. It is also taxable.

(The rules for claiming JSA are not set out in this leaflet)

Universal Credit

Universal Credit is a means tested benefit for people on a low income who are in or out of work. It is replacing Income Support, income based JSA, income-related ESA, Housing Benefit, Child and Working Tax Credits.

It is being introduced gradually for certain new claimants known as Gateway claims. At the time of writing Universal Credit has been introduced in the Surrey area for new benefit claimants who are from jobseeking households and who don't have dependent children and/or caring responsibilities. The Government plans to extend Universal Credit to other households from Summer 2018. Once fully rolled-out working-age Carers will be claiming Universal Credit to top-up Carers Allowance instead of Income Support and Housing Benefit if they are a low income household.

Carer's right to a State Retirement Pension

The rules on entitlement and National Insurance contributions/ credits changed for those people who reached retirement age on or after 6 April 2016.

A client's state pension age depends on when s/he was born. State pension age is:-

- 65 for a man born before 6 December 1953
- 60 for a woman born before 6 April 1950
- between 60 and 65 for a woman born on or after 6 April 1950 but before 6 December 1953.

Pension age for men and women will be 65 in November 2018. From December 2018 the state pension age for both men and women will start to increase to reach 66 in October 2020. You can find out your exact pension age by contacting one of the advice agencies at the end of this booklet or via the website www.gov.uk/calculate-state-pension

Am I getting any protection for my State Retirement Pension (SRP) when I am a Carer?

If you are receiving Carer's Allowance you receive National Insurance credits which may help towards your entitlement to a pension and other benefits including contributory JSA, contribution-based ESA and Bereavement Benefits.

Unless you are working and paying National Insurance contributions it is necessary to have 52 credits in each complete tax year in order to have a full year's contribution record for benefit purposes. For each week you are receiving Carer's Allowance you are getting one credit. Therefore if you don't receive Carer's Allowance for a full tax year you will not receive 52 credits. However, you may be able to pay voluntary contributions (Class 3) for any missing weeks.

Example: *Jamila gave up work last March to look after her son Ilias who had a serious car accident which has left him brain-injured. Jamila claims Carer's Allowance on 15 May and doesn't think she will return to work for a long time. She will receive about 47 credits during this tax year – 5 credits*

short of the required amount. She will probably get a letter from the Contributions Agency at some stage “inviting” her to pay an amount of voluntary contributions to meet this shortfall. If she pays this amount she would have a full contribution record for this tax year.

What if I don’t receive Carer’s Allowance?

Since 6 April 2010 some Carers who are not entitled to be paid Carer’s Allowance and who are not paying national insurance or receiving a NI credit with another benefit claim may be able to receive **Carer’s Credits**. The criteria are:

- You care for someone for at least 20 hours per week, **and**
- they receive Attendance Allowance, **or**
 - they receive DLA care component at middle or higher rate, **or**
 - they receive the daily living component of PIP; **or**
 - they receive Constant Attendance Allowance, **or**
 - the need for care has been certified. This means that the need for 20 hours of care per week has been confirmed by a health professional and accepted by the DWP without a qualifying benefit being in payment.

The Carer’s Credit counts towards meeting the criteria for State Retirement Pension.

How do I qualify for full State Retirement Pension?

If you reach State Pension age before April 2016 the qualifying conditions for a full State Pension are that you have either paid or been credited with National Insurance for a total of 30 years. If you have paid or been credited for less than the required 30 years, you will get 1/30th of State Pension for each complete year. There is no minimum number of years to receive some payment.

Single tier pension (New State Pension)

State Pension has changed for people who reach State Pension age on or after 6 April 2016.

- Claimants now need 35 qualifying years to get the full amount of new State Pension, although NI paid before this date will affect the amount paid – see below.

- For the new State Pension, you will need at least 10 ‘qualifying years’ on your National Insurance record to get **any** State Pension. These can be from before or after 6 April 2016, and they don’t have to be 10 consecutive years. Those people who have between 10 and 35 years contributions will be paid State Pension pro-rata. (There are complicated rules for women who paid reduced rate NI who may not need the full 10 years – seek advice)
- Under the new State Pension, how much you get will usually be based on **your own** National Insurance record only.

You can request a personalised statement of what you can expect to receive under the new State Pension, based on your work history and National Insurance contributions or credits to date.

