

Factsheet 56

Benefits for people under Pension Credit age

April 2020

About this factsheet

This factsheet gives information about benefits for people under State Pension age (this is continuing to rise and is 65 and 8-9 months as of April 2020 and will be 66 by October 2020). It has information about Universal Credit and how it affects people claiming other benefits and about disability and carers' benefits. It explains how you can claim these benefits.

The information in this factsheet is correct for the period April 2020 – March 2021. Benefit rates are reviewed annually and take effect in April but rules and figures can sometimes change during the year.

The information in this factsheet is applicable in England, Scotland and Wales. If you are in Northern Ireland, please contact Age NI for information. Contact details can be found at the back of this factsheet.

Contact details for any of the organisations mentioned in this factsheet can be found in the *Useful organisations* section.

Contents

1	Different types of benefits	3
2	Means-tested benefits	4
2.1	Universal Credit	4
2.1.1	Basic requirements	4
2.2	Transferring to UC from other benefits	5
2.2.1	You or your partner reach State Pension age (SPA)	5
2.2.2	Change of circumstances or ' <i>natural migration</i> '	7
2.2.3	Managed migration	8
2.2.4	How to claim	8
2.3	Income-based Jobseeker's Allowance	9
2.4	Income-related Employment and Support Allowance	10
2.4.1	Work Capability Assessment	10
2.5	Income Support	11
2.6	Housing Benefit	11
2.6.1	Discretionary Housing Payments	12
2.7	Council Tax Support	12
2.8	Tax Credits	13
2.9	Benefit cap	14
3	National Insurance benefits	15
3.1	' <i>New style</i> ' Jobseeker's Allowance	15
3.2	' <i>New style</i> ' Employment and Support Allowance	16
3.3	Bereavement benefits	16
3.4	Incapacity Benefit and Severe Disablement Allowance	17
3.5	Statutory Sick Pay	17
4	Other benefits	17
4.1	Carer's Allowance	17
4.2	Disability benefits	18
4.3	Industrial Injuries Disablement Benefit	18

4.4	War pensions	19
4.5	Healthcare costs	19
5	Social Fund, Advances of Benefit and Local Welfare Provision	19
6	Back to work benefits	20
7	Where to apply for benefits	20
8	Challenging a decision	20
9	DWP Guidance	21
	Useful organisations	22
	Age UK	25
	Support our work	25

Glossary

CA – Carer’s Allowance	HB – Housing Benefit
CTS – Council Tax Support	JSA – Jobseeker’s Allowance
DHP – Discretionary Housing Payment	NIC – National Insurance Contributions
DLA – Disability Living Allowance	PC – Pension Credit
DWP – Department for Work and Pensions	PIP – Personal Independence Payment
EEA – European Economic Area	SSP – Statutory Sick Pay
ESA – Employment and Support Allowance	UC – Universal Credit
HMRC – HM Revenue and Customs	WCA – Work Capability Assessment

1 Different types of benefits

There are different benefits that working age people can claim depending on their circumstances. We use the term ‘*working age*’ in this factsheet to describe anyone who is below State Pension age. You can find the date you reach State Pension age by going to www.gov.uk/state-pension-age or for more information, see section 2 of factsheet 19, *State Pension*.

Some benefits are not dependent on income or savings and you claim them as an individual, even if you have a partner. Some benefits depend on your National Insurance record and are called ‘*contribution-based*’ benefits. Entitlement is not affected by the circumstances of your partner if you have one, nor is it usually affected by any income or capital you have.

Other benefits are ‘*means-tested*’. You normally have to claim these as a couple if you have a partner living with you. A partner is your wife, husband, civil partner, or someone you live with as though you were married or in a civil partnership. Your combined income and capital are added together and taken into account to work out if you are entitled.

You can get an estimated benefit entitlement with the Age UK benefit calculator at www.ageuk.org.uk/benefits-check.

2 Means-tested benefits

Means-tested benefits include Universal Credit, Jobseeker's Allowance, Employment and Support Allowance, Income Support and Housing Benefit. Entitlement to these benefits is determined by your income and capital (such as savings). If you are in a couple, it is usually your joint resources that are assessed. The benefit cap applies to all benefits in this section and limits the overall amount of benefits you can be paid.

2.1 Universal Credit

Universal Credit (UC) is a non-taxable benefit to cover basic living expenses. There are additional amounts for carers and people unable to work due to sickness or disability. UC can help with housing costs such as rent and service charges, as well as childcare costs if you work.

UC replaces six '*legacy benefits*' payable to working age people, in or out of work:

- income-based Jobseeker's Allowance (IB-JSA)
- income-related Employment and Support Allowance (IR-ESA)
- Income Support (IS)
- Housing Benefit (HB)
- Child Tax Credit (CTC) and Working Tax Credit (WTC) ('*Tax Credits*')

You can generally no longer make new claims for legacy benefits and you must claim UC instead. Some exceptions are listed in the relevant benefit sections below. If you receive the '*severe disability premium*' in a legacy benefit, you cannot currently make a claim for UC, see '*Severe disability premium exception*' below in section 2.2.1.

