

Promoting Independence

Factsheet



Extra money if you have a child with a disability

Make Every **£** Count

The information and benefit rates in this leaflet are correct at April 2011

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EXTRA MONEY IF YOU HAVE A CHILD WITH A DISABILITY

This factsheet tells you about the benefits that you might be able to claim for a disabled child and for yourself if you are looking after a disabled child.

Section 1 gives information about the main benefits you can claim if your child lives at home. **Section 2** looks at what happens to benefits if your child is away from home, for example, in hospital or being 'looked after' by the local authority.

There will be significant changes to the benefits and tax credits system in general over the next few years, in particular the introduction of a new benefit, the **universal credit**. This will replace income support, income-based jobseeker's allowance, income-related employment and support allowance, housing benefit, working tax credit and child tax credit. This will affect new claims from 2013 and existing claimants over a period from 2013 to 2018.

This factsheet is aimed mainly at people of working age. However April 2010 saw the start of significant changes which will affect older people. The pension age for women born after 5 April 1950 is gradually increasing from 60, so that by November 2018 it will be 65, the same as for men. From December 2018 the pension age for both men and women will start to rise and reach 66 by April 2020. This will mean an increase in the lowest age at which men and women can claim pension credit and most other pension age benefits. There is also a corresponding rise in the maximum age that men and women can claim 'working age' benefits like income support. We refer to this age in the pack as 'the women's pension age'. For further information on this and the benefits available for people over this age, see **extra money for older people** on www.hertsdirect.org/benefits

Claiming benefits can seem quite complicated. The information in this factsheet is intended as a general guide. There are special rules for some people from abroad, for some students and for young people aged 16/17. You should seek further advice from one of the organisations listed at the end of this factsheet if you are in one of these groups.

SECTION 1

DISABILITY LIVING ALLOWANCE

What is disability living allowance?

Disability living allowance (DLA) is a tax free cash benefit worth up to £125.00 per week. It is paid to help meet the extra costs of bringing up a child with a disability. It is not means-tested so you can claim DLA whatever your income or savings. Payments are made to the parent or guardian of a child under 16.

DLA has two parts which are referred to as components - the **care component** and the **mobility component**. Either or both of these components can be paid. There are three different rates payable for care and two different rates for mobility.

DLA is paid on top of any other income. If your child is awarded DLA then you could get **more** child tax credit, income support or housing and council tax benefit, or you may start to qualify for one of these benefits. You may also get extra benefit as a carer.

Who can claim?

To get DLA your child must have had care or mobility problems for the past three months, and the problems must be likely to last for at least the next six months. If you are applying for DLA under 'special rules' (see page 6) these rules do not apply.

You can claim for a child with a physical disability (including sight, hearing or communication difficulties), learning disability (eg ADHD or autistic spectrum) or mental health problem - even if the cause of the problem has not yet been diagnosed. What matters is the effect that their condition has on their care, mobility and supervision needs. Your child does not need to attend a special school or have a statement of special educational needs to qualify for DLA.

If you have more than one disabled child, a claim can be made for each of these children. You don't have to be the parent of the child in order to make an application – for example, foster carers can make the claim.

There is no lower age limit for claiming the care component of DLA. The higher rate of the mobility component can be paid from age three years; the lower rate can be paid from five years.

DLA care component

To get the care component, a child under 16 must need substantially more personal care or supervision than a child of the same age who does not have a disability.

Personal care is help with anything to do with your child's body or mind and how it works. For example, your child may need extra help with things like:

- dressing or undressing
- taking showers or baths
- using the toilet
- taking medication
- changing dressings
- eating or drinking
- getting into or out of chairs
- moving around indoors.

Help needed because of difficulties with speaking, hearing or seeing can also be taken into account. If your child has difficulty understanding simple instructions or needs extra help to develop daily living skills, that is relevant too. Activities such as a special play-programme, special educational programme, special exercise programme or regular physiotherapy can also be taken into consideration. Both physical help and verbal help (eg encouraging, prompting or warning) can be taken into account.

Supervision may be needed because your child has a physical, sensory or learning disability or a mental health problem; for example, if s/he becomes confused or forgetful, acts impulsively, has poor awareness of danger, has falls or fits, has behaviour which could put themselves or others at risk, or sometimes needs medical help urgently.