Go to: www.gov.uk/state-pension-statement to get a statement.

How is the new State Pension calculated?

Your starting amount will be the higher of either:

- the amount you would have got under the old State Pension rules (which includes basic State Pension and Additional State Pension. Additional State Pension could be SERPS or State Second Pension)
- the amount you would get if the new State Pension had been in place at the start of your working life

Your starting amount will include a deduction if you were contracted out of the Additional State Pension. You may have been contracted out because you were in a certain type of workplace, personal or stakeholder pension.

You can get more State Pension by adding more qualifying years to your National Insurance record after 5 April 2016. You can do this until you reach the full new State Pension amount or reach State Pension age - whichever is first. Seek advice as this is complex.

What happens to the years before the Carer’s Credit?

Up until 6 April 2010 you may have had your contribution record protected for State Retirement Pension and Bereavement Benefits by receiving Home Responsibilities Protection (HRP). You can find out more about HRP at the www.gov.uk website. You may still be able to claim HRP for years prior to April 2010. You can claim on form CF411 which you can access via the website above. Any qualifying HRP year is converted into 52 x Class 3 NI Credits.

Can I get a State Pension statement?

If you live in the UK you can get a State Pension statement:

- if you're within 30 days of reaching State Pension age or you have reached State Pension age and you want a statement [Contact the Pension Service](#) Telephone: 0800 731 7898.
- online by visiting the website www.direct.gov.uk/statepension
To use the online service you must be at least four months away from reaching your State Pension age.
- by calling the Future Pension Centre. Your application can be taken over the phone. The phone number is 0345 3000 168. Lines are open Monday to Friday 8am to 6pm.
If you have speech or hearing difficulties you can contact using textphone on 0345 3000 169 or you can use Text Relay dialling 18001 0845 3000 168.
- Or you can write to:
The Pension Service 9, Mail Handling Site A, Wolverhampton WV98 1LU

The **Pensions Advisory Service** is available for general advice or guidance on all pension issues covering state, company, personal and stakeholder schemes. They are an independent voluntary organisation that is grant-aided by the DWP. They can provide free information, advice and guidance on state, company, personal, stakeholder and occupational pensions. They can also help any member of the public who has a problem, complaint or dispute with their occupational or private pension arrangement.

The helpline is open from 9am to 5pm – Monday to Friday.

Pensions Helpline	0300 123 1047
Pensions Helpline for Women	0345 600 0806
Pensions Helpline for Self Employed	0345 602 7021

You can contact them via email from their website;

<http://www.pensionsadvisoryservice.org.uk/online-enquiry>

or by writing to:

The Pensions Advisory Service, 11 Belgrave Road, London, SW1V 1RB

Council Tax

Council Tax liability and Carers

If you live alone, the standard 25% single person reduction applies to your Council Tax liability. Certain adults can be disregarded and therefore help qualify for Council Tax discounts.

A Carer is disregarded if s/he is providing care or support (or both) to another person:

- on behalf of an official or charitable body, **or**
- is employed by the person being cared for to provide care and support and was introduced by a charitable body, **or**
- is caring for someone in receipt of certain benefits.

This section provides information on the last category i.e.: for Carers who are unpaid and not employed.

Caring for someone in receipt of certain benefits

The Carer must:

- be resident in the same dwelling as the person being cared for **and**
- be providing care for at least 35 hours per week on average **and**
- not be the partner of the person being cared for or, if the person needing care is under 18, not be the child's parent **and**
- be caring for someone entitled to
 - either rate AA; **or**
 - higher or middle rate care component of DLA; **or**
 - either rate of the daily living component of PIP; **or**
 - an Armed Forces Independence Payment; **or**
 - an increase in Constant Attendance Allowance under the Industrial Injuries or War Pensions Scheme; **or**
 - the highest rate of Constant Attendance Allowance payable on top of full rate disablement benefit paid for an industrial injury.

More than one person living in the dwelling can count as a Carer. If you have other people living with you then check with an advice agency to see if they are also “invisible” for Council Tax purposes.

Example

Phoebe lives with her Mum and her two brothers who are still at school. Phoebe has just left college. She is 20 and gets PIP Daily Living and lower rate PIP mobility. Her Mum gets sent a new Council Tax bill at the full rate. She completes the Council’s Carer discount form and a revised bill less 25% is issued.

