

Parent and Carer Alliance 22 June 2022

- What is DLA? How do you apply/who can help with forms/what happens if you get turned down
- What is PIP? How do you apply/who can help with forms/what happens if you get turned down
- What is UC? How do you apply/who can help with forms/what happens if you get turned down
- Can anyone still claim Tax credits?
- Post 16 benefits
- What counts as education?
- If your child is too ill for education, what can you apply for?

- **WHAT IS DLA? (DISABILITY LIVING ALLOWANCE)**

Please look at the links to information on our public website below

<https://www.citizensadvice.org.uk/benefits/sick-or-disabled-people-and-carers/disability-living-allowance/>

<https://www.citizensadvice.org.uk/benefits/sick-or-disabled-people-and-carers/disability-living-allowance/help-with-your-dla-claim/help-with-dla-form/>

DLA is not means tested, anyone who is eligible can apply. If you get it, it can mean that you get extra money included in benefits you are already receiving, or it may allow you to claim benefits you were not entitled to before, such as Carer's Allowance

<https://www.citizensadvice.org.uk/benefits/sick-or-disabled-people-and-carers/carers-allowance/>

**You can get DLA if at least one of the following applies to your child:**

- they need a lot more care, attention, or supervision than a child of the same age who isn't disabled
- they have difficulty walking or getting around outdoors in unfamiliar places, compared to a child of the same age who is not disabled

Your child must have been disabled or had the condition for at least 3 months, and you must expect it to last for 6 more. You do not need a formal diagnosis from a doctor to apply, but this can usually help. You can claim for your child from 3 months old up until the age of 16. The main thing to focus on is how your child needs more support than a child of similar age with no additional needs. This means that it is much harder to get an award for very young children.

## **DISABILITY LIVING ALLOWANCE**

A weekly amount is awarded for care and mobility needs.

There are 3 levels of **CARE**

<b>Low rate</b>	<b>basic care needs</b>	<b>£24.45</b>
<b>Middle rate</b>	<b>care needs and help with bodily functions throughout the day</b>	<b>£61.85</b>
<b>High rate</b>	<b>care needs as above night and day</b>	<b>£92.40</b>

There are 2 levels of **MOBILITY**

**Low rate**      **greater need for supervision than those of peers, from age 5**      **£24.45**

**High rate**      **£64.50**

**from 3 if there is a physical disability meaning “virtually unable to walk”,**

an award of high rate care can also lead to an award of high rate mobility if there is severe mental impairment from a physical cause and severe behavioural problems (disruptive behaviour, physical restraint or unpredictability)

- **HOW DO YOU APPLY?**

**For more info and a claim pack tel DLA Helpline 0800 1214600 or download a pack online**

<https://www.gov.uk/disability-living-allowance-children/how-to-claim>

- **WHO CAN HELP WITH THE FORM?**

Someone at your [nearest Citizens Advice](#) might be able to sit with you and help you with the form, or even fill it in for you.

You can also call Contact (for families with disabled children) helpline if you have questions - they're experts in DLA for children.

**Contact (for families with disabled children)**

**Telephone: 0808 808 3555**

**Monday to Friday, 9:30am to 5pm**  
**Calls to these numbers are free.**

- **WHAT HAPPENS IF YOU GET TURNED DOWN?**

If you do not get the award that you are expecting you can ask for an MR (Mandatory Reconsideration) of the decision. You must do this within one month of the date of the decision letter. You can ring the DLA Helpline or write a letter to them to request this. You should ask for a written statement of reasons if you are not clear on why the DLA has been refused. When you write your letter you should be clear what you are disagreeing with and provide more information/evidence if possible. The links below give you more detailed information. If the MR is turned down the next stage is to request an appeal SSCS1. More information is given about this below. You have one month from the date of the MR Refusal letter to ask for an appeal. Your local Citizens Advice may be able to help you with an appeal.

