



Personal Independence Payment and other benefits at 16

Information for families

UK

Introduction

This guide looks at the benefits it may be possible for a young disabled person to claim once they turn 16 years of age.

The first part of this guide looks at Personal Independence Payment (PIP). This is a new disability benefit that is replacing Disability Living Allowance for people aged 16-64. It is possible to continue receiving Child Benefit and any other benefits you get for your child alongside Personal Independence Payment. Turn to page 4 for more detailed information about Personal Independence Payment (PIP).

The second part of this guide looks at other benefits that your child may be able to claim in their own right once they are 16. But if they claim some of these other benefits, any Child Benefit and other payments you receive for them as a dependant will stop.

If your child stays in full time non-advanced education you will have a choice – either carry on claiming for them as part of your family or help them claim as a young disabled adult. But you will need to weigh up which option is likely to leave your family better off. Turn to page 22 for more information about other benefits that can be claimed from age 16.

Information in this guide

The information in this guide is accurate as of January 2014. However, some of the information in this guide will be affected by forthcoming benefit changes, particularly the introduction of the Universal Credit. Call our freephone helpline for updated information.

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Personal Independence Payment (PIP)

From 10 June 2013, the government is replacing Disability Living Allowance (DLA) for people aged 16 to 64 with a new disability benefit called the Personal Independence Payment (PIP).

Although PIP looks similar to DLA in some respects, it uses entirely new rules to decide whether you qualify for benefit, and at what rate. Most people will also be asked to attend a face-to-face meeting with a health professional as part of being assessed for this benefit.

Disability Living Allowance will remain as a benefit for children aged under 16.

Who can apply for PIP?

PIP is not means-tested so it makes no difference what savings or income your son or daughter has. It can also be paid regardless of whether they are working, and it does not depend on National Insurance contributions.

The main thing that will determine whether your child qualifies for PIP is how their condition affects their ability to carry out certain key activities necessary for independent living. See page 10 for more details of the activities that are considered.

PIP has two parts – called components. There is a daily living component and a mobility component. Depending on their needs, your son or daughter may qualify for one of these components or for both at the same time.

Anyone who is applying for PIP must also:

- be aged between 16 and 64, and
- meet the required period condition (see box on page 5), and
- not be subject to immigration control, and
- meet certain tests linked to their residence and presence in the UK.

Generally speaking you can only claim PIP if you have spent at least 104 weeks in the UK over the last three years. But some people are exempt from this test, for example family members of armed forces personnel and some EEA nationals. Seek further advice from our freephone helpline.

When will PIP be introduced?

PIP was introduced for all new claims (except for in Northern Ireland) from 10 June 2013.

From 28 October 2013 some adult DLA claimants have started to be re-assessed under the PIP system. However, this only applies if your adult son or daughter lives in a 'designated area' **and** they also fall into one of the following groups:

- they have a change of circumstances that might affect the rate of DLA they are entitled to
- they volunteer to claim PIP rather than DLA
- they have a DLA award that is scheduled to run out after a specific date. This date varies depending on the designated area they live in. Call our

- freephone helpline for more details
- they turn 16 and are not claiming DLA under the special rules for the terminally ill.

The DWP have produced a PIP postcode map making clear the **designated areas** where PIP is being introduced for these groups of claimants, and the date that this applies from in each of these areas. This is available at www.gov.uk – type ‘PIP postcode map’ into the search bar. If you do not have internet access call our freephone helpline for details.

Eventually, PIP will be extended to claimants in the specific groups mentioned above living in the rest of the country. This is expected to happen gradually as more and more parts of the country become designated areas.

It is planned that all other adults claiming DLA will be re-assessed for PIP between October 2015 and September 2017. This will happen even if you have an indefinite (sometimes referred to as a ‘lifetime’) award of DLA. At the time of writing details of the introduction of PIP in Northern Ireland have yet to be confirmed. Call our freephone helpline for up-to-date information on the timetable for the introduction of the Personal Independence Payment.

PIP and young people reaching the age of 16

From 10 June 2013, anyone (but not in Northern Ireland) who is making a brand new claim, including a 16 year old, will have to apply for PIP rather than DLA. But different rules will apply if your child has an existing DLA award.

What is the required period condition?

In order to be paid PIP you normally must show that your child met the relevant disability tests for the previous three months and also expects to continue to meet them for at least a further nine months. This does not mean that you will necessarily have to wait three months for a payment as you may be able to show that your son or daughter met this test in the three months before they claimed.

If your child is moving from DLA to PIP (or ceased to qualify for DLA within the last two years) you won't have to show that they met the tests in the previous three months. But their needs must still be expected to last for at least nine months.

These tests do not apply to either component if a claim is made on the grounds of a terminal illness.

Turning 16 and living in a designated area

If they live in one of the designated areas (see previous column) the Department for Work and Pensions (DWP) should contact them inviting them to make a claim for PIP shortly after their 16th birthday. This will apply to most young people in the designated areas (with

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the exception of some terminally-ill claimants,) even if their existing DLA award was not planned to run out when they turned 16. The regulations state that your child will not have the option of continuing to get DLA instead of PIP unless they are claiming DLA under the special rules for the terminally ill (see page 11). However, despite what the regulations say, the DWP have indicated that where someone in a designated area is turning 16, they may be reassessed under DLA rules if they have already been sent an adult DLA renewal claim form. At the time of writing it is not clear if this is actually happening in practice, so contact our helpline for an update.

Before your child turns 16, the DWP will contact you as their parent to keep you informed of the process for claiming PIP



and to find out if your son or daughter needs an appointee (see page 15). They should write to you:

- first when your child is aged 15 years and 7 months
- three months later they will send you a reminder
- shortly after your child turns 16 they will then send a letter to your child (or to you if you have been made their appointee (see page 15) inviting them to make a claim for PIP.

If your child's current DLA award is due to run out on their 16th birthday, new rules will allow for their DLA payments to continue for a temporary period until a decision has been made on their PIP claim.

Terminally ill children who turn 16 and who live in a designated area can continue to get DLA rather than PIP. A DLA award under the special rules will continue until the end of the existing award or until at least October 2015 when the process of moving all other DLA claimants onto PIP begins.

Turning 16 and living elsewhere in the UK

If your child lives elsewhere in the UK, gets DLA and is turning 16, they will continue to fall under the DLA system. If their current DLA claim as a child is due to end when they turn 16, they will be reassessed under the adult DLA rules. They should be sent an adult DLA claim form to complete. However, their existing DLA payments will be temporarily extended until a decision has been made on that new renewal claim. This should ensure that there is

no disruption in payments while your son or daughter's entitlement to DLA as an adult is being assessed.

Time limits for claiming PIP

Your child won't get PIP automatically just because they qualify for DLA. They (or you, if you are their appointee, see page 15) will have to make a claim for it once invited to do so by the DWP.

If they don't claim when the DWP asks them to, their DLA payments will stop. They have 28 days from the date of the DWP letter inviting them to claim PIP within which to do this. If you think that they (or you) will have difficulties making a claim within this deadline, they (or you) can ask the DWP for an extension, which they may agree to.

If your child doesn't make a claim within the 28 day period (or within any extended period that the DWP have agreed to) their DLA payments will be suspended. The DWP must write to them (or you as their appointee) to tell them this is happening.

If they then claim PIP within a further 28 days, their DLA award will be restored until a decision on their PIP claim is made.

If they don't claim before that second deadline, their DLA award will end. They (or you as their appointee) will not be able to appeal (or ask for a revision) of that decision, although they will be able to make a claim for PIP instead.

My child turned 16 in Summer 2013 and gets DLA. Can they opt to claim

PIP early or do they have to wait to be invited to claim?