Severely mentally impaired

If you live with the person you care for, or if they live with you, they may be “invisible” for Council Tax purposes on the grounds of severe mental impairment. They have to suffer from “*a severe impairment of intelligence and social functioning (however caused) which appears to be permanent*”, **and** be in receipt of one of the following: either rate of the daily living component of PIP; middle or higher rate care component of DLA; AA; Employment and Support Allowance; a disability premium or would have been entitled had they claimed before the age of 65. You need to obtain a certificate of confirmation from a registered medical practitioner.

If your home is considered to only have one resident living in it, then the Council Tax bill will be reduced by 25%. If your home is considered to have no residents (because everyone is “invisible”) then your bill will be reduced by 50%.

If you live away from home because you are caring

If there is no-one living in your home which was your sole or main residence and you are living elsewhere in order to care for someone who needs it because of old age, disability, illness, alcohol or drug dependence or mental illness your former home is exempt from Council Tax with no time limit.

If you now live in the home of the person you care for as your main residence, you may affect their Council Tax liability.

Disability Reduction Scheme

You can get a reduction on your Council tax bill if you or someone living in your house is “*substantially and permanently disabled*” and one of the following applies:

- You have a second bathroom or kitchen needed by that person
- You have a room (not a bathroom or kitchen) that is needed by and predominantly used by that person
- Your home has enough space for that person and their wheelchair to be used indoors.

If this scheme applies, your Council Tax bill will be reduced by one band, unless your home is Band A, when your bill will be reduced by 1/6th.

These discounts reduce your Council Tax liability irrespective of your means. If you think that you are entitled, notify your Borough or District Council and ask them to backdate the discount to when you were first entitled. There is no limit to the backdating of a discount.

Council Tax Support

Since April 2013 Council Tax Benefit has no longer been a statutory payment. Responsibility to manage Council Tax Support schemes has passed to borough and district councils, this means that schemes may significantly differ between districts. The Government stated that people over pension age had to be protected up to their previous Council Tax Benefit levels. In Surrey the 11 district and borough councils have each designed their own scheme.

Council Tax Support is separate from the Council Tax discount scheme which is a non-means tested discount scheme that can, in certain circumstances, reduce the household’s Council Tax bill as shown above.

If Council Tax liability has been reduced by any of the discounts you may still be entitled to claim Council Tax Support to help with the costs of the remaining payment. If your local Council Tax Support scheme does not provide sufficient financial support then you can ask for a Discretionary Payment to top-up the shortfall. Seek advice about claiming.

Help with Rent

Housing Benefit

Housing Benefit is available to people on a low income who pay rent for the home in which they normally live. The home can be a house or flat or a mobile home or houseboat. Housing Benefit can also pay towards the pitch fees or mooring charges.

It is a means-tested benefit, so you must satisfy the income and capital rules. You must also satisfy the residence rules and not be subject to immigration control. You do not have to have paid National Insurance contributions. You can still claim if you work but your earnings will be taken into account.

Liability for rent

Not all payments for accommodation are rent. Housing Benefit will not pay for any utility or water charges. Service charges relating to the property, for example, cleaning and maintenance of common parts are eligible. Service charges relating to the person such as provision of care, food or laundry are not eligible.

You must have a legally enforceable agreement to pay rent to a landlord in return for occupation of the home. It helps, when you make a claim for benefit, to have proof of this agreement in the form of a letter, rent book or tenancy agreement.

Treated as not liable

There are situations where you cannot have Housing Benefit even though you are making payments – including:

- You are a full time student (unless you are in a category of student who does qualify); **or**
- You are living in a care home or hospital; **or**
- Your rent agreement is not on a commercial basis; **or**
- Your liability for rent has been created to take advantage of the housing benefit scheme; **or**
- You previously owned the property less than 5 years ago (unless you are in the exceptions); **or**
- You share accommodation with your landlord who is also a close relative.

A close relative is a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step parent or child, or the partners or civil partners of the above, plus sister, brother or their partners, half brothers and sisters, and the parents or children of your civil partner.

The above are just some examples of situations where you may be treated as not liable for rent – there are others - if you are refused benefit for any reason you should seek expert advice in case you have grounds for appeal.

Occupying the home

There are situations where you can be absent from home and still be eligible for Housing Benefit – for up to 13 weeks for any reason and up to 52 weeks, for example, if you are in hospital. If you are absent from Great Britain the period of entitlement is usually 4 weeks, 26 weeks if you are in hospital.