<https://www.citizensadvice.org.uk/benefits/sick-or-disabled-people-and-carers/disability-living-allowance/dla-appeals/dla-mandatory-reconsideration/>

<https://www.citizensadvice.org.uk/benefits/sick-or-disabled-people-and-carers/disability-living-allowance/dla-appeals/DLA-appealing-the-decision/>

<https://www.citizensadvice.org.uk/benefits/sick-or-disabled-people-and-carers/disability-living-allowance/dla-appeals/challenge-a-decision-the-tribunal-hearing/>

### **PERSONAL INDEPENDENCE PAYMENT (PIP)**

When your child reaches 16 they will be moved onto PIP Personal Independence Payment. You will be sent a letter asking you to make an application. You will not automatically be transferred over. The process usually takes about 3 months, so make sure that you apply in good time so that there are no gaps in payment.

PIP is different to DLA in that it is assessed on a points system. The awards are in two parts for Daily Living and for Mobility. There are also 2 levels for each standard and enhanced – 8 points will get you a standard award and 12 points will get you enhanced. The categories are similar to that for DLA, however unlike DLA the young person will not need night time care to get an enhanced level award.

<https://www.citizensadvice.org.uk/benefits/sick-or-disabled-people-and-carers/pip/>

## PIP AMOUNTS

Daily Living Standard Rate £61.85

Daily Living Enhanced Rate £92.40

Mobility Standard Rate £24.45

Mobility Enhanced Rate £64.50

### Daily Living

1. Preparing food
2. Taking Nutrition
3. Managing therapy or monitoring a health condition
4. Washing and bathing
5. Managing toilet needs or incontinence
6. Dressing and undressing
7. Communicating verbally
8. Reading and understanding signs symbols and words
9. Engaging with other people face to face
10. Making budgeting decisions.

### Mobility

1. Planning and following journeys
2. Moving around

Below are the descriptors and how you can score the necessary points

<https://www.citizensadvice.org.uk/Global/PIP%20descriptors.pdf>

For the descriptors to apply, the problems have to be present for over half of the week. An individual must be able to complete an activity descriptor reliably, in a timely fashion, repeatedly and safely; and (where indicated) using aids and appliances or with support from another person (or, a support dog). Otherwise, they should be considered unable to complete the activity.

- **HOW DO YOU APPLY?**

To apply you should call the new claims number to start your claim. You will be asked a few basic questions and then a claim form will be sent to you.

0800 917 2222 to start off a claim

<https://www.gov.uk/pip/how-to-claim>

- **WHO CAN HELP WITH THE FORM?**

There is detailed information about how to answer each question on the Citizens Advice website, see the link below

<https://www.citizensadvice.org.uk/benefits/sick-or-disabled-people-and-carers/pip/help-with-your-claim/fill-in-form-pip/>

Someone at your [nearest Citizens Advice](#) might be able to sit with you and help you with the form, or even fill it in for you.

You can also call Contact (for families with disabled children) helpline if you have questions - they're experts in disability benefits for young people.

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It is likely (but not always so) that your young person will have to have a medical assessment (consultation). During the Covid pandemic these were either done on the phone or in some cases not done at all. We are seeing that more assessments are starting to be done face to face now. If your young person has to have a consultation, you can request that this is done in your own home - you may need support from your GP to enable this to happen. The person who does the assessment may not be a doctor but they will be a health care professional such as a nurse, physiotherapist, paramedic etc.

- **WHAT HAPPENS IF YOU GET TURNED DOWN?**

If you do not get the award that you are expecting you can ask for an MR (Mandatory Reconsideration) of the decision. You must do this within one month of the date of the decision letter. You can ring the PIP Helpline or write a letter/complete a form to request this. When you write your letter you should be clear about what you are disagreeing with and provide more information/evidence if possible. The links below give you more detailed information. If the MR is turned down the next stage is to request an appeal SSCS1. More information is given about this below. You have one month from the date of the MR Refusal letter to ask for an appeal. Your local Citizens Advice may be able to help you with a MR and/or appeal.