Adults on DLA currently only have the option of volunteering to claim PIP if they live in one of the designated areas. But it is really important that you seek advice before you do this for your child, as more people are expected to lose out than gain under PIP. Once your child chooses to make a claim for PIP they won't be allowed to change their mind and continue to receive DLA.

How do I claim PIP?

Initial claim

To claim PIP your child will need to complete two separate claim forms.

Claims are started by telephoning the PIP new claims number on 0800 917 2222 (textphone 0800 917 7777). If English is not your first language, ask the DWP staff member answering your call to use the DWP telephone interpreting service.

First, your child needs to complete a Personal Independence Payment claim form (PIP1 form). This is usually completed over the telephone but in exceptional circumstances, for example if they have difficulties using the phone, they may be sent a paper form instead. Online claims will be possible at a later date.

The PIP1 form asks basic questions such as your child's name, contact details, nationality and for details of the main health professional supporting them.

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This form is also used to check that your child meets the main basic qualifying conditions. For example, that they are at least 16 and meet certain tests linked to their immigration status and presence in the UK.

Paper questionnaire

Once the DWP have established that your child meets the basic qualifying conditions you will then be sent a questionnaire called 'How Your Disability Affects You' (PIP2 form).

This gathers information about your child's ability to do a range of different activities.

They have one month to complete and return this questionnaire. The date it must be returned by will be in a covering letter. You can also attach any additional evidence they want to submit, when they return the questionnaire.

If your child (or you as their appointee) doesn't return the questionnaire by the date specified in their letter, their claim for PIP will normally be turned down. Any DLA payments will also stop.



An exception can be made but only if the DWP accept that they (or you as their appointee) had a good reason for not completing it in time. Given this you should always try to return the questionnaire within the month wherever possible.

DWP guidance states that if they know a claimant has a mental or cognitive disability and does not return the questionnaire, they will refer the person directly to a healthcare professional rather than closing down the claim. At the time of writing, it is still unclear how this is being applied in practice. It is also not yet clear whether this concession will also apply if someone else is acting as an appointee for the young person (see page 15).

Asking for more time to complete the questionnaire

If your child needs more time to complete the form they (or you) should telephone the DWP and ask for an extension. They must do this before the one month deadline runs out.

At the time of writing, it is not clear what factors the DWP are taking into account in deciding whether to agree to this. If you need a long extension, or more than one extension, this is only likely to be granted if the DWP agree your child (or you) has good reasons for not completing the form sooner.

Most people claiming PIP will also be asked to have a face-to-face meeting with a health professional.

How is PIP assessed?

As well as having to complete the necessary claim forms, most young people will be asked to attend a face-to-face assessment by a healthcare professional. This is known as a 'consultation'. It won't be done by their own GP but by a health professional working on behalf of the DWP. In this respect PIP is similar to the assessment used for Employment and Support Allowance (ESA).

This means some young people will have to have two medical assessments, one for ESA and one for PIP. The healthcare professional assessing your child will:

- look at their ability to carry out a range of activities, and
- also look at their questionnaire and
- look at any other medical evidence that has been gathered.

In some cases the Department for Work and Pensions (DWP) may decide that they can make a decision on a PIP claim without a face-to-face consultation. Or they may choose to carry out a consultation by telephone rather than face-to-face.

The DWP will decide this on a case by case basis, taking into account the evidence that is already available and the level of distress that a face-to-face consultation is likely to cause. Those claiming under the special rules for the terminally ill won't have to take part in a consultation.

While most consultations are expected



to take place in a medical centre, it is possible for them to take place in your home if the DWP agree this is necessary. You must be given at least seven days notice of a face-to-face consultation (unless less notice has been agreed) and your child can take someone with them to the medical assessment for support.

What happens if my child doesn't attend their consultation?

If your son or daughter is asked to take part in a consultation you should try and help make sure they do. If the DWP think they didn't participate without a good reason they will be refused PIP.

When they decide whether someone has good reason for not participating, the DWP must take into account their disability and their state of health. If the DWP decide your child did not have good reason for not participating, you can ask them to reconsider (see page 12).

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What tests are used to decide if someone gets PIP?

Unlike DLA, entitlement to PIP will depend on a points-based system. The disabled person will be awarded points depending on how limited their ability is to carry out certain 'Activities'. The specific **Activities** that are looked at are:

10 daily living activities

- preparing food
- taking nutrition
- managing therapy or monitoring a health condition
- washing and bathing
- managing toilet needs or incontinence
- dressing and undressing
- communicating verbally
- reading and understanding signs, symbols and words
- engaging with other people face-to-face
- making budgeting decisions.

2 mobility activities

- planning and following a journey
- moving around.

Every **Activity** above has a set of 'descriptors'. For example, the first daily living activity above is called 'preparing food', and there are 6 'descriptors' in that activity:

- the first descriptor is 'can prepare and cook a simple meal unaided'
- the second descriptor is 'needs to use an aid or appliance to be able to either prepare or cook a simple meal', and so on, up to
- the sixth descriptor, which is 'cannot prepare and cook food'.

Each of these 'descriptors' has a number of points a person can score. The number of points for each descriptor varies, depending on how limited your child's abilities in that Activity are. So in the Activity 'preparing food' given as an example above, the descriptor says:

- 'can prepare and cook a simple meal unaided' has 0 points
- 'needs to use an aid or appliance to be able to either prepare or cook a simple meal' has 2 points, and
- 'cannot prepare and cook food' has 8 points.

If more than one descriptor in an **Activity** applies to your child, then they are awarded the descriptor that gives them the most points. Their score in each of the individual **Activities** is then added together to decide whether they qualify for PIP, and at what rate.

See the tables on pages 17–21 for full details of Activities, descriptors and the points system.

Your child will only be awarded points for an activity if their ability to carry it out is affected for at least 6 months in a 12 month period.

If their condition fluctuates, their score will be based on the descriptor that applies to them for the greatest proportion of the time.

The DWP must take into account their ability not just to carry out an activity, but to carry it out 'safely, reliably, repeatedly and in a reasonable time period':

- 'repeatedly' means as many times as is reasonably required
- 'a reasonable time period' means in no more than twice the time taken by someone without a disability.

If your child uses an aid or appliance, or could be reasonably expected to, this will be taken into account when they assess your child's ability to carry out an activity

How much is PIP?

Your child's total score from the 10 daily living activities decides whether they get the daily living component and at what rate.

Their score from the 2 mobility activities are added together to decide if they get the mobility component and at what rate:

- if they score 8–11 points they will qualify for the standard rate of that component
- if they score 12 points or more they will qualify for the enhanced rate of that component
- if they score less than 8 points they will be refused that component of PIP.

PIP will be paid at the following weekly rates:

Daily living component

- standard rate – £53.00
- enhanced rate – £79.15

Mobility component

- standard rate – £21.00
- enhanced rate – £55.25

Young people who are terminally ill

If your child is terminally ill and not



expected to live for more than six months, you will automatically qualify for the enhanced rate of the daily living component.

If this applies to your son or daughter you will need to ask their doctor for a DS1500 certificate and send this to the DWP after you have phoned to make a claim. Terminally ill claimants will be asked questions about their mobility during the initial telephone claim – they are not expected to have to complete the separate questionnaire.

How long will PIP be awarded for?

Most awards will be made for a fixed period. It has been proposed that this might be for up to two years if a condition is likely to change.

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If a change is unlikely, awards will be for longer periods (of 5 or 10 years), with some indefinite awards being made in a small number of cases. But even an indefinite award can be reassessed at any point if the DWP decide to check that your child still meets the qualifying tests.

Getting a decision on a PIP claim

The decision on whether your child is entitled to PIP, and at what rate, is made by a decision maker at the Department for Work and Pensions. They will take into account all of the information in your child's claim form, the independent health professional's report and any other information you or they have provided.