You can also have benefit for up to 4 weeks where you become liable for the rent but you have not been able to move in or, where you have to pay rent for two homes in situations, for example, where one home is being adapted for a disabled person or you have left home because of violence.

Non-dependants

People who live with you in your household but who are not part of your claim for benefit are classed as non-dependants. Usually non-dependants are adult children or elderly relatives. This excludes temporary guests and people with an address elsewhere.

The non-dependant must be sharing your accommodation, that is, not paying rent separately to a third party. Sharing accommodation means sharing a living room and kitchen. If the person only shares halls, bathrooms, or communal rooms, such as in sheltered accommodation, they are not a non-dependant.

Not a non-dependant

The following people who live with you do not count:

- A member of your family for benefit purposes
- A child or young person still in full-time non-advanced education who is not part of your family

- Someone employed by a charity, voluntary organisation or public body who is paid by you or the state to care for you or your partner
- Any person to whom you or your partner pay rent on a commercial basis
- A joint tenant or co-owner jointly occupying the home
- A person who is paying you rent on a commercial basis such as a boarder or lodger (but the income you receive can be counted for means-tested benefits).

Non-dependant deductions

There is an assumption that someone sharing your home will pay something towards the bills. A non-dependant deduction – a set amount – is made for anyone aged 18 or over, in full-time paid work, regardless of how much (or how little) you are actually paid. The 2016 deduction is based on gross earnings before tax and national insurance contributions as follows:

Gross earnings	Deduction from HB
£136 – £199.99	£34.00
£200 – £258.99	£46.65
£259 – £345.99	£76.35
£346 – £429.99	£86.95
£430 or more	£95.45

Anyone else, for example, with earnings under £136 or claiming benefits, has a deduction of £14.80 unless they are under the age of 25 and claiming Income Support or income-based Jobseeker’s Allowance or, in the assessment phase of income-based Employment and Support Allowance or in receipt of Pension Credit – in which case the deduction is nil.

Claiming and backdating

Claim in writing on the form issued by your borough or district council. Or, if you are making an initial claim via a DWP office for a means-tested benefit (Income Support, Jobseeker’s Allowance, Employment and Support Allowance, Pension Credit), you can elect to claim Housing Benefit at the same time. If you start the claim by phone the date of your claim will be the date you made the call. Otherwise it is the date your claim is received by the local council or DWP office.

You can have your benefit paid from an earlier date in the following circumstances:

- If your claim for a means-tested benefit (as above) is backdated (up to a maximum of 3 month), your Housing Benefit can also be backdated for the same period.
- You are already on a means-tested benefit (as above) and you have just become liable for rent, your date of claim can be the date you became liable if your claim is received by the local council within one month of the start of that liability.
- If your partner was the Housing Benefit claimant and you separate from your partner or your partner dies, you can claim Housing Benefit from the date of death or separation if you submit a claim within one month.

Backdating following the award of a qualifying benefit

A qualifying benefit could be, for example, Disability Living Allowance, PIP, Attendance Allowance, Carer's Allowance or Child Benefit – a benefit that triggers extra allowances or disability or carer premiums payable with Housing Benefit. You may be entitled to Housing Benefit for the first time – or an increase in an existing award. However, it may be weeks or months after making a claim for the qualifying benefit that you get the decision.

If the award triggers an increase in an existing Housing Benefit claim, you can have the increase in benefit backdated to the date of claim of the qualifying benefit.

If the award of the qualifying benefit means you become entitled to Housing Benefit for the first time, you cannot have automatic backdating of benefit to the start date of the qualifying benefit.

You can either:

- make a claim for Housing Benefit at the time of your claim for the qualifying benefit and ask the local council to “stockpile” your claim, that is, delay making a decision until you hear about the qualifying benefit, **or**
- if you have not yet made a claim for Housing Benefit , you must satisfy the normal rules for backdating of a late claim (see below).

If you lose benefit because the local council will not stockpile your claim and the rules on backdating of late claims do not cover the whole period, you can try asking for compensation or an “ex-gratia” payment.

Backdating Late Claims

Backdating of benefit is allowed providing you make a request for backdating and you were entitled to Housing Benefit throughout the period in question for:

- 3 months – if you are Pension Credit age or older, and you or your partner are not receiving income-related ESA or income based JSA or Income Support – and whatever the reason for the late claim;
- or**
- 1 month if you are under Pension Credit age and have continuous good cause for a late claim throughout the period of the backdating.