If you currently claim a legacy benefit, you may be required to claim UC instead if you reach State Pension age, have a relevant change of circumstance, or you are invited to claim UC under '*managed migration*' between now and 2024, whichever comes first. See section 2.2 for more information.

2.1.1 Basic requirements

To claim UC, you must:

- be 18 or over
- be under State Pension age (if you are a mixed age couple where only one of you is over this age, see next section)
- have a low income and capital of £16,000 or less
- be present, '*habitually resident*' and have a '*right to reside*' in the UK
- not be in education
- accept a Claimant Commitment.

Mixed age couples

A mixed age couple is where one person is over State Pension age and the other person is under. Since May 2019, such couples making a new claim for benefit must claim UC rather than Pension Credit (PC), until both members of the couple reach State Pension age.

Existing mixed age PC claimants can stay on PC provided there is no break in the claim. If there is a break in your PC claim, or you expect one to happen, seek specialist advice to determine your options.

For information about PC, see factsheet 48, *Pension Credit*.

2.2 Transferring to UC from other benefits

If you currently claim a legacy benefit, you remain entitled until your claim terminates. This can happen in one of three ways:

2.2.1 You or your partner reach State Pension age (SPA)

If you are single and claiming IB-JSA, IR-ESA, IS and/or working age HB, these awards terminate when you reach SPA and you can claim PC and/or pension age HB, see factsheet 48, *Pension Credit* and factsheet 17 *Housing Benefit*.

If you are a mixed age couple claiming PC and/or pension age HB, you can stay on these benefits provided there is no break in the claim, see '*Mixed age couples*' above.

If you are a couple and claiming IB-JSA, IR-ESA, IS and/or working age HB, these may terminate when one of you reaches SPA depending on your circumstances and if any exception applies:

Claiming working age HB only

Couples under SPA claiming working age HB become a mixed age couple when one partner reaches SPA. The HB award terminates and you can claim UC instead.

Claiming IB-JSA, IR-ESA, IS and working age HB

Where the older partner is the lead claimant and they reach SPA, these benefits terminate and you can claim UC instead.

Example

Susan and Sean receive IR-ESA and working age HB. Susan is the older member of the couple and is the lead claimant. The DWP write to them to advise that their existing claims will cease when Susan reaches SPA and that they should claim UC.

Where the younger partner is the lead claimant, these awards continue when the older partner reaches SPA until there is a relevant change of circumstance which terminates your entitlement (see next two sections about other ways of transferring to UC).

Example

Nadia and Anthony receive IB-JSA and working age HB. Anthony is the younger member of the couple and is the lead claimant. When Nadia reaches SPA, these awards continue in payment until Anthony reaches SPA or they have another change of circumstance which terminates their entitlement.

Making a UC claim in these circumstances

If you need to claim UC based on the above, you should do this before your existing benefits terminate (for example, before reaching SPA). If so, you continue to receive these benefits for the first two weeks of your UC claim. These '*run-on*' payments are not recoverable and do not affect the amount of UC you are entitled to.

For IR-ESA claimants assessed as having limited capability for work (LCW) or limited capability for work-related activity (LCWRA), making a UC claim before that award terminates means these components are included in your UC award from the outset, without needing to undergo a Work Capability Assessment or serve a 13-week assessment phase.

For more information about making a UC claim, see section 2.2.4.

'Severe disability premium' exception

If you receive the '*severe disability premium*' in a legacy benefit and you have a change of circumstance (such as you or your partner reaching SPA), you cannot currently make a claim for UC. You stay on your existing legacy benefits, until there is a relevant change in your circumstances which ends entitlement to those benefits.

Example

Nick and Sharon receive IR-ESA paid with the *severe disability premium*. Nick is the older member of the couple and is the lead claimant. When Nick reaches SPA, the DWP write to them to advise that as their existing benefit includes the *severe disability premium*, their IR-ESA award remains in payment and they do not have to claim UC.

If there is no current claim of working age HB but there is a claim for another legacy benefit which includes the '*severe disability premium*', you can make a new claim for working age HB.

Where a legacy benefit ceases due to a change of circumstance (for example, you were claiming IB-JSA and become sick), you can claim another legacy benefit (for example, IR-ESA, subject to other eligibility conditions) as long as you were receiving the '*severe disability premium*' within the past month and you have continued to satisfy the requirements of it:

- you get AA, DLA middle or high rate care component, or PIP daily living component, and
- no one is paid Carer's Allowance to look after you (it does not matter if someone has an '*underlying entitlement*' to Carer's Allowance), and
- you live alone, or are treated as living alone (for example, if you have a partner, they also get a disability benefit as above or are registered blind).

Seek advice if this applies to you and see DWP guidance in section 9.

2.2.2 Change of circumstances or '*natural migration*'

If you have a change of circumstance which prior to UC would have meant claiming another legacy benefit, you may have to claim UC instead under '*natural migration*' which terminates existing awards of legacy benefits (but note the exception above regarding the '*severe disability premium*').