The DWP will send you a decision letter outlining the reasons for the decision. If your child is refused PIP or awarded a lower rate than was paid under DLA, the decision maker should also try to telephone you to explain their reasons and to answer any questions.

Once a decision is made on a PIP claim, DLA continues to be paid for the first 28 days after their next DLA payday. After that the PIP decision comes into force.

What if I disagree with the decision?

If you disagree with the decision on your child's PIP claim, they (or you if you are their appointee) can ask the DWP to look at it again. This is known as a 'reconsideration'. You must do this within one month of the date of the decision, although a late request may be accepted in certain circumstances. Another decision

maker will then have a fresh look at the case and give you a new written decision.

If you are unhappy with the outcome of the revision you can appeal directly to Her Majesty's Courts and Tribunals Service. But you can't appeal until after you have a decision on your request for a reconsideration.

PIP and stays in hospital or residential accommodation

PIP can be affected by overnight stays away from home. There are different rules depending on whether your child is in hospital or residential accommodation.

If your child is in **hospital**, payment of **both** the daily living and mobility components of PIP are suspended after 28 days.

If your child is in **residential accommodation** (including a residential school) that is paid for out of public funds, **only** the daily living component stops being paid after 28 days. The mobility component is not affected.

When you work out when payments of your child's PIP will stop, it is important to know that different stays in hospital or care that are separated by less than 28 days at home are added together to count the number of days they have been away. For further information on these 'linking rules' contact our freephone helpline.

PIP and its effect on other benefits

PIP is never treated as income in calculating other benefits. In fact getting PIP can actually lead to an increase in other benefits, or help you qualify for other entitlements. The following is a brief checklist of benefits and entitlements which may become available following an award or increase of PIP, but call our freephone helpline for more detailed advice.

Carer's Allowance (CA)

If your child gets the daily living component of PIP at either rate you may be able to get Carer's Allowance. You must be giving at least 35 hours of care each week to your child. To get CA you must not be a full-time student and not be earning more than a set figure, currently £100 (after certain deductions and costs) each week.

Child Tax Credit (CTC)

Child Tax Credit is assessed more generously if a young person you receive tax credits for gets PIP. This is because families will qualify for an extra disability element (and a severe disability element if your child has been awarded the enhanced rate of the daily living component).

The disability and severe disability elements can be backdated in line with the PIP award if you tell the tax credit office within one month of a decision to award PIP.

Universal Credit

Universal Credit is a new benefit that will replace tax credits and other means-tested benefits for people of working



age. If you are getting Universal Credit and a young person who is included in your claim receives PIP, you may qualify for extra Universal Credit payments. At the time of writing, Universal Credit only applies in certain pilot areas and is focused on single job-seekers although it will be extended to families in the pilot areas by Autumn 2014. See box on page 36 for more details of its planned introduction elsewhere.

Income Support (IS)

For families still getting payments for their children in their IS, an award of PIP can lead to extra money being added to your IS, known as a disabled child premium (and an enhanced disability premium if your child is awarded the daily living component at the enhanced rate). You will need to let the office dealing with the IS claim know about the PIP award.

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Employment and Support Allowance

If your child gets Employment and Support Allowance, an award of the enhanced daily living component of PIP may lead to an increase in this benefit. Let the office dealing with these benefits know about a new award of PIP or any change to the existing award.

Help with rent and council tax

If you get Housing Benefit then getting PIP for a dependent child or young person may lead to extra benefit if you are not already getting your rent met in full. Depending on the local Council Tax Support scheme in your area, getting a PIP award for a dependent young person may also lead to more help towards your council tax bill.

If your child is 18 or over and receives the daily living component of PIP at any

rate (only the enhanced rate in Scotland) you might qualify to be 'discounted' as a carer for council tax. Depending on who else lives in your home this could lead to a reduction in the council tax you are expected to pay. See our guide on *Help with council tax bills* for more details.

Exemption from 'benefit cap'

If a young person who you claim benefit for as part of your family gets PIP, this means you will be exempt from the cap of £500 per week on the amount of benefit that an out of work family can receive.

Blue Badge for disabled parking

You will be automatically entitled to a Blue Badge for disabled parking in England if you score 8 points or more in the PIP activity of 'moving around' (see the tables on pages 17-21).

In Scotland and Wales PIP claimants will be eligible for a Blue Badge if they either get 8 points for 'moving around' or 12 points for the activity of 'planning and following a journey'.

At the time of writing the rules about which PIP claimants in Northern Ireland will get a Blue Badge have yet to be finalised. Contact our freephone helpline for an update.

Help with road tax

If your child is awarded the enhanced rate of PIP mobility component, you may be exempt from paying Vehicle Excise Duty. If your child qualifies for the standard mobility component you may be eligible for a 50 per cent reduction instead.

Help with getting a car

If you're interested in getting a car and your child is awarded the enhanced rate of the mobility component of PIP, then you can hire or buy a car through the Motability Scheme. To access this scheme your child's award of the enhanced rate mobility component must have at least 12 months left to run.

If you're unable to drive and need help to pay for lessons or help to get a deposit for a car through the scheme then you may qualify for grant assistance. Contact Motability on 0845 456 4566 or visit www.motability.co.uk

Help with bus travel

All local authorities operate schemes for disabled people of any age to apply for a bus pass or voucher for free bus travel. In some areas, an essential, named carer accompanying the disabled person is also entitled to free travel. The scheme operates differently from one local authority to another so get in touch with your local council to check out what's available in your area.

Other concessions

It is also worth checking to see if there are any special schemes, concessions or facilities available to families with disabled children in your area. Call our freephone helpline for local contacts.

When a young person is unable to manage their benefit claims

When a young person turns 16, they are expected to take on responsibility for any benefits they claim in their own right. But if they're unable to manage their own affairs, you can become their 'appointee' for benefit claims.

You can't become an appointee simply because it is more convenient for you or your child. The DWP can only agree to an appointee if they believe that your child lacks the capacity to manage their affairs. Usually this will be because of mental incapacity but in exceptional circumstances it can be because of a physical disability.

If you have already been appointed by the courts to look after their affairs, you won't have to do anything else.

What is an appointee?

If you are made an appointee for your child's benefits, this means you are responsible for making any claims, giving any information required and telling the Department for Work and Pensions about any changes that may affect their entitlement to benefits. The benefits will be paid to you on their behalf.

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Becoming an appointee for benefit purposes does not mean you have any wider rights to deal with their affairs.

How do I become an 'appointee'?

Contact the DWP who will arrange a home visit. This is usually a straightforward process and should not delay any claims that you are making.

PIP Activities and scoring system

The tables that follow outline the scoring system that is used to decide whether you child qualifies for PIP, and at what rate. Please note:

- 'assistance' means physical intervention by another person and does not include speech
- 'supervision' means the continuous presence of another person for the purpose of ensuring your safety
- 'prompting' means reminding, encouraging or explaining by another person
- 'communication support' means support from a person trained or experienced in communicating with people with



- specific communication needs, including interpreting verbal information into a non-verbal form and vice versa
- 'social support' means support from a person trained or experienced in assisting people to engage in social situations.

At the time of writing some of the descriptors used in the proposed scoring system are subject to challenge in the courts via judicial review. Depending on the outcome of this court action it is possible that changes may have to be made to the scoring system. Contact our freephone helpline for up-to-date advice.