Good cause for late claim

Good cause can include “any fact that would probably have caused a reasonable person to act (or fail to act) as the claimant did”. This can include:

- Physical or mental illness preventing you making a claim or getting help to claim.
- Wrong advice from an otherwise reliable authority, such as the council, the DWP, a solicitor or a local Citizens Advice office.
- Any other good reasons that led you to believe that you were not entitled.
- Some external factor preventing a claim, such as a postal strike.
- You did not qualify for Housing Benefit until you were awarded a qualifying benefit (see above).

Ignorance of the benefits system, language or literacy difficulties are not in themselves good cause but can be taken into consideration.

Payment of Housing Benefit

Payment is made directly to you in the form of a rent allowance if you are a private or housing association tenant. If you are a local authority tenant you get a rent rebate - a reduction in your rent. Housing Benefit can be paid direct to your landlord if you are in rent arrears or if you agree or request such payments.

You will get 100% of your eligible rent paid if you are receiving another means-tested benefit such as Income Support, income based JSA or income related ESA. Otherwise the amount of benefit is paid on a sliding scale based on the level of your income and capital

You have a duty to notify the borough or district council of any change of circumstances that would affect the amount of (or your entitlement to) benefit.

Discretionary Housing Payments

Each local council has a cash limited budget available to top up your benefit to help you pay your rent. This is a discretionary fund and has to be applied for separately from Housing Benefit.

Local Housing Allowance

The Local Housing Allowance applies to clients in private rented property who claim Housing Benefit. This is calculated by way of taking 30% of the average cost of rented property of the same size in the broad market area that the claimant lives in determined by their postcode. The local housing allowance has been set for the whole of the tax year 2017/18 and details of the amounts can be found at the following website <https://lha-direct.voa.gov.uk/search.aspx#> or by application to the local authority concerned.

All private tenants and working age tenants renting from a local authority, housing association or other registered social landlord are entitled to receive Housing Benefit based on the need of their household.

The size criteria rules allow one bedroom for:

- every adult couple (married or unmarried);
- any other adult aged 16 or over;
- any two children of the same sex aged under 16;
- any two children aged under 10;
- any other child (other than a child whose main home is elsewhere);
- people who are approved foster carers will be allowed an additional room, whether or not a child has been placed with them or they are between placements, so long as they have fostered a child, or become an approved foster carer in the last twelve months;
- adult children who are in the Armed Forces but who continue to live with parents will be treated as continuing to live at home, even when

deployed on operations. This means that the size criteria rules will not be applied to the room normally occupied by the member of the Armed Forces if they intend to return home;

- a Carer (or team of Carers) who do not live with you but provide you or your partner with overnight care.

Where the needs of a disabled child in a household require an extra bedroom (rather than sharing with a sibling) the Supreme Court confirms that this additional bedroom can be included in the household needs criteria. This concession does not extend to couples who each require a bedroom because of disability or where an extra bedroom is required for medical equipment.

This means some tenants whose accommodation is larger than they are entitled to will have a lower Local Housing Allowance applied or lose part of their Housing Benefit if they are a social housing tenant because of the under-occupancy rule. Those with one spare bedroom will have their eligible rent figure reduced by 14% and those with two or more spare bedrooms will have eligible rent reduced by 25%.

Person requiring overnight care

You will be allowed your additional bedroom to be included in your Housing Benefit claim if you are receiving:

- Attendance Allowance, PIP for daily living, the middle or higher rate of the care component of Disability Living Allowance or Armed Forces Independence Payment **or**
- you provide evidence to the local authority that you require overnight care, **and**
- you have arranged for someone to provide the care, **and**
- you have a bedroom for the overnight carer.

If you qualify as a person requiring overnight care, you are also exempted from the rules that restrict your rent to that of a single room in shared accommodation or, one-bedroom self-contained accommodation.

Help to pay the mortgage

Housing Costs with a means-tested benefit

You can get help towards your mortgage interest subject to a waiting periods, cap on the upper limit of the loan and, if receiving Jobseeker's Allowance, a limit to the length of time you can get help. You could qualify if:

- You are receiving a qualifying benefit – Income Support, income-based JSA or income related ESA, or Pension Credit; **and**
- You are liable to pay the housing costs and they are for the home in which you normally live; **and**
- The loan was taken out to buy the home, or to pay for limited repairs and improvements, or for eligible service charges.