<https://www.citizensadvice.org.uk/benefits/sick-or-disabled-people-and-carers/pip/appeals/mandatory-reconsideration-pip/>

<https://www.citizensadvice.org.uk/benefits/sick-or-disabled-people-and-carers/pip/appeals/apply-to-tribunal/>

<https://www.citizensadvice.org.uk/benefits/sick-or-disabled-people-and-carers/pip/appeals/your-hearing/>

## **UNIVERSAL CREDIT**

Universal Credit will be replacing all means tested benefits except Council Tax reduction and social fund payments. UC is claimed online and provides benefit support for those in and out of work. If you are already on benefits, you will not need to claim UC, unless you have a “change of circumstance” (for example move into work, lose job, move in with partner, separate or divorce,). People will eventually move on to UC from existing benefits, this is underway now.

If you are currently claiming child tax credits, you can remain on CTC and you are entitled to disability and severe disability premiums added to your tax credits, if your child receives middle or high-rate care DLA. If you are not currently claiming Child Tax Credits you will have to claim Universal Credit. However, within Universal Credit, the disability elements are different. You will receive a much lower amount on Universal Credit if your child is receiving middle rate care. On high rate care the element is a similar amount. If your child is on middle rate care, you may want to look at the DLA award again to see if they can get the higher rate care. Your child will need to have both day time and night time needs.

You can use an online benefits calculator to see what you might be entitled to

<https://benefits-calculator.turn2us.org.uk/AboutYou>

<https://www.entitledto.co.uk/>

Universal Credit is applied for online. As explained before it replaces old style benefits if there has been a change of circumstances. If you are on UC as a family and your young person leaves education, they would need to make a claim for UC in their own right (they are a separate household).

YP = Young person

Once an initial claim has been made (see below on how to claim) and the relevant details have been supplied, your YP will need to make an appointment at the job centre, so they can verify their ID. To claim under Limited Capability for Work (and Work related Activity) they will need to get a sick/fit note from their GP.

<https://www.citizensadvice.org.uk/benefits/universal-credit/claiming/getting-universal-credit-if-youre-sick-or-disabled/>

Once the claim is accepted you will need to complete a UC50 form where you give further details of your young person's disabilities.

Your local Citizens Advice may be able to help you with the form.

The assessment phase lasts for 12 weeks and at the end of the 12 weeks the YP may have a medical assessment. During Covid if these happened at all, they were over the phone, but more are now being done face to face. Following the assessment, they will be put into a group – LCW limited capability for work – means that they may get support to find employment, LCWRA – Limited Capability for work and work related activity - means they will not have any kind of commitment to find work. They will also receive an extra money component in recognition of their disability and that they are unlikely to find paid work.

The UC claim is managed entirely online, via an online journal where the DWP can send you messages and you can also correspond with them.

If you are not happy with the allocated group after the medical, you can request a Mandatory Reconsideration via the online journal. The process and time limits are the same as for DLA/PIP

<https://www.citizensadvice.org.uk/benefits/universal-credit/problems-with-your-payment/challenging-a-universal-credit-decision-mandatory-consideration/>

<https://www.citizensadvice.org.uk/benefits/universal-credit/problems-with-your-payment/appealing-a-universal-credit-decision-at-a-tribunal/>

- **HOW DO YOU APPLY?**

To make a claim for UC you need to apply online at

<https://www.gov.uk/universal-credit/how-to-claim>

If you are unable to make an online claim you can make a claim by telephone, using the UC Helpline number **0800 328 5644**

- **WHO CAN HELP YOU APPLY?**

If you need extra help to make a claim you can contact the Citizens Advice Help to claim service

<https://www.citizensadvice.org.uk/benefits/universal-credit/claiming/helptoclaim/>

There is a webchat service via the above link Mon-Fri 8am-6pm or you can call the helpline 0800 144 8 444 Mon-Fri 8am-6pm

- **WHAT HAPPENS IF YOU GET TURNED DOWN?**

If the application is refused or your YP is not put into the Work related group you were expecting, you can ask for a mandatory reconsideration, as you can with the other benefits. As the UC claim is managed online, the MR should be requested within one month of the date of the decision via the online UC journal. You will then be given instructions on how to proceed with your appeal.

