

The following is a brief and general guide only. The Social Security system is complex and it is not possible to give a comprehensive analysis here. You need to check each individual's circumstances and each case on its merits. You are advised to call our advice line on 020 7387 1466 Monday to Friday (except Wednesday) 10am to 4pm or a C.A.B. for specific advice.

Attendance Allowance

Attendance Allowance is a benefit for older people who need help with personal care because of a disability or long-term health condition. It is not affected by work, pensions, savings or property. It is a tax-free weekly payment towards the extra costs of living with a disability. It is based on how the older person's condition affects their ability to manage everyday tasks and living safely at home. If certain activities are very painful, difficult or time-consuming, it can be argued that the claimant needs help. It does not matter whether the claimant lives alone or whether they have someone to look after them or not, it depends solely on their need.

How to Qualify

- Aged 65 or over at the date of claim – (if under 65, see Disability Living Allowance).
- Must have been living in the UK for at least six months in the past year. This applies to everyone except terminally ill people.
- Must not be subject to immigration control. This means people from outside the EU with conditions on their stay in the UK, for example asylum seekers, cannot get Attendance Allowance. However, if a person has been granted refugee status or leave to remain on humanitarian grounds, they can claim.
- Must satisfy one of the disability tests. The need for care must have lasted for at least 6 months, and be expected to continue for at least 6 months. There are special rules for people who are terminally ill.

Disability tests

The claimant must meet at least one of four conditions for day or night. You must be so severely disabled that you require:

- Frequent attention throughout the day in connection with bodily functions, or
- Prolonged or repeated attention at night in connection with bodily functions (this means for 20 minutes or at least twice),
Bodily functions includes getting up, dressing, washing, eating, drinking, getting in and out of chairs, going to the toilet and moving around indoors. It does not include cooking, shopping and housework in themselves. However, it does include seeing and hearing, which means that visually or hearing impaired people should include all the help they need in order to have a reasonable quality of life, including cultural, social and leisure activities.
- Continual supervision throughout the day in order to avoid substantial danger to yourself or others, or

- Watching over for a prolonged period or frequent intervals at night to avoid substantial danger to yourself or others (this means for 20 minutes or at least 3 times). *Supervision* throughout the day can include having someone around to help avoid falls, accidents, self-harm or suicide, or on standby to call for help in the event of such an incident. *Watching Over* at night means someone must be awake to avoid dangers posed by wandering around, seizures, falls, etc.

The advantages of claiming Attendance Allowance

Attendance Allowance has two rates:

- Lower rate (£39.35 per week) – for day or night conditions
- Higher rate (£58.80 per week) – for day and night conditions

Effect on Pension Credit & Means-Tested Benefits

Getting Attendance Allowance may mean you can receive an extra amount in their Pension Credit, up to £44.15 per week for a single person, or £88.30 for a couple if they both qualify. It can also mean that you qualify for more help with housing costs and council tax as an extra premium is payable. There are no deductions for other people living with you from Housing Benefit and Council Tax Benefit if you get Attendance Allowance. For this reason, it is important to inform the local Pensions Service and local council benefits section if Attendance Allowance is awarded.

Carer's Allowance

Getting Attendance Allowance means that another person can claim Carer's Allowance for looking after the disabled person. This can mean a carer is no longer required to sign on and may be entitled to extra money. However, in some cases, this can mean that the disabled person loses money, so it is important to get advice first.

Hospital or Residential Care

Attendance Allowance stops after 4 weeks in hospital or residential care unless the claimant is self-funding.

Going Abroad

Attendance Allowance can be paid for up to 26 weeks of a temporary absence abroad or longer on a discretionary basis if abroad to receive treatment.

How To Claim

A claim pack can be requested by calling the freephone Benefit Enquiry Line on 0800 882200. This method means that the form is date-stamped so that the claim is taken from the date the form is requested. It helps if the claimant's GP or hospital doctor can sign a supporting statement. The claimant should usually get help to complete the form and ensure that all the relevant details are provided.