The rules are very complex and your local Citizens Advice office can provide further information. Seek expert help if you have any problems making a claim.

Benefit Cap

The benefit cap is the maximum amount of benefit a non-working household can receive. It only applies to working-age households. Households where the claimant is entitled to Carer's Allowance will be exempt from the Benefit Cap, as are households where there is an ESA claimant who is in the Support Group, or a claimant is in receipt of PIP/DLA/AA. The Benefit Cap does not apply to working age households who are not in receipt of Housing Benefit or households not in receipt of Universal Credit.

The caps are currently set at £258 for single person households and £385 for couples and households with dependent children. Where the total benefit entitlement exceeds the cap the amount of Housing Benefit due to be paid will be reduced to keep benefits within the appropriate cap.

NHS Health Benefits

Some people are exempt from NHS charges. This includes anyone getting Income Support, income-based JSA, income-related ESA, Pension Credit (Guarantee Credit) and some people who get Working Tax Credit (WTC) or Child Tax Credit (CTC) or Universal Credit. If you receive WTC with a

disability element, or CTC but no WTC as you are not working, or if you receive both WTC and CTC, then you are entitled to help with the charges. Your award letter should tell you more. You can also get a full or partial reduction of charges if you have “low income” and have savings below £16,000. The low income calculation can be explained to you by any of the agencies set out at the end of this booklet.

What are the Health costs which I may be exempt from, or receive a reduction?

NHS prescriptions

NHS dental treatment and dentures

Sight tests and glasses

Wigs and fabric supports

Free milk and vitamins

Travel costs to and from hospital where you receive treatment.

Travel costs – What can you claim for?

A person qualifies if they are attending a health service for NHS treatment, or a disablement services centre. It does not matter that the hospital may be private as long as you are receiving free, NHS treatment. Payment should be claimed at the hospital where you receive treatment.

You are expected to use the cheapest form of transport available and you can claim for the following:

- normal public transport fares
- estimated petrol costs
- road and toll charges in England may be taken into account when calculating the amount of a person's NHS travel expenses by private car
- a reasonable contribution to a local voluntary car scheme
- taxi fares but only if there is no alternative for all or part of the journey, or you cannot use public transport because of a disability.

The travelling costs of a companion, or carer, will also be paid if it is necessary for you to be accompanied on medical grounds.

How to claim at the hospital

You should ask at the hospital each time you go for treatment. You will be asked to show that you are entitled to have these costs refunded.

Any of the following counts as proof:

- An HC2 charges certificate
- Award letter showing entitlement to the qualifying benefit
- A letter showing that a person gets any of the above benefits paid directly into a bank, building society or Post Office account
- An HC3 charges certificate, if you have to pay some of the costs.

Can I get a refund if I have already paid my health charges?

If you have paid a charge you can, in certain circumstances, obtain a refund. Most refunds should be claimed **within 3 months** of paying the charge. Claims may be accepted outside this time if there is a “good cause” for the lateness.

If you think you may be entitled to free prescriptions but do not yet have a certificate, ask the chemist for a form FP57 when you pay the charge (you cannot get the form later).

For reduced cost sight tests, free sight tests or if you have paid for glasses, complete form HC5 (available from Jobcentre Plus) and send it, with your receipt and optical prescription, to the local health authority.

For dental treatment, wigs and fabric supports, get a receipt and then claim on form HC5 (available from Jobcentre Plus or from your dentist).

For travel costs, the same rule applies but you can also obtain an HC5 from the NHS hospital. Send the form back to the hospital where you were treated and they should refund your costs. The form also explains how you can claim your fare if you have been treated in a private hospital because your local NHS hospital sent you there.



Care Act 2014

Carer's right to an assessment

The Care Act 2014 and the Children and Families Act 2014 came into effect in April 2015. These acts strengthen the rights and recognition of Carers in the social care system.

The new rights entitle Carers and the people they care for to an assessment of needs regardless of income. An assessment identifies care and support needs and must provide information and advice about services aimed at meeting those needs.

Any Carer who appears to have needs for support should be offered an assessment by social services whether or not the person cared-for has had a community care or needs assessment, if the Carer has been refused help in the past it may be worth asking for an assessment again, as the criteria for getting help are different under the Care Act.