Examples include if you are claiming:

- IB-JSA, IR-ESA, IS, HB, or WTC and you move into or out of work
- IB-JSA and you become sick, or IR-ESA and you are no longer sick
- HB and you move to new rented accommodation in a different local authority area.

If this applies to you, see '*Making a UC claim in these circumstances*' above.

If you have a change of circumstance which does not require making a new claim, you remain entitled to the legacy benefit. Examples include if you claim:

- a legacy benefit and become entitled to another premium or allowance
- one of the Tax Credits and you subsequently qualify for the other
- HB and move to new rented accommodation within the same local authority area.

There is no '*transitional protection*' if you move to UC due to a change of circumstance, which can mean a reduction in the total amount of benefit you receive. If this applies to you, seek specialist advice to consider your options.

2.2.3 Managed migration

If you do not transfer to UC due to a change of circumstance, you will be part of the '*managed migration*' process between now and 2024. You will receive a letter inviting you to claim UC by a specific deadline of at least three months. If you fail to make a claim before the deadline, any legacy benefit you receive will stop.

If the amount of UC you receive is lower than the amount you received with your legacy benefits, you are paid transitional protection to top up your UC award until this catches up to that amount, or you have a relevant change of circumstance (such as earnings changing significantly for three months or more, or you stop claiming UC). If you are in hardship due to transferring to UC, you can request '*discretionary hardship payments*'.

If you were entitled to Tax Credits before being transferred to UC and have capital exceeding £16,000, this is disregarded for 12 months.

See DWP guidance in section 9 for more information.

2.2.4 How to claim

UC is designed to be claimed online, although there is provision to make a claim by telephone or face to face. Apply online at www.gov.uk/apply-universal-credit. There is a helpline for applications to allow you to ask questions. You can call for free on 0800 328 5644.

You must provide all necessary information and evidence to show you meet the basic eligibility criteria for UC. Failure to do so can lead to your application being turned down. If one partner is unable to claim (e.g. due to illness), the other partner can be allowed to claim for both of you.

Before making a claim, make sure you have details of your National Insurance number, bank account, and, if applicable, details about your partner and any dependents. You need a unique email address, as does your partner if you have one. If you have a partner, you both need to create an online account and link them together with a special code.

When an online claim is made, an online account is created with a username and password that should only be known by you. This is because the account holds a great deal of personal information such as your National Insurance number and bank account details.

After a claim is made, you must attend a local Jobcentre Plus for an interview with a work coach. After you apply, it is at least five weeks before you receive your first payment. You can ask for an advance payment if this will cause you difficulties budgeting. This must be paid back from subsequent payments. You can request for your claim to be backdated for up to one month if you could not reasonably have claimed earlier.

If there is a shortfall between your rent and the amount of UC you receive for housing costs, you can apply to your local authority for a Discretionary Housing Payment (DHP). See section 2.5.1 for more information.

For more information on UC, see factsheet 92, *Universal Credit*.

2.3 Income-based Jobseeker's Allowance

No new IB-JSA claims are possible due to the introduction of UC. However, you may be able to claim 'new style' JSA if you satisfy the National Insurance Contribution conditions (see section 3.1).

If you currently claim IB-JSA, you will eventually be transferred onto UC as set out in section 2.1.2.

Until that happens, you remain entitled to IB-JSA for as long as you satisfy the basic conditions:

- under State Pension age
- unemployed or working less than 16 hours a week
- available for, and actively seeking, work, and have a Jobseeker's Agreement or Claimant Commitment with Jobcentre Plus
- income less than your '*applicable amount*'
- less than £16,000 in capital
- your partner must be unemployed or working less than 24 hours a week
- not in full-time education (although there are exceptions)
- '*habitually resident*', have a '*right to reside*' in the UK and not be subject to immigration control, and
- in Great Britain (JSA can be paid if you are abroad temporarily in certain situations and/or exported if you look for work in an EEA country).

Sanctions

You have to attend regular appointments at Jobcentre Plus and the Jobseeker's Agreement can be reviewed and updated. The level of job-search activity you have to pursue increases the longer you are on JSA.

If your adviser feels you are not keeping to the Jobseeker's Agreement, your JSA payments can be sanctioned, which means some, or all, of your benefit payment is suspended for a period of time.

The length of the sanction varies and can be for a few days up to six months, or until you comply with a requirement to participate in an appointment.

Hardship payments may be available if you are sanctioned – ask your adviser.

JSA-only

You can also be sanctioned if you gave up your last job voluntarily (except for voluntary redundancy) or lost it through misconduct.

You may also be referred to job vacancies, training or employment schemes. These are usually compulsory and you can be sanctioned if you do not apply or attend.

2.4 Income-related Employment and Support Allowance

No new IR-ESA claims are possible due to the introduction of UC. However, you may be able to claim '*new style*' ESA if you satisfy the National Insurance Contribution conditions (see section 3.2).

If you currently claim IR-ESA, you will eventually be transferred onto UC as set out in section 2.1.2. Until that happens, you remain entitled to IR-ESA for as long as you satisfy the basic conditions:

- under State Pension age
- have a limited capability for work due to sickness or disability
- not be in work (apart from some kinds of '*permitted work*')
- income less than your '*applicable amount*'
- capital must be less than £16,000
- your partner must not work 24 hours or more a week
- not in full-time education (with some exceptions), and
- in Great Britain, be '*habitually resident*', have a '*right to reside*' in the UK and not be subject to immigration control.