Daily Living Component:

Activity	Points	Descriptors
1. preparing food	0	<ul style="list-style-type: none"> ▪ can prepare and cook a simple meal unaided
	2	<ul style="list-style-type: none"> ▪ needs to use an aid or appliance to be able to either prepare or cook a simple meal
	2	<ul style="list-style-type: none"> ▪ cannot cook a simple meal using a conventional cooker but is able to do so using a microwave
	2	<ul style="list-style-type: none"> ▪ needs prompting to be able to either prepare or cook a simple meal
	4	<ul style="list-style-type: none"> ▪ needs supervision or assistance to either prepare or cook a simple meal
	8	<ul style="list-style-type: none"> ▪ cannot prepare and cook food
2. taking nutrition	0	<ul style="list-style-type: none"> • can take nutrition unaided
	2	<ul style="list-style-type: none"> • needs (i) to use an aid or appliance to be able to take nutrition or (ii) supervision to be able to take nutrition or (iii) assistance to be able to cut up food
	2	<ul style="list-style-type: none"> • needs a therapeutic source to be able to take nutrition
	4	<ul style="list-style-type: none"> • needs prompting to be able to take nutrition
	6	<ul style="list-style-type: none"> • needs assistance to be able to manage a therapeutic source to take nutrition
	10	<ul style="list-style-type: none"> • cannot convey food and drink to their mouth and needs another person to do so
3. managing therapy or monitoring a health condition	0	<ul style="list-style-type: none"> • either (i) does not receive medication or, therapy or need to monitor a health condition; or (ii) can manage medication or, therapy or monitor a health condition unaided,
	1	<ul style="list-style-type: none"> • needs either (i) to use an aid or appliance to be able to manage medication or (ii) supervision, prompting or assistance to manage medication or monitor a health condition

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Activity	Points	Descriptors
3. managing therapy or monitoring a health condition continued	2	<ul style="list-style-type: none"> needs supervision, prompting or assistance to be able to manage therapy that takes no more than 3.5 hours a week
	4	<ul style="list-style-type: none"> needs supervision, prompting or assistance to manage therapy that takes more than 3.5 but no more than 7 hours a week
	6	<ul style="list-style-type: none"> needs supervision, prompting or assistance to be able to manage therapy that takes more than 7 but no more than 14 hours a week
	8	<ul style="list-style-type: none"> needs supervision, prompting or assistance to be able to manage therapy that takes more than 14 hours a week
4. washing and bathing	0	<ul style="list-style-type: none"> can wash and bathe unaided
	2	<ul style="list-style-type: none"> needs to use an aid or appliance to be able to wash or bathe
	2	<ul style="list-style-type: none"> needs supervision or prompting to be able to wash or bathe
	2	<ul style="list-style-type: none"> needs assistance to be able to wash either their hair or body below the waist
	3	<ul style="list-style-type: none"> needs assistance to be able to get in or out of a bath or shower
	4	<ul style="list-style-type: none"> needs assistance to be able to wash their body between the shoulders and waist
5. managing toilet needs or incontinence	0	<ul style="list-style-type: none"> can manage toilet needs or incontinence unaided
	2	<ul style="list-style-type: none"> needs to use an aid or appliance to be able to manage toilet needs or incontinence
	2	<ul style="list-style-type: none"> needs supervision or prompting to be able to manage toilet needs
	4	<ul style="list-style-type: none"> needs assistance to be able to manage toilet needs
	6	<ul style="list-style-type: none"> needs assistance to be able to manage incontinence of either bladder or bowel
	8	<ul style="list-style-type: none"> needs assistance to be able to manage incontinence of both bladder and bowel

Activity	Points	Descriptors
6. dressing and undressing	0 2 2 2 4 8	<ul style="list-style-type: none"> • can dress and undress unaided • needs to use an aid or appliance to dress or undress • needs either (i) prompting to be able to dress, undress or determine appropriate circumstances for remaining clothed or (ii) prompting or assistance to be able to select appropriate clothing • needs assistance to be able to dress or undress their lower body • needs assistance to be able to dress or undress their upper body • cannot dress or undress at all
7. communicating verbally	0 2 4 8 12	<ul style="list-style-type: none"> • can express and understand verbal information unaided, • needs to use an aid or appliance to be able to speak or hear • needs communication support to be able to express or understand complex verbal information • needs communication support to be able to express or understand basic verbal information • cannot express or understand verbal information at all even with communication support
8. reading and understanding signs, symbols and words	0 2 2	<ul style="list-style-type: none"> • can read and understand basic and complex written information either unaided or using spectacles or contact lenses • needs to use an aid or appliance, other than spectacles or contact lenses, to be able to read or understand either basic or complex written information • needs prompting to be able to read or understand complex written information

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Activity	Points	Descriptors
8. reading and understanding signs, symbols and words continued	4	• needs prompting to be able to read or understand basic written information
	8	• cannot read or understand sign, symbols or words at all
9. engaging with other people face to face	0	• can engage with other people unaided
	2	• needs prompting to be able to engage with other people
	4	• needs social support to be able to engage with other people
	8	• cannot engage with other people due to such engagement causing either (i) overwhelming psychological distress to the claimant or (ii) the claimant to exhibit behaviour which would result in a substantial risk of harm to the claimant or another person
10. making budgeting decisions	0	• can manage complex budgeting decisions unaided
	2	• needs prompting or assistance to be able to make complex budgeting decisions
	4	• needs prompting or assistance to be able to make simple budgeting decisions
	6	• cannot make any budgeting decisions at all

Mobility Component:

Activity	Points	Descriptors
11. planning and following journeys	0	• can plan and follow the route of a journey unaided
	4	• needs prompting to be able to undertake any journey to avoid overwhelming psychological distress to the claimant
	8	• cannot plan the route of a journey
	10	• cannot follow the route of an unfamiliar journey without another person, assistance dog or orientation aid

Activity	Points	Descriptors
11. planning and following journeys continued	10	• cannot undertake any journey because it would cause overwhelming psychological distress to the claimant
	12	• cannot follow the route of a familiar journey without another person, an assistance dog or an orientation aid
12. moving around	0	• can stand and then move more than 200 metres either aided or unaided;
	4	• can stand and then move more than 50 metres but no more than 200 metres either aided or unaided
	8	• can stand and then move unaided more than 20 metres but no more than 50
	10	• can stand and then move using an aid or appliance, more than 20 metres but no more than 50 metres
	12	• can stand and then move more than 1 metre but no more than 20 metres either aided or unaided
	12	• cannot either aided or unaided (i) stand or (ii) move more than 1 metre



Other benefits once your child turns 16

Claiming benefits for your child as part of your family

While a child or young person is under 16 years of age, it's not possible for them to claim benefits in their own right. You must claim for them as your 'dependant'. This means you may get certain payments for them as a member of your family.

The main payments you can get for a dependent child are:

- Child Benefit
- Child Tax Credit
- additional amounts for a child or young person paid with Income Support or income-based Jobseeker's Allowance — this only applies to claimants who have not claimed Child Tax Credit yet
- additional amounts included in the assessment of any Housing Benefit and Council Tax Support you claim.

When talking about a parent claiming 'benefits and tax credits' for their child in this guide, we are talking about the benefits just mentioned above. We are not referring to PIP. As a general rule, you can get these benefits and tax credits for a young person until the September after their 16th birthday. After that, whether you will be able to continue getting payments depends on their circumstances.

Some of these benefits will be replaced by the new Universal Credit. See box on page 36 for details of the timetable for introduction. This guide will be updated

nearer that date. In the meantime, contact our freephone helpline for information about the Universal Credit.

Note: Child Tax Credit, Income Support, income-based Jobseeker's Allowance, Housing Benefit, and Council Tax Support are all means-tested. Whether you qualify for these will also depend on your financial circumstances.

Claiming for a young person after 16

From the September following a young person's 16th birthday, it is only possible to carry on getting payments for them as a dependant if they attend a course of full-time non-advanced education or an approved training course:

- payments can then usually continue until their 19th birthday, unless they stop attending the course or training before that date (see page 25 for more details)
- payments can be extended to their 20th birthday if they're completing a course they started (or were enrolled on, or offered a place on) before they turned 19.

If a young person is unable to enrol or be accepted on a course or training before reaching 19 you should seek advice from our freephone helpline.