Carers will be entitled to support if they meet the eligibility criteria. The rights to an assessment and possibly services for young carers and the parents of disabled children are provided by the Children and Families Act 2014.

If both the Carer and the cared-for agree, a combined assessment of needs can be undertaken.

If there are shared caring responsibilities by one or more people, including a child under 18, each person can have a Carer's assessment. The Carer does not have to live with the cared-for nor be caring full-time to qualify for a Carer's assessment.

Acting on behalf of another person

Appointees

The Secretary of State can appoint someone to act on behalf of another person for the purpose of claiming a benefit. For example, the mother of a child under 16 will usually be their appointee for claiming Disability Living Allowance. However, the child is the claimant of the DLA and the benefit belongs to them. An application to be the appointee must be made in writing to the DWP. If a 16 year old continues to need an appointee, the appointee will act for all benefits apart from Housing Benefit, for which a separate appointment must be made with the local authority.

Agents

On reaching 16, if the young person is mentally capable, they make their own claim but can still ask someone to be their agent to help with claiming or collecting benefits if they are physically disabled. Elderly or incapacitated people often ask a neighbour or family member to be their agent to collect benefits.

Power of Attorney

A Power of Attorney can be created by anyone who is mentally capable of managing their own affairs but this area of law is complicated and it is important to **take legal advice** first. The person giving the power is the donor. The person receiving it is the attorney. A donor can appoint more than one person as attorney.

This is considered good practice as two or more appointments can be a useful safeguard against fraud or improper acts. “Joint Attorneys” must act together. “Joint and Several Attorneys” are interchangeable but each one’s signature or action is equally binding or valid. Granting a power does not deprive the donor of the right to act on his or her own behalf.

Responsibilities of the Attorney

If paid, the attorney is required to act reasonably. If unpaid, they are required to act reasonably and as if conducting their own affairs. In either case the attorney is required to act in good faith, informing the donor of any conflicts of interest and keeping separate, up to date accounts of the donor’s affairs. Solicitors’ fees vary for this service.

Types of power of attorney

- **General** – a blanket authority where the attorney can sign most legal documents but there is a danger of unlimited scope for irresponsible acts. This power becomes invalid when the donor begins to become mentally incapable of handling their finances.
- **Limited** – this only applies to specific authorised acts, e.g. to enter contracts for buying and selling of property. The wording must be legally watertight.

- **Trustee** – limited to one year for trustees of property, wills or trusts. A solicitor is necessary to create this type of power.
- An **enduring power of attorney** made before 1 October 2007. This can provide authority for an attorney to look after a client’s financial affairs both before and after s/he loses the mental capacity to do so her/himself.
- Since 1 October 2007, a **lasting power of attorney**. This can provide authority for an attorney to look after a client’s financial affairs both before and after s/he loses the mental capacity to do so her/himself. A donor can make a Lasting Power of Attorney about:
 - decisions about her/his property and other financial affairs
 - and/or**
 - decisions about her/his personal welfare, for example, relating to her/his care from social services.

In order for the lasting power of attorney(s) to be valid it/they have to be registered with the Public Guardianship Office and there is a fee payable for each form. Some donors are exempt from paying these fees.

See the address list at the end of the booklet for contact details of The Office of Public Guardian. Telephone 0300 456 0300 or email customerservices@publicguardian.gsi.gov.uk

Receivership

This is necessary where no power exists or if registration of the enduring power has been rejected. Receivers are appointed by an order of the Court of Protection or via a direction of the Public Trustee, depending on the nature of the estate. The Public Guardianship Office has full details of application procedures, fees and duties in their booklet; see address list. In certain cases it may not be necessary for a receiver to be appointed. This would usually be if the mentally incapacitated person has assets of less than £16,000 and no income other than social security benefits. Such cases can usually be dealt with by making an application to the Public Trustees for directions that will allow for the limited assets to be dealt with.

Protecting Vulnerable Adults - safeguarding

A person may be vulnerable because of age, illness or injury. We all have the right to live a life free from violence, fear and abuse, to be protected from harm and exploitation and to say “No” to things we do not understand. Tell-tale signs of abuse include unexplained injury, withdrawal into themselves, signs of fear or distress, self-neglect and financial exploitation including theft or fraud.