2.4.1 Work Capability Assessment

After you make a claim, the DWP send you a form to complete with details of your health condition and how it affects you in relation to certain specific activities.

Once the DWP receive this back, they usually arrange for you to attend an examination, known as the Work Capability Assessment (WCA). You may be asked to attend a work-focused interview during this period.

Some people, including those with a terminal illness, do not go through the assessment phase and go straight to the main phase.

The WCA has two parts:

- '*limited capability for work*' assessment determines whether you are entitled to ESA. It assesses your ability to carry out specific everyday activities based on a points system. You have to score at least 15 points to be assessed as having a limited capability for work
- '*limited capability for work-related activity*' assessment decides whether you are placed in the work-related activity group or support group.

If you are put in the work-related activity group, you have to meet work-related conditions which include attending work-focused interviews and taking part in work-related activities.

If you fail to comply with these conditions, you can have a sanction placed on your ESA payment until you do comply. A sanction means your ESA is reduced by an amount equal to the ESA personal allowance (£74.35 a week), although you are always left with 10p in payment.

2.5 Income Support

No new IS claims are possible due to the introduction of UC.

If you currently claim IS, you will eventually be transferred onto UC as set out in section 2.1.2. Until that happens, you remain entitled to IS for as long as you remain eligible (by being a carer, receiving Statutory Sick Pay, Incapacity Benefit or Severe Disablement Allowance, lone parent of a child under five, pregnant, or on parental leave) and satisfy the basic conditions:

- under State Pension age
- not work 16 hours or more a week (your partner must not work 24 hours or more a week)
- income must be below your '*applicable amount*'
- capital must be less than £16,000
- not in full-time education (with some exceptions), and
- in Great Britain, be '*habitually resident*', have a '*right to reside*' in the UK and not subject to immigration control.

You may be required to undertake work-related activity and attend work-focussed interviews. If you fail to participate in these, you may be subject to a benefit sanction, as described in section 2.2.

2.6 Housing Benefit

HB is paid if you are liable to pay rent and have a low income. It is administered by local authorities. No new HB claims are possible due to the introduction of UC, except if:

- you and your partner if you have one have both reached State Pension age, or
- you are in specified accommodation (e.g. sheltered housing schemes)

If you currently claim '*pension age*' HB (where one or both of you have reached State Pension age) you continue to receive this as long as you remain eligible. For all other HB claims, you will eventually be transferred onto UC as set out in section 2.1.2. Until that happens, you remain entitled to HB for as long as you satisfy the basic conditions:

- treated as liable to pay rent for the home you normally live in
- capital of less than £16,000
- be '*habitually resident*', have a '*right to reside*' in the UK, and not subject to immigration control.

Additionally, you must either:

- receive a '*passporting*' benefit such as IB-JSA, IR-ESA or IS, or
- have a low income (whether you work or not).

2.6.1 Discretionary Housing Payments

If there is a shortfall between your rent and the amount of housing costs you receive, you can apply to your local authority for a Discretionary Housing Payment (DHP) to make up the difference in the short term.

You may be able to get a DHP if your benefit is reduced because of:

- size criteria restrictions, if you have spare bedrooms
- rent officer restrictions, such as local housing allowance
- non-dependant deductions
- benefit cap reductions.

You must apply by requesting a form or by writing to your local authority. It is important to describe your circumstances fully and explain why you are in financial difficulty.

The local authority has discretion in whether to award a DHP and even if they do, they are usually only for a period of up to one year. You can reapply for subsequent DHP's. There is no right of appeal if an application is refused, although you can ask for the decision to be looked at again.

2.7 Council Tax Support

Council Tax Support (CTS) or Council Tax Reduction, provides financial help towards your Council Tax if you claim means-tested benefits or are on a low income. You must be liable to pay Council Tax but it does not matter if you are a tenant, home owner, or other kind of resident.

If you live alone as a single person, or your home has certain adaptations for you as a disabled person, or you have a severe mental impairment, you may receive a discount or exemption on your Council Tax bill.

In **Scotland**, water and sewerage charges are included in your Council Tax bill but CTS only covers the Council Tax element. The Water Charges Reduction Scheme gives you 25 per cent off water and sewerage charges if you receive full CTS and there are two or more adults in the household with no other discounts. Your local authority should do this automatically – contact them if not.

Northern Ireland has rates rather than Council Tax. There is a rate relief scheme which is assessed alongside Housing Benefit, but the rules are different from those described here. Contact Age NI for further information.

How to claim

In **England**, if you are under State Pension age, the local authority make their own rules about who is entitled to CTS and decide how this should be worked out.

They may take into account means-tested benefits, disability related premiums, disability or carer benefits. Contact your local authority for more information.

In **Wales**, there are more standard eligibility criteria between local authorities as they are only allowed to exercise discretion in a few areas.