When is a course treated as full-time?

To count as full-time, your child's course must be for more than 12 hours a week during term time. This includes classes, tuition and any supervised study. It doesn't include meal breaks or unsupervised study.

The education has to be at a recognised educational establishment or 'elsewhere'. This means that home education may count in some cases.

What is non-advanced education?

A course is non-advanced education when it is below the level of an HND (HNC in Scotland). This includes:

- 'A' levels and below
- Advanced Highers (Scotland) and below
- NVQ/SVQ Level 3 and below
- Ordinary National Diplomas or BTEC Diplomas.

There may be other courses which are also classed as non-advanced. If you are uncertain about the level of your child's course, seek further advice.

What is an approved training course?

Young people who are attending certain types of approved training are treated as if they were in non-advanced education. This applies to work-based training programmes which don't pay a wage.

The types of courses classed as 'approved training' depend on which part of the UK you live. Some examples of the approved training courses are:

England

Foundation Learning courses, Access to Apprenticeships.

Scotland

Skillseekers, Get Ready for Work.

Wales

Skillbuild, Skillbuild+, Traineeships or Foundation Apprenticeships.

Northern Ireland

Jobskills or Training for Success.

Call our freephone helpline if you're not sure whether your son or daughter's course is approved training.

Notifying the Child Benefit office

The Child Benefit office will write to you during the school year that your child turns 16 to ask if they will be staying on in full-time education or approved training, and when you expect them to leave.

If you say your child is leaving full-time education or training or if you don't return the form, your Child Benefit will stop.

Notifying the Tax Credits office

The Tax Credits office automatically assumes any young person aged 16 will leave education the summer after they turn 16. They automatically stop any payments for them from the September after their 16th birthday.

For tax credits to continue, you must contact the Tax Credits office to tell them the young person will continue in non-advanced education or approved training.

Notifying Income Support, Housing Benefit and Council Tax offices

Payments for a young person as part of Income Support, Housing Benefit or Council Tax Support should continue as usual.

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But if Child Benefit stops, then any Income Support, Housing Benefit or Council Tax Support allowances for them will also stop. It is your responsibility to report any changes that may affect your entitlement to these benefits.

What happens if a young person starts work while in education or training?

If your son or daughter works, this will not affect your benefits as long as they are still attending a course. Your payments will also not be affected if:

- they are working during a gap between courses (as long as they are enrolled on another course), or
- the August following their 16th birthday has yet to pass.

However, if they are working more than 24 hours a week, you will not get benefit during any period after they've left their course but are waiting for the terminal date or end of their extension period. See box on page 25 for more information.

When your child lives elsewhere

If your child lives away from home, for example, at a residential school, this may have an effect on your own benefits. Contact our freephone helpline for more advice.



When a young person claims benefits in their own right

Many young disabled people in education or training have the option of claiming benefits in their own right. See the section 'Benefits that may be claimed by a young person from 16 years of age' on page 31 for details.

Impact on a parent's benefits if a young person claims benefits

If your son or daughter claims:

- Employment and Support Allowance (see page 31)
- Income Support (see page 37), or
- income-based Jobseeker's Allowance (see page 37)

they will stop being treated as a dependant of yours in any benefit you receive, and you will no longer get Child Benefit, tax credits or any other payments for them as part of your family.

Do the payments I get for my child stop as soon as they leave their course?

Generally speaking, you can continue to receive payments such as Child Benefit and Child Tax Credit for a short period after your child leaves education or training.

September after 16th birthday

If your child leaves education or training you can normally carry on getting payments for them until at least 31 August after their 16th birthday.

Terminal date

Child Benefit payments for your child don't usually stop on the day they stop going to their course. They usually continue to a 'terminal date' that falls after the course ends. Call our freephone helpline for details of the terminal date for your child's course.

Child Tax Credit payments will stop as soon as your child leaves education (if the September following their 16th birthday has passed) unless they register with Connexions or the Careers Service.

Extension period

If a young person is 16 or 17 years old and registers with a qualifying body (for example, a local Connexions or Careers Service), you can carry on getting payments for them for 20 weeks from the day they leave their course.

If your child turns 18 during this extension period, these benefits will stop on their 18th birthday.

You can carry on getting payments for your child if they've finished one course and are enrolled on another course they are waiting to start (for example, over the summer holidays). The new course must also be full-time and non-advanced.

Temporarily unable to attend the course

If your son or daughter has to have a break from their education or training, this can be ignored if it is seen as reasonable in the circumstances. This can usually be up to six months, but it can be indefinitely if the interruption is due to physical or mental illness or disability. This means you would still be able to claim benefits and tax credits for them during this time.

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Also, if your child starts claiming tax credits in their own right, you can no longer get payments for them.

Tell the relevant benefit office

If your son or daughter does opt to claim these benefits in their own right, you must make sure you tell the relevant benefit and tax credit offices about this. If you don't, you run the risk of being overpaid, and you will have to pay it back.

Personal Independence Payment and Disability Living Allowance

If your child starts to get Personal Independence Payment (PIP) or Disability Living Allowance paid to them directly, it will not stop you continuing to get benefit and tax credit payments for them as your dependant.

Will we be better off if my child claims benefits in their own right?

This will depend on your family circumstances. You need to compare how much your son or daughter will get if they claim in their own right, with what you will lose from your benefits and tax credits.

If you receive child support payments for your disabled child, call our freephone helpline for advice about whether a claim for benefits in their own right will affect the amount of maintenance you get.

If you have a high income

If your family income is high and you don't qualify for any Child Tax Credit — or you only receive a small amount of Child Tax Credit — there is a good chance your household will be better off if your child claims benefits in their own right.

If you have a lower income

Families with a lower income — and therefore getting higher tax credit payments — run the risk that they will be worse off if their child claims benefits in their own right. The higher your tax credit payments, the less chance you will gain if your son or daughter claims in their own right.

In some circumstances, you could not only lose Child Benefit and tax credit payments but also see a reduction in help with Housing Benefit and Council Tax. Also, some young people on Employment and Support Allowance in England lose their right to free prescriptions.

Warning!

Families on low incomes who get the maximum rate of Child Tax Credit or who get Income Support or income-based Jobseeker's Allowance run the risk of being significantly worse off if their child claims a benefit like Employment and Support Allowance. But other families can lose out too.

If your child decides to claim in their own right you may lose your exemption from the 'benefit cap' which was introduced in April 2013 for some families. See page 40.

Claiming Employment Support Allowance (ESA) and charging for adult services

If your son or daughter is getting funding for residential or community care services through the local authority's adult team, (generally, from the age of 18) they can be charged for those services.

Education Maintenance Allowance and the 16-19 bursary fund

Education Maintenance Allowance (EMA) is a weekly payment for young people in Scotland, Wales and Northern Ireland, who stay on in full-time, non-advanced education after the age of 16.

The amount of EMA paid will depend on your family income and where in the UK you live. If your parental income is above a certain threshold, no EMA is paid. Application forms are available from the school or college.

EMA in England has now closed for new applicants and has been replaced by the 16-19 bursary fund. A young person who gets either Disability Living Allowance or Personal Independence Payment and who also gets Employment and Support Allowance (ESA) will get a guaranteed bursary of £1,200 a year, so long as they are on an eligible course. This may be paid in kind, rather than in cash. Whether a course is eligible depends on how it is funded, so you will need to contact the course provider to confirm whether a bursary can be paid.

Normally the earliest that a young person can receive a bursary is from

the start of the new academic year that follows their 16th birthday.

Certain other groups of students are also eligible for a guaranteed bursary, such as any student on Income Support.

If a student is on an eligible course but cannot get a guaranteed bursary (for example, they do not get ESA) they can apply for a discretionary bursary instead – although whether payments are made, the amount given and the duration of any payments will be at the discretion of the school or college.