If you suspect that a vulnerable person is being abused in any way don't ignore it. You should phone one of the following contact numbers to report your suspicions and get help and support:

- Surrey County Council 0300 200 1005
Monday to Friday 8am-6pm
Email: contactcentre.adults@surreycc.gov.uk
- Surrey County Council Emergency Duty Team
01483 517898 between 5pm and 9am and at weekends
Email: edt.ssd@surreycc.gov.uk
- If you need to report a safeguarding concern and would like to report it online you can use the Safeguarding Alert Form on the county council website at:
www.surreycc.gov.uk/reportingadultabuse .
- Action on Elder Abuse Helpline 0808 808 8141
Free and Confidential , Monday to Friday 9-5pm
- Surrey Police Switchboard 101 or 01483 571 212
24 hours a day, seven days a week

- **In an emergency dial 999**

SURREY CITIZENS ADVICE OFFICES

Ash Hill Road
Ash
GU12 5DP
Tel: 01252 315569

The Horseshoe
Banstead
SM7 2BQ
Tel: 0344 111 444

Rear of Library
Knoll Road
Camberley
GU15 3SY
Tel: 01276 684342

First Floor
Caterham Valley Library
Stafford Rd
Caterham
CR3 6JG
Tel: 01883 344777

Village Way
Cranleigh
GU6 8AF
Tel: 0344 848 7969

Lyons Court
Dorking
RH4 1AB
Tel: 03444 111 444

The Old Town Hall
The Parade
Epsom
KT18 5AG
Tel: 01372 237000

Harry Fletcher House
High Street
Esher
KT10 9RN
Tel: 01372 464770

Montrose House
South Street
Farnham
GU9 7RN
Tel: 0344 848 7969

New Montrose House
36 Bridge Street
Godalming
GU7 1HP
Tel: 0344 848 7969

15-21 Haydon Place
Guildford
GU1 4LL
Tel: 01483 576699

Well Lane House
Well Lane
High Street
Haslemere
GU27 2LB
Tel: 0344 848 7969

The Georgian House
Swan Mews
Leatherhead
KT22 8AE
Tel: 03444 111 444

1st Floor
Library Building
14 Gresham Road
Oxted
RH8 0BQ
Tel: 01883 730259

24 Cromwell Road
Redhill
RH1 1RT
Tel: 03444 111 444

The Old Library
Church Road
Addlestone
KT15 1RW
Tel: 01932 827187

Sunbury Library
The Parade
Staines Road West
Sunbury on Thames
TW16 7AB
Tel: 01932 827187

Elmbridge Community Hub
The Old School House
72 High Street
Walton on Thames
KT12 1BU
Tel: 01932 248660

Provincial House
26 Commercial Way
Woking
GU21 6EN
Tel: 01483 541666

OTHER ORGANISATIONS

Age UK Surrey

Rex House
William Road
Guildford
GU1 4QZ
Tel: 01483 503414
enquiries@ageuksurrey.org.uk

Alzheimer's Society

Use website to find local services:
www.alzheimers.org.uk
surrey@alzheimers.org.uk

Office of the Public Guardian

PO Box 16185
Birmingham
B2 2WH
Tel: 0300 456 0300
customerservices@publicguardian.gsi.gov.uk

Carers UK

20 Great Dover Street
London
SE1 4LX
Tel: 0207 378 4999
Advice: 0808 808 7777
advice@carersuk.org
www.carersuk.org

SURREY CARERS SUPPORT SERVICES

Adult carer support across Surrey is being provided by Action for Carers via a Carers Information Centre 0303 040 1234 or by SMS 07714 075993 or via email: carerssupport@actionforcarers.org.uk. Amongst other things they are offering advice, information and access to other information to support carers in their caring role.

Surrey Young Carers is available to support carers who are described as children or young people under the age of 18 who provide regular and on-going care and emotional support to a family member who is physically or mentally ill, disabled or misuses substances. They seek to help young carers to achieve their best at school, have fun, discover new interests and make new friends

Action for Carers Surrey

Astolat, Coniers Way, Burpham
Guildford, GU4 7HL
Tel: 01483 302748
Fax: 01483 303958

Surrey Young Carers

Astolat, Coniers Way, Burpham,
Guildford, GU4 7HL
Tel: 01483 568269
syc@actionforcarers.org.uk
www.surrey-youngcarers.org.uk