In **Scotland**, there is a standard system of CTS that applies to everyone.

For more information, see factsheet 21, *Council Tax*. In Wales, see Age Cymru factsheet 21w *Council Tax in Wales*. In Scotland, see Age Scotland guide *Council tax reduction*.

Second Adult Rebate

If you cannot get CTS because you have excess capital or income, you may be able to get a Second Adult Rebate. This reduces your Council Tax bill by up to 25 per cent if one or more other adults (not your partner) live in your household and they have a low income.

The local authority decide whether to make a Second Adult Rebate scheme available to working age people. Contact them to check.

There is a national scheme in Scotland but it is not available in Wales.

2.8 Tax Credits

These are administered by HM Revenue and Customs (HMRC). Working Tax Credit (WTC) is for if you work and have low earnings. Child Tax Credit (CTC) is for if you are responsible for dependent children.

No new claims for Tax Credits are possible due to the introduction of UC. An exception is if you already receive one Tax Credit, you can make a claim for the other.

If you currently claim Tax Credits, you will eventually be transferred onto UC as set out in section 2.1.2. Until that happens, you remain entitled to Tax Credits for as long as you satisfy the basic conditions, see below.

Assessment of income and capital is on an annual basis. For the tax year 2020/21, Tax Credits you receive are an estimated amount based on either your previous year's income or an estimate of your current year's income. Your award is finalised after July 2021 when your actual income for 2020/21 is known.

You can use the online Tax Credits calculator to find out how much you might be entitled to at www.gov.uk/tax-credits-calculator.

For entitlement to both Tax Credits, you must be '*present*' and '*resident*' in the UK, and not be a person subject to immigration control.

Child Tax Credit

To be entitled, you must be '*responsible*' for a child, or children, who are:

- under 16, or
- under 20 and in eligible education or training.

You also need to be assessed as having a low income, although this can be up to £50,000 a year.

Working Tax Credit

The basic conditions of entitlement if you are single are:

- are aged 25 or over and work at least 30 hours a week, or
- work at least 16 hours a week and are single with dependent children or have a disability that puts you at a disadvantage in getting a job, or
- work at least 16 hours a week and are aged 60 or more.

The basic conditions if you are a couple are:

- one of you is 60 or over and works 16 hours a week, or
- one of you is entitled to Carer's Allowance and works 16 hours a week, or
- one of you is disabled and works 16 hours a week, or
- one of you works at least 16 hours a week and the other cannot work because they are incapacitated, a hospital in-patient, or in prison, or
- you have dependent children, work at least 24 hours between you, with at least one of you working 16 hours.

2.9 Benefit cap

The benefit cap places an upper limit on the total amount of benefit that households can receive. It varies depending on where you live in the country and the make-up of your household. It incorporates most benefits including UC, HB, JSA, ESA, CTC, Child Benefit, Maternity Allowance, and Widowed Parent's Allowance.

If your overall benefit income is over the capped amounts, the excess is deducted from your HB or UC award after offsetting child care costs. The monthly cap is:

- £1,284.17 (single) or £1,916.67 (lone parents/couples) in Greater London
- £1,116.67 (single) or £1,666.67 (lone parents/couples) in other places

The cap does not apply if you or anyone you claim for in your household receives, or is entitled to:

- Working Tax Credit (even if you cannot be paid it due to earnings)
- Universal Credit (limited capability for work-related activity/carers element)
- Employment and Support Allowance (with the support component)
- Attendance Allowance
- Disability Living Allowance
- Personal Independence Payment
- Carer's Allowance
- Industrial Injuries Disablement Benefit
- War Pension or an Armed Forces Compensation Scheme payment.

Amount of reduction

If you receive HB and are subject to the benefit cap, your HB payments can be reduced to the amount of the cap. You must be left with at least 50p a week HB, even if this leaves you with higher overall benefit payments than the cap.

If you receive UC and are subject to the benefit cap, your whole UC award is subject to a reduction, down to the maximum amount payable.

If you have difficulty paying your rent because of the benefit cap, you can apply for a Discretionary Housing Payment. See section 2.5.1 for more information.

3 National Insurance benefits

Eligibility for these benefits is based on your (or your partner's) National Insurance Contribution record. You claim as a single person, even if you are a couple. If each person in a couple satisfies the requirements of the same benefit, you can both make an individual claim.

These benefits can be paid on top of other benefits, although most are counted as income when determining means-tested benefit entitlement.

3.1 'New style' Jobseeker's Allowance

This can be claimed if you are seeking work and is paid for a maximum of 26 weeks. You must have paid sufficient NICs in the last two years to qualify and you must satisfy the basic conditions of entitlement:

- under State Pension age
- unemployed or working less than 16 hours a week
- available for, and actively seeking, work, and have a Jobseeker's Agreement or Claimant Commitment
- not have an illness or disability which stops you from working
- in Great Britain
- have the right to work in the UK.

The rate for people aged 25 or over is £74.35 a week. In general, income and capital are not taken into account.

If you have earnings (for example part-time employment or self-employment) or an occupational/personal pension, your JSA may be reduced.