The care component is paid at one of three weekly rates:

Lowest rate – (£19.55) is paid if your child:

- needs extra help with personal care for a “significant portion” of the day; for example, just in the morning, or just in the evening or for about an hour a day; *or*
- is aged 16 or over and finds it difficult to cook a normal main meal for one person if s/he has all of the ingredients.

Middle rate – (£49.30) is paid if your child:

- throughout the day needs frequent extra help with personal care **or** continual supervision to make sure s/he is safe or that no-one else will be put in danger because of the child; *or*
- during the night needs extra help with personal care **or** another person to be awake at some time, to make sure that s/he is safe or that no-one else will be put in danger because of the child.

Highest rate – (£73.60) is paid if:

- your child needs extra help during the day **and** night; night-time starts when the household normally goes to bed, not from the child’s bedtime.

If your child has a terminal illness, special rules apply and these mean that s/he may qualify for the highest rate automatically (see page 6).

It doesn’t matter if your child does not actually receive all of the care or supervision s/he needs; the test is whether s/he **needs** it. If your child only manages to do things more slowly or with more difficulty than others of the same age, s/he may qualify.

DLA mobility component

Higher rate - £51.40 (not paid until a child is aged three or over)

Your child should get the higher rate if, because of physical disability, s/he:

- is unable to walk; *or*
- is ‘**virtually unable to walk**’ – taking into account the distance, speed, the length of time and the manner of your child’s walking. For example, your child may qualify if s/he is in pain after walking only a short distance; gets tired, dizzy or short of breath after walking only a short distance; walks very slowly; walks in a strange way or stops frequently when walking; *or*

- has had both legs amputated at, or above, the ankle, or your child was born without feet; *or*
- is both blind and profoundly deaf; *or*
- has a severe visual impairment (see below); *or*
- the effort of walking could cause your child's health to get worse or the effort of walking could be dangerous.

Your child should also get the higher rate if s/he:

- has a severe learning disability that causes severe behavioural problems; *and*
- satisfies the conditions for the DLA highest rate care component.

From 11 April 2011 some people with the severest level of sight impairment may qualify for higher rate mobility. A child must be aged three or over and be certified as severely sight impaired (blind) by a consultant ophthalmologist *and*

- have a best corrected visual acuity of less than 3/60 *or*
- have a best corrected visual acuity of 3/60 or more, but less than 6/60, a complete loss of peripheral visual field and a central visual field of no more than 10 degrees in total.

Lower rate - £19.55 (not paid until a child is aged five or over)

Your child may qualify for this if s/he is able to walk, but because of a mental, sensory or physical disability, needs guidance or supervision when walking outdoors on unfamiliar routes. For example, your child may qualify if s/he: has falls or fits; is unaware of danger or has no road sense; has panic attacks out of doors; needs encouragement to walk; cannot see or hear well; cannot follow directions; could hurt other people or damage property.

To get this rate, a child under 16 must need substantially more help than is needed by a child of the same age who does not have a disability.

How do I claim DLA?

Phone the DWP Benefit Enquiry Line on freephone 0800 882200 and ask for claim form **DLA1 Child**. If your child is under 16 you will need to fill in the form and sign it on your child's behalf. Alternatively you can claim DLA online – see www.direct.gov.uk

The DLA form asks about your child's illnesses and disabilities, problems getting around out of doors and the help your child needs with personal care and supervision.

When completing the claim pack, remember that your child can qualify even if s/he does not get all of the care s/he needs. Do not underestimate or downplay how much looking after your child needs, or how much difficulty your child has getting around. **It is crucial that you**

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put as much information as possible to give a full picture of your child's difficulties and need for care and/or supervision.

Towards the end of the form you are asked for details of professionals working with your child. There is also a statement for completion by someone who knows your child well and the effects of his/her illness or disability. Although this person can be a friend, it often helps to ask someone who is seen as more independent to complete the statement - such as a GP, occupational therapist, social worker, health visitor, etc.

Special rules for children who are terminally ill

If your child has a terminal illness, claims can be made under a fast-track. Your child does not have to wait for three months to qualify for DLA and will get the highest rate of the care component of DLA whether or not help is needed with personal care or supervision. The mobility component will be paid only if s/he qualifies for it in the usual way.