Payment of an EMA or the 16-19 bursary doesn't affect any of the benefits or tax credits that you receive. Neither will it affect any payments your child gets if they claim benefits in their own right.

Training Allowances

In some parts of the UK, young people on approved training can still get a training allowance. It may be possible to continue claiming Child Benefit and Child Tax Credit for your child in these circumstances. For more information about EMA, the 16-19 bursary and training allowances, please call the Contact a Family freephone helpline.

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It is only the young person's income that can be taken into account when applying a charge, so when they are classed as your dependant and have no income in their own right the local authority will not be able to charge for services.

But if they claim ESA, for example, this counts as income, along with some of the care part of Disability Living Allowance (or the daily living component of PIP), so it is possible that a charge could be made.

If a young person is in residential care they would stand to lose a large part of their ESA.

The possibility of charging is an issue that needs to be taken into account when you decide whether to continue claiming for your child, or for them to claim their own benefits.

Call our freephone helpline for further information.

Get advice

Ultimately, each family's circumstances are different, so it is important to get your individual situation checked, preferably before your child turns 16.

Contact a Family employ expert parent advisers who can offer you free detailed advice about whether your household would be better or worse off if your child makes claims for benefits, such as Employment and Support Allowance or income-based Jobseeker's Allowance. To access this free help, call our freephone helpline.

Who will be paid the benefits for my child?

If you claim Child Benefit or Child Tax Credit for your son or daughter as a dependant, they are always paid directly to either you or your partner.

Disability Living Allowance (DLA) or Personal Independence Payment (PIP) from 16 years of age, will usually be paid directly to your son or daughter. Also, if they claim Employment and Support Allowance or any other benefit, these will usually be paid to them rather than to you.

The only exception is if they lack the mental capacity to manage their own affairs. If this is the case, you may be able to receive and manage benefits for them as their appointee (see page 15).

If my child gets a bursary or other funding to attend their course, will this affect the payments I get?

Student funding will not affect any tax credits you get. Also, it will not affect any Child Benefit or Housing Benefit. But if you get Income Support (and have not claimed Child Tax Credit yet), then the amount of Income Support you get for that child could be reduced.

Student funding apart from EMA and the 16-19 bursary can impact on means-tested benefits claimed by your son or daughter in their own right. Call our freephone helpline for further advice.

When a young person leaves non-advanced education or approved training

The choice between continuing to claim benefits for your child, or them claiming in their own right, only arises if your son or daughter stays in full-time non-advanced education or approved training.

Once they've left education, you no longer have the option of claiming benefits for them as a dependant. The financial support available to your son or daughter will then depend on what they do after leaving their course.

The following pages give a brief summary of the most common types of support available.

When a young person moves into advanced education

If your son or daughter leaves school to move into advanced education, such as a university course, any benefits and tax credits you get for them as your dependant will stop.

As a student, they may be eligible for financial support in the form of tuition fee loans, loans for living expenses, supplementary grants and bursaries.

The exact type of student support available will depend on the young person's specific circumstances, including where in the UK they study. For advice

on the types of financial support available to disabled students, see 'Getting further advice' on page 39.

Benefits for students in advanced education

Some students in advanced education may be able to claim benefits such as Employment and Support Allowance (ESA).

Some disabled students who either get Disability Living Allowance (DLA) or Personal Independence Payment (PIP) or who study part-time can claim income-related ESA. But since it is means-tested, the amount of ESA paid will depend on what other student income they have from grants, loans and other sources.

Full-time students in advanced education who get DLA or PIP are exempt from the test of limited capability for work when claiming income-related ESA (but not contributory ESA). However, they may still have to undergo the other parts of the work capability assessment (see page 34). More information on ESA is on page 31.

If a disabled student works in paid employment for 16 hours or more a week, they may be able to get Working Tax Credit.

If your son or daughter is studying or living away from home, they may also be able to claim Housing Benefit and Council Tax Support. Call our freephone helpline for further advice.

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When a young person moves into 'approved' training

Some young disabled people move from school onto a training course. There are a variety of different government training courses for young people and the financial support available to the trainee will depend on the type of course.

If the training course the young person attends is not an 'approved' training course (see page 23), you will no longer be able to claim benefits or tax credits for them. The financial support available will depend on whether they have the status of a trainee or an employee.

Classed as a trainee

If they are classed as a trainee, then they should get a training allowance which, if low enough, may be topped up with Income Support.



Classed as an employee

If they are classed as an employee, they should get wages.

If they work more than 16 hours a week, they may also be able to claim Working Tax Credit.

If they work less than 16 hours and have low earnings, call our freephone helpline for further advice.

The rules governing payment of benefit while on a training course are complex, so always seek further advice from our helpline. For advice about training in your area, speak to your local Connexions or Careers Service adviser.

Young people not in work, education or training

If your son or daughter leaves education but is unable to access work or training because of their disabilities, they should be able to claim Employment and Support Allowance as a young adult. For more information see page 31.

When a young person moves into work

If your child leaves school or college to start working, you will no longer get benefits or tax credits for them as your dependant. Depending on their circumstances, they may be able to claim benefits or tax credits on top of their earnings.

Working 16 hours or more a week

If your son or daughter works 16 hours a week or more, then they should consider making a claim for Working Tax Credit as a disabled worker.



Working less than 16 hours a week

In limited circumstances, it may also be possible for someone to keep their Employment and Support Allowance or Incapacity Benefit while working. See information on permitted work, page 35.

Benefits that may be claimed by a young person from 16 years of age

Employment and Support Allowance
Employment and Support Allowance (ESA) is a benefit paid to people who are assessed as having a limited capability for work because of illness or disability. ESA replaced Incapacity Benefit and Income Support for ill or disabled people.

ESA has two types of payment — contributory ESA and income-related ESA.

In order to claim contributory ESA you normally need to have worked and paid National Insurance contributions to qualify. For this reason most young people are only able to claim income-related ESA.

However, some young people, who claimed ESA before May 2012 may still be getting a special type of contributory ESA known as ESA in Youth. ESA in Youth was abolished in May 2012 for new claimants. See box on page 33 if your son or daughter receives ESA in Youth.

Income-related ESA

This is a means-tested benefit but it is based on your son or daughter's income and capital, not yours as their parent. It can be paid as a top-up to other income, such as a student grant, or contributory ESA, or it can be paid in full as a young person's only income. A young person may qualify for this benefit if they have limited capability for work and:

- are aged at least 16
- have no income or income below a certain amount
- have no more than £16,000 capital — this means things like savings, investments and property
- are not in full-time education (unless they get DLA or PIP, see below)
- are not subject to immigration control (there are some exceptions to this so it is best to seek specialist advice)
- are habitually resident in the UK.

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Income-related ESA and full-time education

A young person in full-time education cannot get income-related ESA unless they are getting either Disability Living Allowance or Personal Independence Payment.

Whether a course is full-time depends on the type of course and where your child is studying. Call our freephone helpline for more details.

Part-time students are eligible to claim whether they get DLA/PIP or not.

Income-related ESA and capital

A young person with capital of £16,000 or over will not qualify for income-related ESA. Capital means things like savings, investments and property.

Certain 'discretionary' trust funds are ignored but any payments made from the trust to your son or daughter can be taken into account as income or capital.

If a young person has capital between £6,000 and £16,000, they will be treated as having a regular weekly income from their capital and their payments will be reduced accordingly.

Income-related ESA and other income

Whether someone gets income-related ESA, and the amount they get, depends on their individual circumstances and on their existing income.

Some types of income are ignored, for example:

- Disability Living Allowance
- Personal Independence Payment (PIP)
- the Education Maintenance Allowance (or

- 16-19 bursary payment in England), and
- earnings from 'permitted work'.