Earnings are deducted in full with a disregard of £5 or £20 a week. If you have a pension, the first £50 a week is ignored but any amount over this is deducted in full.

To claim, call Jobcentre Plus on 0800 055 6688 or apply online at www.gov.uk/how-to-claim-new-style-jsa.

3.2 'New style' Employment and Support Allowance

This can be claimed if you are ill or disabled and is paid for up to 52 weeks if you are put in the work-related activity group. There is no time limit if you are put in the support group.

You usually need to have paid sufficient NIC's in the last two tax years, although you can qualify without NICs if you received NI credits as a low-paid disabled worker or a carer. You must satisfy the basic conditions of entitlement:

- under State Pension age
- have a limited capability for work due to sickness or disability
- not be in work (apart from some kinds of 'permitted work')
- in Great Britain.

You must also satisfy the Work Capability Assessment as in section 2.3.1.

The rate for people aged 25 or over is:

First 13 weeks (assessment phase)	£74.35
After 13 weeks (main phase)	£74.35 (work-related activity group)
	£113.55 (support group)

Your ESA may be reduced if you have gross income from an occupational or personal pension of more than £85 a week. For every £1 of pension over £85, you lose 50p of benefit. Other types of income and capital do not affect ESA.

To claim, call 0800 328 5644 (choose option 2, then option 6).

3.3 Bereavement benefits

If your husband, wife, or civil partner dies, you may be able to claim Bereavement Support Payment. Entitlement is based on your partner's NI record, but there is no NI requirement if they died as a result of an industrial accident or prescribed industrial disease.

It is available to people under State Pension age and consists of an initial lump sum payment (£2,500 or, if you have children, £3,500) and a further 18 monthly instalments (£100, or if you have children, £350). These payments are not taxable and are disregarded when calculating entitlement to means-tested benefits and for the benefit cap.

To claim, contact the Bereavement Service on 0800 731 0469. There is a Welsh language line on 0800 731 0453. You can download a claim form from www.gov.uk/government/publications/bereavement-support-payment-claim-form or www.nidirect.gov.uk/publications/bereavement-support-payment-application-form in Northern Ireland.

3.4 Incapacity Benefit and Severe Disablement Allowance

These benefits have been abolished and are not available for new claimants. You can still receive Incapacity Benefit (IB) if you were entitled before 27 October 2008 and continue to fulfil the qualifying conditions.

You can still receive Severe Disablement Allowance (SDA) if you were entitled before 5 April 2001 and continue to fulfil the qualifying conditions. You can continue to receive SDA after State Pension age – seek advice if you are considering this.

Both are taken into account for the benefit cap.

If you claim either and did not reach State Pension age before April 2014, you may be transferred to ESA. Seek advice if you are told to do this.

3.5 Statutory Sick Pay

If you are an employee and off work due to sickness, you are entitled to Statutory Sick Pay (SSP) for up to the first 28 weeks. SSP is administered and paid by your employer. SSP is taxable and paid at a rate of £95.85 a week. You may also be entitled contractual sick pay under the terms of your contract.

To claim, speak to your employer. If you have any problems, you can contact the HMRC statutory payment dispute team on 03000 560 630.

If you are unable to work due to sickness but not entitled to SSP, for example because you are self-employed, you may be entitled to 'new style' ESA instead. If you are off work for more than 28 weeks and your SSP runs out, you may be entitled to 'new style' ESA or Universal Credit.

4 Other benefits

These benefits are generally claimed because of your particular circumstances or situation. They can often be claimed as well as other benefits and sometimes can increase the amount of those benefits.

4.1 Carer's Allowance

You can claim Carer's Allowance (CA) if you look after someone else who receives a disability benefit such as Attendance Allowance, Personal Independence Payment (daily living component) or Disability Living Allowance (middle or high rate care component).

You must spend at least 35 hours a week caring for them. If you work, you cannot earn more than £128 a week (net earnings or profit if self-employed).

Some means-tested benefits are paid at a higher rate if you are entitled to CA. However, the person you care for may lose money if you claim CA, so seek advice first.

See factsheet 55, *Carer's Allowance*, for more information.

4.2 Disability benefits

Personal Independence Payment (PIP) is a benefit for people aged 16 to State Pension age who have a disability or care needs. A similar benefit, Disability Living Allowance (DLA), may be in payment due to an earlier award. Most existing working age DLA claimants are being moved ('migrated') to PIP, particularly if you report a change of circumstance.

The Armed Forces Independence Payment (AFIP) is payable (instead of PIP) to service and ex-service personnel who have an Armed Forces Compensation Scheme award that includes a Guaranteed Income Payment of 50 per cent or higher.

You can receive PIP, DLA or AFIP on top of most other benefits. They are not affected by your capital or income or the circumstances of your partner (if you have one).

DLA, PIP and AFIP are not taxable and if you receive them, the amount of other benefits you are entitled to may increase.

If you have reached State Pension age, have care needs due to a disability or health problem, and you do not currently claim PIP, DLA or AFIP, you may be able to claim Attendance Allowance – see factsheet 34, *Attendance Allowance*, for more information.