### **CAN ANYONE STILL CLAIM TAX CREDITS?**

There are no new claims for tax credits, any new claim would now be for Universal Credit. Everyone will at some point be moved to UC. This will be done over a number of years. If you are moved over to UC by the DWP, your level of benefits will be protected initially by transitional protection, so you would not be any worse off (though this will be eroded over time). Some people are better off on Universal Credit, so it is worth using an online benefit checker if you are unsure. Your local Citizens Advice can also do a benefit check for you, or you can contact the Citizens Advice Help to Claim service (as above)

### **POST 16 BENEFITS**

The Contact website has detailed information, see the link below.



<https://contact.org.uk/help-for-families/information-advice-services/benefits-financial-help/benefits-at-16/>

The main issues are as follows:

- **Moving from DLA to PIP**

[Personal Independence Payment \(PIP\)](#) replaces [Disability Living Allowance \(DLA\)](#) for adults aged 16-64. DLA will continue as a separate benefit for children aged under 16 years.

If you live in England, Wales or Northern Ireland and you have a child on DLA who is approaching 16, you should have been told in writing when your child will be asked to claim PIP. If this has not happened, contact the DLA Unit or Social Security Agency in Northern Ireland to ask when this will happen.

- **What happens to benefits I claim for my child at 16?**

As a general rule, Child Benefit, tax credits and other payments for a young person automatically continue until the September after their 16th birthday. After that, whether you will be able to continue getting these payments depends on their circumstances.

When we talk about ‘benefits and tax credits’ on this page, we mean the payments listed below:

- Child Benefit.
- Child Tax Credit.
- Additional amounts for a dependent child or young person paid with [Universal Credit](#).
- Additional amounts for a child or young person paid with Income Support or income-based Jobseeker’s Allowance.
- Additional amounts included in the assessment of any Housing Benefit and Council Tax support you claim.

From the September following a young person’s 16th birthday, you can only carry on getting payments for them as a dependant if they are attending a course of full-time, non-advanced education, or are in certain types of approved training.

The Child Benefit office will write to you during the school year that your son or daughter 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 they are leaving full-time education or training or if you don’t return the form, your Child Benefit will stop.

The Tax Credits Office automatically assumes any young person aged 16 will leave education in 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 during the summer on 0345 300 3900 to tell them the young person will continue in non-advanced education or approved training.

Similarly if you have a 17, 18 or 19 year old who will be staying on in education after the summer holidays, make sure that you let the Tax Credits Office know.

Before 15 December 2021, if your child was staying on in certain types of education or training you had a choice: you could either carry on claiming benefits and tax credits for them as part of your family, or you could help them claim Universal Credit in their own right as a young disabled adult.

As a result of changes being introduced on 15 December 2021, it is no longer possible for most young people in education to claim Universal Credit.

The regulations have recently changed regarding disabled students, who previously were allowed to claim UC/ New style ESA whilst studying. The regulations now say that they have to have been found to have limited capability for work before they start their study. Some students whose courses are part time or who continue on in education after their 19<sup>th</sup> birthday may be able to claim, but it is a complex situation.