You will need to tick the special rules box on the claim form and enclose a certificate called a DS1500, which you get from your family doctor or hospital specialist.

What if DLA is awarded but at a low rate or the claim is unsuccessful?

If you are unhappy with the decision, you have **one month** from the date on the decision letter to challenge the decision. You can ask for the claim to be looked at again (known as a **reconsideration**) or you can appeal. It is often useful to supply supporting evidence from someone who knows about your child's disability, such as a doctor, teacher, health visitor, physiotherapist or social worker.

For more information on challenging a DLA decision see the DLA & AA leaflet in our **extra money for people with ill health or disabilities** pack available on www.hertsdirect.org/benefits You can also get advice from a support group, your social worker, health visitor or your local Citizens Advice Bureau.

What if your child's condition deteriorates?

If your child's condition deteriorates and you believe that the current rate of DLA is too low you can ask the DWP to look at their case again at any time. This is called a **supersession**. However benefits can go down as well as up so you should not attempt this if you think your child might lose their award. For example, if your child is already getting middle rate for care, because of their daytime care needs, it won't make any difference to the claim if their daytime needs increase. You would have to show that they had night-time needs to get the higher rate. Get in touch with the Disability Contact and Processing Unit at Blackpool (address at end) and supply as much supporting evidence as possible.

DLA Changes

There are proposals to replace disability living allowance with a 'personal independence payment' for people aged 16-64 from 2013. There are no current plans to extend this to children's claims although the DWP is looking at the assessment process for children.

OTHER HELP WITH GETTING AROUND

The following help with getting around is also available:

- **Motability** – This is a scheme to help you use the mobility component of DLA to pay for a car, by leasing or buying it through hire purchase. You can also use it to buy a wheelchair on hire purchase. To qualify for this help you must be getting DLA higher rate mobility component and have 12 months or more of the award remaining. Contact Motability on 0845 456 4566.
- **Exemption from car tax** – You can apply for this if your car is used for the benefit of a disabled person who is getting the higher rate mobility component of DLA. Anyone receiving DLA higher rate mobility should automatically be sent a VED exemption certificate to use when applying for a 'tax exempt disc' from the Vehicle Licensing Agency.
- **The Disabled Person's Parking Badge (Blue Badge Scheme)** – You can apply for a blue badge from Hertfordshire County Council which will help with parking (see telephone numbers at the end of this factsheet).
- **The Disabled Person's Railcard** – The card allows a person accompanying a disabled child to travel at a reduced rate. You can get a leaflet from your local railway station. More information is also available on www.disabledpersons-railcard.co.uk

CARER'S ALLOWANCE

You can get carer's allowance (CA) if you are aged 16 or over and look after a child or other person who gets DLA middle or highest rate care component. You must look after them for at least 35 hours a week. CA is paid at a basic rate of £55.55 a week.

If you work, you cannot earn more than £100 a week. Your earnings are calculated after tax and national insurance have been taken off, as well as what you pay someone to look after your child so you can work.

Full time students cannot get CA. You are usually treated as full time if you are in higher education on a course that is described as such, although there can be exceptions eg if you do not have to undertake all the modules. For other levels of education the guidance is that 21 hours of study a week, or more, is generally considered full time. Seek specialist advice if this applies to you.

If you get CA and also claim income support, income-based jobseeker's allowance, income-related employment and support allowance (ESA), housing or council tax benefit, CA counts

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as income but you get a **carer premium** included in the calculation of these benefits. The premium can increase the amount you get by up to £31.00 each week.

You cannot be paid CA if you are getting more money from a bereavement benefit, retirement pension, contributory ESA or incapacity benefit. However, you can still get the carer premium paid with means-tested benefits if all that stops you getting carer's allowance is that you are receiving one of these benefits.

To claim CA ask for a claim form from the Benefits Enquiry Line on 0800 882200 or online via www.direct.gov.uk If you are in the process of applying for DLA for your child, you should claim CA anytime within three months of the date they get the DLA decision letter. Your CA will then be backdated to the date they were awarded DLA from. In any other circumstance, CA can only be backdated for three months.