See factsheet 87, *Personal Independence Payment and Disability Living Allowance*, for more information, including contact details for the Veterans Agency and information about AFIP.

4.3 Industrial Injuries Disablement Benefit

If you have been injured in an accident at work or have contracted an industrial disease, you can claim Industrial Injuries Disablement Benefit. The level of disability caused by your accident or industrial disease is assessed by a DWP doctor and expressed as a percentage. You usually have to be assessed at least 14 per cent disabled to receive a payment.

The weekly rate of benefit varies from £36.40 to £182.00 depending on your level of disablement. If assessed as 100 per cent disabled, you may qualify for extra allowances such as Constant Attendance Allowance or Exceptionally Severe Disablement Allowance.

Industrial injuries benefits are paid on top of other benefits but taken into account as income when calculating means-tested benefits. Industrial injuries benefits are not taxable and you do not have to prove an employer was negligent to qualify.

Contact the Barnsley Industrial Injuries Disablement Benefit centre on 0800 121 8379.

You can download a form from www.gov.uk/industrial-injuries-disablement-benefit/how-to-claim. You may also be able to claim compensation and you can seek legal advice to check this out.

4.4 War pensions

If you became disabled through serving in the Armed Forces, you may be able to claim a pension, allowance or compensation. There are some pensions payable to war widows, widowers, or surviving civil partners. In some circumstances, an unmarried partner or same-sex partner who was not a civil partner can qualify.

For more information contact the Veterans UK or see online at www.gov.uk/government/organisations/veterans-uk.

4.5 Healthcare costs

Depending on your income and savings, you may be entitled to help with healthcare costs through the '*NHS low income scheme*'. For example NHS prescriptions, dental care and glasses. For more information, see factsheet 61, *Help with health costs*. In Wales, see Age Cymru factsheet 61w, *Help with NHS health costs in Wales*.

5 Social Fund, Advances of Benefit and Local Welfare Provision

The Social Fund

The Social Fund provides lump sum cash payments for extra expenses that are difficult to meet from your weekly income. These include Funeral Payments, Cold Weather Payments during periods of very cold weather, and Winter Fuel Payments to help with heating costs. Contact your local Jobcentre Plus office to make an application to the Social Fund or download a claim form from the Gov.uk website.

Budgeting Loans and Advances of Benefit

Budgeting Loans help with the cost of items you cannot afford and have to be repaid from your benefit entitlement. To apply, you must have received income-based JSA, income-related ESA, Income Support or PC for 26 weeks. If you claim UC, you can apply for a budgeting advance instead.

Local Welfare Provision

Local Welfare Provision has replaced the discretionary Social Fund for people facing a crisis or short-term unavoidable need. These are run by local authorities or the Welsh, Scottish or NI governments and may be a loan rather than a grant.

For more information, see factsheet 49, *The Social Fund, Advances of Benefit and Local Welfare Provision*. In Scotland, see *The Scottish Welfare Fund* guide.

See also factsheet 1, *Help with heating costs*. In Wales, see factsheet 1w, *Help with heating costs in Wales*.

6 Back to work benefits

If you start full-time work after a period of claiming income-based JSA, income-related ESA, or Income Support, your benefit payments may not stop immediately.

If you claimed Housing Benefit as well as the other benefit, you may be entitled to four week extended payments of Housing Benefit. You may also be entitled to extended payments of Council Tax Support. Contact your local authority for more information.

If you start work after a period on UC, you may still receive an amount of UC if your earnings are low. However, if you were getting help towards your mortgage through your UC award, this stops as soon as you do any work, regardless of your earnings.

7 Where to apply for benefits

The government department with responsibility for social security benefits is the Department for Work and Pensions (DWP). Note that:

- most working age benefits are administered by local Jobcentre Plus offices, although you usually need to speak to DWP call centre staff and for some benefits, you can claim online
- employers are responsible for paying benefits to employees such as Statutory Sick Pay
- Personal Independence Payment, Disability Living Allowance, and Carer's Allowance are dealt with by the Disability and Carers Service, part of the DWP
- Housing Benefit and Council Tax Support are dealt with by your local authority
- Tax Credits, Child Benefit and Guardian's Allowance are administered by HM Revenue and Customs.

8 Challenging a decision

You have the right to appeal against many decisions involved in the benefit system, such as if your claim is refused.

It is important to challenge a decision or get advice promptly because there are time limits that usually mean you must act within one month of the decision. You must normally ask for a Mandatory Reconsideration before you can lodge an appeal with HM Courts and Tribunals Service.

For more information about this, see factsheet 74, *Challenging welfare benefit decisions*.

If you need independent advice, contact Age UK Advice or one of the independent *Useful organisations* listed. In Wales, contact Age Cymru Advice.

9 DWP Guidance

The DWP provides a range of guidance documents with information about benefits which you may find useful.

For UC, 'new style' JSA, 'new style' ESA and PIP, guidance can be found at www.gov.uk/government/publications/advice-for-decision-making-staff-guide.