But many other types of income are taken into account, including things such as student grants or loans and any earnings above the 'permitted work' levels.

To find out if your child is likely to qualify for income-related ESA or any other benefits, please call our freephone helpline.

How much is income-related ESA?

During the first 13 weeks of an ESA claim (known as the assessment phase) it is paid at a reduced basic rate. This is normally £56.80 per week.

Once a young person has undergone a medical assessment and it has been accepted that they have a limited capability for work (see page 34 for more information) the payments they get should increase. This should happen from week 14.

First, the basic rate increases from £56.80 to £71.70 per week. However, a further additional amount is also added. This varies depending on whether your son or daughter is placed in the support or work-related activity group. If they are in:

- the support group, they should get an extra amount of £49.95 per week – that is, £121.65 in total
- the work-related activity group, they should get an extra £28.45 per week – that is, £100.15 in total
- a further £15.15 is added if someone is in the work-related activity group, and gets DLA care component at the highest rate, or the enhanced rate of the daily living component of PIP.



Existing claimants on ESA in Youth

Prior to May 2012 it was possible to claim contributory ESA under special 'youth rules'. This allowed some young people to be paid contributory ESA despite never having worked or paid National Insurance. ESA in Youth is not means-tested so it is not affected by any income or savings that a young person may have.

Young people who were getting ESA in Youth before it was abolished may continue to receive it. How long it can continue for depends on the individual circumstances of the young person.

If a young person is in the 'support group' for the most severely disabled people, then ESA in Youth can continue indefinitely so long as they continue to meet the main qualifying conditions.

If a young person is under 19 this can include continuing to meet specific rules about the type and number of hours of education they receive – seek

further advice if your child gets ESA in Youth, is in mainstream education and intends to increase their hours of study to 21 hours a week or more.

Where a young person is in the 'work related activity group' payment of ESA in Youth is limited to only 12 months. Once ESA in Youth stops a young person may, depending on their income and capital, be able to claim income related ESA instead.

A young person who loses their ESA in Youth because of the 12 month limit but who continues to have limited capability for work, may qualify for contributory ESA if they are re-assessed as being in the 'support group' at a later date. This could be of benefit to those young people who are not entitled to income-related ESA because of income or savings.

A young person who gives up their ESA in Youth, for example, to try out work, and who is not in the 'support group' will have to have paid enough National Insurance contributions in order to get contributory ESA again. Otherwise they will have to claim income-related ESA.

If you are told that your son or daughter's ESA in Youth will be stopping seek advice urgently. You can try a local welfare rights adviser or you can call our freephone helpline.

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If a young person gets DLA care at the highest rate (or PIP daily living component at the enhanced rate) an extra £15.15 should be added to payments in the assessment phase, increasing these from £56.80 to £71.95 per week.

Some young people might be entitled to additional payments, for example, if they live in their own accommodation or if they themselves help to care for someone else.

Please note that all of the amounts given above can be lower if the young person has certain types of income or capital above certain levels.

Contributory ESA

A young person who has worked and paid sufficient National Insurance contributions may qualify for contributory ESA. Some young people whose ESA in Youth has stopped may be able to get contributory ESA if they are re-assessed as being in the 'support group' for ESA.

Making a claim for Employment and Support Allowance

Most claims are now made by telephone to a contact centre (see page 40). Details of the claim are taken over the phone and a written statement or claim form is sent out to be checked, signed and returned.

Both contributory and income-related ESA are claimed on the same form (ESA1). Your son or daughter should make the claim unless you are their appointee (see page 15), but you can make the phone call on their behalf. They may have to be there to give their permission for you to speak on their behalf.

If a telephone claim is not suitable for you, it is possible to get a claim form sent to you.

Backdating of ESA

ESA can be backdated for three months providing your son or daughter satisfies the conditions and you hand in backdated fit notes covering the correct amount of time.

Providing medical evidence

In order to make a claim for ESA, you will need to provide medical evidence that your son or daughter has a limited capability for work. Usually this evidence will take the form of a statement of fitness for work – otherwise known as a 'fit note'.

Fit notes and backdated claims

If a claim is made after a child turns 16 then it is possible for payments to be backdated for up to three months or until the child's 16th birthday, whichever date is the more recent. For this to happen, you will need to provide a backdated fit note.

What is meant by 'limited capability for work'?

To qualify for ESA, the Department for Work and Pensions (DWP) has to accept that the person claiming has a 'limited capability for work'.

Most people claiming ESA will have to undergo an assessment known as the 'work capability assessment'. There are two parts to this assessment.

The first part is to decide whether the person claiming has 'limited capability for work'. This involves completing a questionnaire (form ESA50) and attending an examination by a health professional.

The assessment is based on a points system, and if not enough points are scored, ESA will not be awarded. It is important to get advice before completing the ESA50 form. You can call our freephone helpline for advice.

The second part of the assessment is to decide which of two groups the person should be in:

- the 'support group', for more severely disabled people, or
- the 'work-related activity group' for people assessed as having some prospect of moving into work with support and training.

Some people are automatically treated as having a limited capability for work

Some people are exempt from the usual assessment and will automatically be treated as having a limited capability for work. This includes people who are:

- classed as terminally ill, or
- within the next six months receiving, or likely to be receiving, certain types of chemotherapy, or
- the carrier of an infectious disease, or
- pregnant and work would mean a serious risk to their own or their baby's health, or
- receiving haemodialysis for renal failure for at least two days per week.

Some people will still have to be assessed in order to decide which group they should be in — the 'support group' or the 'work-related activity' group.

Support group

When someone is assessed as being in the support group it means they will not

be required to attend any work-focused interviews or undertake any work-related activity. They will also receive a higher level of ESA.

Work-related activity group

When someone is assessed as being in this group they will be expected to attend work-focused interviews (unless they are under 18) and other work-related activities.

Failure to attend any of these assessments without a good reason can result in a sanction being applied and a reduction in benefit.

Claiming ESA and doing 'permitted work'

If you claim ESA on the basis that you have limited capability for work then you would normally expect benefit to stop if you actually started working. However, in certain circumstances it may be possible for a young person to do some paid work and keep their ESA. This is known as 'permitted work'.

There are three types of 'permitted work':

- a young person claiming ESA can earn up to £20 a week without losing any of their benefit
- a young person can do 'supported permitted work' regardless of the hours worked. The work must be arranged by a public or local authority or by a voluntary organisation. They can earn up to £101 a

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Universal Credit

The government intends that a new benefit, Universal Credit, will replace some of the benefits mentioned in this guide. Universal Credit is currently being tested in certain pilot areas only. However, the government's intention is extend Universal Credit to other parts of North West England by the end of 2014 and to the rest of the country by 2016. At that point anyone making a new claim for:

- income-related ESA
- income-based Jobseeker's Allowance
- Income Support
- Housing Benefit
- Child or Working Tax Credits

will be expected to claim Universal Credit instead.

Once Universal Credit has replaced these existing benefits in your area, a young disabled person who wishes to claim in their own right will have to claim the Universal Credit rather than income-related ESA. The government also plans that the majority of people already getting one of these benefits will be transferred onto Universal Credit during 2016 and 2017. This timetable may be subject to change, so contact our freephone helpline for an update. Details of Universal Credit's introduction in Northern Ireland have yet to be announced.

For more information on how this might affect you or your family please call our freephone helpline.

week (after certain deductions) and will be able to keep their ESA

- a young person can work in any type of employment for a temporary period as long as it is for less than 16 hours a week and earnings are no more than £101 a week (after certain deductions). Normally they can only do this type of work for 52 weeks before they start losing their ESA. However, anyone who is assessed as being in the support group (see page 35) can do this type of permitted work indefinitely without losing ESA.