<https://www.disabilityrightsuk.org/news/2021/december/disabled-students-lose-entitlement-universal-credit-week>

<https://contact.org.uk/help-for-families/information-advice-services/benefits-financial-help/benefits-and-tax-credits/universal-credit/universal-credit-for-young-people/>

If this situation affects you, get in touch with the Contact Helpline for specialist support  
Freephone helpline 0808 808 3555 helpline@contact.org.uk www.contact.org.uk

- **Continuing to claim for your son or daughter as part of your family**

If your child stays in certain types of education or training, payments can usually continue until their 19th birthday, unless they stop attending the course or training before that date.

Payments can be extended to their 20th birthday (September after their 19th birthday for [Universal Credit](#)) if they're completing a course they started, or were enrolled on, or offered a place on, before they turned 19.

## **WHAT COUNTS AS EDUCATION?**

To count as full-time, a young person's course must normally 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. Home education may count in some cases. If a child is in England and is on a course that is defined as 'appropriate full-time education' then it doesn't matter how many hours it involves.

A course is non-advanced education when it is below the level of a degree, HND, or national vocational qualifications at level 4. Non advanced courses include:

- 'A' levels and below.
- Advanced Highers (Scotland) and below.
- NVQ/SVQ Level 3 and below.
- Ordinary National Diplomas and B-TEC National Diplomas and National Certificates.
- Courses offering life-skills or other training suitable for young people with special educational needs.

Other courses may also be classed as non-advanced. If you are uncertain about the level of your son or daughter's course, seek further advice.

## **IF YOUR CHILD IS TOO ILL FOR EDUCATION, WHAT CAN YOU APPLY FOR?**

If your child is temporarily unable to continue their studies (for example because of ill-health) then you may still be able to get child benefit and tax credits for them. Unfortunately, any Universal Credit payments you get for them as a child are likely to stop.

If your child is unable to continue with their studies temporarily, you may still be able to continue getting Child Benefit and Child Tax Credit payments for them.

Instead, a temporary absence due to illness or disability can be ignored for as long as seems reasonable in the circumstances, assuming that the young person intends to resume education or training. There is no requirement that the young person intends to return to the same course – it should be sufficient that they intend to return to full time non-advanced education of some sort.

If you are told that your Child Benefit or Tax Credits payments will be stopping because your child is temporarily unable to continue their studies due to illness, ask the relevant HMRC office to continue paying you under the rules on 'interruptions to full-time education' found at [paragraph TCTM02230 of the Tax Credit Technical Manual](#) and [paragraph CBTM07050 of the Child Benefit Technical Manual](#).

The situation is more complex if you are getting extra Universal Credit payments for your son or daughter as a dependant instead of tax credits. You should be able to argue that any Universal

Credit payments you get for them as a dependant should continue whilst they remain enrolled or accepted on their course, even if they are temporarily unable to attend due to their health problems.

However, if they lose their place on their course due to non-attendance, any Universal Credit payments you get for them as a dependant will have to stop. This remains the case even if they intend to start another course in the near future. They may need to consider claiming Universal Credit in their own right as a young adult instead.

Call Contact Helpline for advice about continuing to claim benefits during a temporary interruption in education

## CONTACT CHARITY

### **Contact helpline**

**Telephone: 0808 808 3555**

**Monday, Wednesday, Thursday, Friday, 9:30am to 5pm**

**Tuesday, 10:15am to 5pm**

**Email: [helpline@contact.org.uk](mailto:helpline@contact.org.uk)**

**Website: [www.contact.org.uk](http://www.contact.org.uk)**

Citizens Advice Stroud and Cotswolds can advise anyone who lives within the local districts and who pays Council Tax to Stroud District Council or Cotswold District council

You can call us Monday to Friday 10-4 0808 800 0510 for telephone advice

Or you can email us via our website

<https://www.citizensadvice-stroudandcotswold.org.uk/get-help/email-form/>

Due to Covid we are no longer operating drop-ins. At present we have a few face-to-face appointments, available by prior arrangement, per week in our Dursley, Moreton in the Marsh, Stonehouse, Tetbury and Cirencester locations.

Information correct as of 22/6/22