Specific guidance highlighted in this factsheet can be found below:

- Severe disability premium (section 2.1) – Chapter M5: Claims for Universal Credit, from paragraph M5210
- Managed migration (page 6) – Chapter M7: Managed migration

For most other benefits in this factsheet, guidance can be found at www.gov.uk/government/collections/decision-makers-guide-staff-guide.

For Housing Benefit and Council Tax Support, guidance can be found at www.gov.uk/government/collections/housing-benefit-and-council-tax-benefit-manual.

Useful organisations

Carer's Allowance Unit

www.gov.uk/carers-allowance-unit

Telephone 0800 731 0297

Provides information about Carer's Allowance and how to make a claim.

Carers Trust

www.carers.org

Telephone 0300 772 9600

Offers practical help and assistance to carers.

Carers UK

www.carersuk.org (England)

www.carersuk.org/scotland (Scotland)

www.carerswales.org (Wales)

Telephone Helpline 0808 808 7777

Information and support for carers, including information about benefits.

Citizens Advice

England or Wales go to www.citizensadvice.org.uk

Scotland go to www.cas.org.uk

Northern Ireland go to www.citizensadvice.co.uk

In England telephone 03444 111 444

In Wales telephone 03444 77 2020

In Scotland telephone 0131 550 1000 (for local details only, not advice)

National network of advice centres offering free, confidential, independent advice, face to face or by telephone.

Disability Benefits Helpline

www.gov.uk/disability-benefits-helpline

DWP helpline providing advice or information about any claim for DLA, PIP or AA claim you have already made:

- **Attendance Allowance (AA)**
Telephone 0800 731 0122
- **Disability Living Allowance (DLA)**
If you were born on or before 8 April 1948
Telephone 0800 731 0122
If you were born after 8 April 1948
Telephone 0800 121 4600
- **Personal Independence Payment helpline**
Telephone 0800 121 4433

Disability Rights UK

www.disabilityrightsuk.org

Information and advice about issues affecting disabled people.

Discretionary Assistance Fund for Wales (The)

www.gov.wales/discretionary-assistance-fund-daf

E-mail: DAF.Feedback@northgateps.com

Telephone 0800 859 5924

Apply for an Individual Assistance Payment (IAP) or Emergency Assistance Payment (EAP).

Gov.uk

www.gov.uk

Official website for government information and services. Includes information about State and private pensions.

Jobcentre Plus

www.gov.uk/contact-jobcentre-plus

Telephone 0800 055 6688

Administers most benefit claims for working age people.

Pension Service (The)

www.gov.uk/browse/working/state-pension

Telephone 0800 731 0469

State Pension Forecasting Team 0800 731 0176

Details of state pensions including forecasts and claiming your pension.

Tax Credits

www.gov.uk/browse/benefits/tax-credits

Telephone 0345 300 3900

Responsible for administering Child Tax Credit and Working Tax Credit.

Universal Credit

Claim www.gov.uk/apply-universal-credit

Online account www.gov.uk/sign-in-universal-credit

Helpline 0800 328 5644

Veterans UK

www.gov.uk/government/organisations/veterans-uk

Telephone 0808 1914 218

Administers the armed forces pension schemes and compensation payments for those injured or bereaved through service.

Age UK

Age UK provides advice and information for people in later life through our Age UK Advice line, publications and online. Call Age UK Advice to find out whether there is a local Age UK near you, and to order free copies of our information guides and factsheets.

Age UK Advice

www.ageuk.org.uk

0800 169 65 65

Lines are open seven days a week from 8.00am to 7.00pm

In Wales contact

Age Cymru Advice

www.agecymru.org.uk

0800 022 3444

In Northern Ireland contact

Age NI

www.ageni.org

0808 808 7575

In Scotland contact

Age Scotland

www.agescotland.org.uk

0800 124 4222

Support our work

We rely on donations from our supporters to provide our guides and factsheets for free. If you would like to help us continue to provide vital services, support, information and advice, please make a donation today by visiting www.ageuk.org.uk/donate or by calling 0800 169 87 87.

Our publications are available in large print and audio formats

Next update April 2021

The evidence sources used to create this factsheet are available on request. Contact resources@ageuk.org.uk

This factsheet has been prepared by Age UK and contains general advice only, which we hope will be of use to you. Nothing in this factsheet should be construed as the giving of specific advice and it should not be relied on as a basis for any decision or action. Neither Age UK nor any of its subsidiary companies or charities accepts any liability arising from its use. We aim to ensure that the information is as up to date and accurate as possible, but please be warned that certain areas are subject to change from time to time. Please note that the inclusion of named agencies, websites, companies, products, services or publications in this factsheet does not constitute a recommendation or endorsement by Age UK or any of its subsidiary companies or charities.

Every effort has been made to ensure that the information contained in this factsheet is correct. However, things do change, so it is always a good idea to seek expert advice on your personal situation.

Age UK is a charitable company limited by guarantee and registered in England and Wales (registered charity number 1128267 and registered company number 6825798). The registered address is Tavis House, 1–6 Tavistock Square, London WC1H 9NA. Age UK and its subsidiary companies and charities form the Age UK Group, dedicated to improving later life.