It is best to let the Department for Work and Pensions (DWP) know if your son or daughter is starting a job. Different permitted work rules will apply if they are claiming Income Support — get advice from our freephone helpline.



Other benefits

Income-based Jobseeker's Allowance (ib-JSA)

ib-JSA is a benefit for people who are actively looking for work. It is a means-tested benefit and claimants have to prove they are actively looking for work. There are also particular rules which make it difficult for most 16-17 year olds to claim ib-JSA. For these reasons most young disabled people claim ESA rather than ib-JSA.

For people who have paid National Insurance in the past, contribution-based JSA may be another option. Call our freephone helpline for more information about JSA.

Income Support

Income Support is a means-tested benefit for groups of people who are unable to look for work because of their specific circumstances, for example carers and some lone parents. It can also be claimed by some trainees to top up a training allowance or low earnings.

Prior to 27 October 2008 it was also possible to claim Income Support on the basis of disability but this has now been replaced by ESA for new claims. It is no longer possible for someone to make a new claim for Income Support on the basis that they are a disabled worker.

Disability Living Allowance (DLA) or Personal Independence Payment (PIP) and work

DLA or PIP can be paid to someone in employment and should not be affected by work. However, the fact that someone is able to carry out certain tasks relating to a job may call into question the extent of their care or mobility difficulties, and could lead to a review of their current award. If this happens, seek advice from our freephone helpline.

Working Tax Credit (WTC)

WTC is a benefit that can be claimed by a young disabled person if they are in paid work for at least 16 hours a week. The young person has to be at least 16 years old and they must have a physical or mental disability that puts them at a disadvantage when getting a job.

In addition the young person must either currently be getting DLA or PIP or have been in receipt of certain disability or incapacity payments within the last six months. Some people who were submitting medical certificates to the DWP before they started working may also qualify.

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The amount of WTC paid will depend on your son or daughter's circumstances, including their taxable income. To claim Working Tax Credit call the Tax Credit office on 0345 300 3900.

Carer's Allowance (CA)

You can carry on claiming CA for your son or daughter as long as they either get DLA care component at the middle or highest rate or the daily living component of PIP at any rate and you satisfy the other rules of entitlement. If they have started to claim benefits in their own right, this should not affect your entitlement to CA.

If your son or daughter is a carer for someone else, then they may be able to claim CA. They will need to be aged at least 16 years of age and caring for someone who gets DLA at the middle or higher rates for care or the daily living component of PIP. The care they provide is not defined in the rules but it must be for at least 35 hours a week.

Also, there are rules that prevent people who are on a full time course from claiming CA. Call our freephone helpline for more information.

Warning!

An award of Carer's Allowance can sometimes lead to a 'cared for' adult's benefits being reduced. Before making a claim for Carer's Allowance, it is important to get advice from our freephone helpline.

'Underlying entitlement' to Carer's Allowance

Sometimes a payment of CA cannot be made because another benefit, like contributory ESA or Incapacity Benefit, is in payment. However, it is still important to make the claim as this will establish an 'underlying entitlement' to CA.

An underlying entitlement to CA can lead to an increase in the amount of any means-tested benefits they claim like Income Support.

Disability Living Allowance (DLA) and Personal Independence Payment (PIP)

If your child gets either DLA as an adult or PIP this won't stop you continuing to claim benefits and tax credits for them as part of your family.

Other financial help

As a parent, you may already qualify for some or all of the following forms of help while you claim for your son or daughter as part of your family. If they start claiming benefits for themselves, they might still qualify for this help in their own right.

Free school meals

A young person aged 16, 17 or 18 qualifies for free school meals if they get income-related ESA, Income Support or income-based Jobseeker's Allowance.

If you still claim benefits for them as a dependant, then entitlement will depend on the benefits and tax credits you receive.

School clothing grant

Each local authority has its own rules so it is best to check with them or a local advice agency.



Health benefits

A young person can get free prescriptions, free NHS dental treatment, free NHS sight tests and help with fares to hospital. To qualify, they have to be:

- in full-time education and aged under 19, or
- getting income-related ESA, Income Support or income-based JSA, or
- getting Child Tax Credit or Working Tax Credit which includes a disability element, and with gross annual income of no more than **£15,276**, or
- an asylum seeker getting support from National Asylum Support Service or the local authority.

If none of these apply, it is still possible to get help on the grounds of low income. If you still claim benefits for your son or daughter as a dependant, the help you get will depend on your income and the benefits or tax credits you receive.

Prescription charges are free in Scotland, Wales and Northern Ireland and for people in England with certain medical conditions. Call our freephone helpline for more information.

Note: If your son or daughter gets contributory ESA only (and no income-related ESA), they are unlikely to get free prescriptions if they live in England unless they fit into one of the categories mentioned above.

Getting further advice

It is very important to get full and detailed advice about your benefit and tax credit entitlement as well as that of your son or daughter. Contact a Family employ experienced benefit advisers who can calculate your benefit and tax credit entitlements over the phone.

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www.cafamily.org.uk

We can also try and help you identify a local adviser if you need help completing forms or if you need someone to phone the DWP or tax credit offices about your claim.

To access the free Contact a Family helpline, call 0808 808 3555.

You may wish to contact the office paying your benefits or tax credits directly:

Child Benefit Unit

Tel: 0845 302 1444

Textphone: 0845 302 1474

Tax Credit Helpline

Tel: 0345 300 3900

Textphone: 0345 300 3909

Disability Benefits Helpline

Tel: 08457 123 456

Textphone: 08457 224 433

Personal Independence Payment Unit:

Claims line: 0800 917 2222

Textphone: 0800 917 7777

Enquiry Line: 0845 850 3322

Textphone: 0845 601 6677

Employment and Support Allowance

Jobcentre Plus

Tel: 0800 055 66 88

Textphone: 0800 023 48 88

To discuss a claim for ESA.

For families in Northern Ireland, please ring our helpline for your local numbers.

For advice about grants, bursaries, loans and other financial support, contact:

Disability Alliance freephone helpline

Tel:0800 328 5050

Warning!

In April 2013, the government introduced a 'benefit cap' which restricts the total amount of benefit payments that an out-of-work family can receive. The cap is £500 per week for families with dependant children, and £350 per week for single people without dependant children.

This cap does not apply to certain families, including those who work enough hours (16 or 24 per week depending on your circumstances) to be eligible for Working Tax Credit.

It also does not apply where the claimant, their partner or any dependant child gets Disability Living Allowance (DLA), Personal Independence Payment (PIP) or certain other benefits.

If your disabled child is the only person you claim for who gets DLA or PIP and they start to claim benefits in their own right they will no longer be treated as your dependant. This could mean that you lose your exemption from the cap, so always seek advice in these circumstances.

www.disabilityrightsuk.org/how-we-can-help/individuals/education

You can also contact your college or university's Student Support Service for further advice.

Written by Derek Sinclair and Marian Gell

Social networking

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www.cafamily.org.uk/itunes

Videos

You can watch videos on our YouTube channel at:

www.youtube.com/cafamily

With thanks to the Big Lottery Fund for funding this guide.

Freephone helpline: **0808 808 3555**
www.cafamily.org.uk

Getting in contact with us

Freephone helpline for parents and families

0808 808 3555

Open Mon–Fri, 9.30am–5pm

Access to over 170 languages

www.cafamily.org.uk
www.makingcontact.org

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Other information booklets available

This guide is one of a series produced for parents and groups concerned with the care of disabled children.

- The tax credits guide (UK)
- Getting direct payments for your disabled child
- Special educational needs
- Disabled children's services
- A guide to claiming Disability Living Allowance for children (UK)
- Help with council tax bills (England, Scotland & Wales)
- Holidays, play and leisure (UK)

A full list of Contact a Family publications is available on request or can be downloaded from our website www.cafamily.org.uk

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Incorporating **The Lady Hoare Trust**