For more information see the Money Advice Unit's pack **extra money for carers** available from 0300 123 4042 or on www.hertsdirect.org/benefits

TAX CREDITS

Working tax credit

Working tax credit (WTC) is paid to workers on low wages. You can claim this from the age of 16 if you work at least 16 hours a week and you:

- have children* or
- are treated as a disabled worker or
- are aged 50 plus,** have been unemployed for the last six months and receiving certain benefits or
- are aged 60 or over

Otherwise you must be aged 25 or over and work at least 30 hours a week.

*From April 2012 the number of hours for couples with children is to be increased so they will have to work at least 24 hours between them, with one working at least 16 hours.

**The 50 plus route is being withdrawn from April 2012.

You will count as a disabled worker if you have an illness or disability which makes it difficult for you to find work *and* you are getting, or recently received, certain disability or sickness benefits – seek further advice.

WTC can include extra amounts for certain childcare costs; up to 70% of costs, up to £175 (£122.50) per week for one child, or £300 (£210) per week for two or more children. These are paid to the main carer alongside child tax credit.

Child tax credit

Child tax credit (CTC) is an allowance paid to people with children whether they are doing paid work or not. It is paid to the main carer alongside child benefit. There is no capital limit but the amount you get depends on annual income. For couples, it is the joint income that counts. CTC can currently be paid to you if you have gross annual income of up to around £41,329 a year or considerably more in some cases, particularly if you have a disabled child.

You can receive an extra credit worth up to £2,800 a year for a child who is getting DLA or is registered blind. If your child is getting the DLA highest rate care component you will also get a severely disabled child element which is worth up to another £1,130 a year. You can get these extra amounts for each child living with you who qualifies.

If you tell the Tax Credit Office (TCO) within three months of the date of the decision awarding DLA to your child, the disability elements can be backdated to the date from which the DLA is paid from. If you tell the TCO more than three months after the DLA decision date, you can only get the extra amounts backdated for a maximum of three months (one month from April 2012).

How do I claim tax credits?

There is one form for both credits available from the Tax Credit Helpline on 0845 300 3900. For more information about tax credits see our **extra money for families** pack available on www.hertsdirect.org/benefits or go to www.hmrc.gov.uk or www.cpag.org.uk

INCOME SUPPORT

You can claim income support if you are under the women's pension age.

You can only claim income support if you are not required to look for work, for instance certain carers and certain lone parents with young children. If you are claiming on the basis of being a lone parent you can only claim income support until your youngest child is seven and then you will be expected to switch to JSA and look for work. This will be reduced to age five in October 2011 for new claims and will be extended to existing claimants in April 2012. However, if your child is getting DLA middle or highest rate care component you can continue claiming income support as a carer.

To claim income support you must not be working or work for less than 16 hours a week. If you have a partner s/he must work for less than 24 hours a week. You and your partner's income and savings are taken into account when working out your benefit and you cannot have more than £16,000 in savings. However, if you have money from a personal injury award, get advice as this can be ignored.

Claim by phoning 0800 055 6688 or via www.direct.gov.uk

EMPLOYMENT AND SUPPORT ALLOWANCE

If you have limited ability to work due to illness or disability you may be able to get employment and support allowance (ESA). If you have paid enough national insurance contributions you may get contributory ESA.

ESA is worth £67.50 a week for the first 13 weeks (£53.45 if you are under 25) and may increase after this depending on your level of incapacity. If you have not paid enough contributions, or are entitled to extra benefit to top up your contributory ESA, you may be able to get income-related ESA. There are special rules for people aged under 20 (25 in some circumstances) which mean they may get contributory ESA without paying national insurance contributions.

ESA claimants must attend work focused interviews and undergo a work capability assessment. If you are awarded ESA and are severely disabled, you may be placed in the 'support group' and get a higher rate of ESA. If not, you will be placed in the 'work-related activity group' and have to do work focused activity (such as creating a CV and attending training courses) as a condition of getting benefit.

From April 2012 contributory ESA will only be paid for one year for those in the 'work-related activity' group.

If you were getting incapacity benefit, or income support on the basis of incapacity, prior to the introduction of ESA in October 2008, you will stay on these benefits until transferred across to ESA some time between April 2011 and March 2014. For more information see our **extra money if you are ill or disabled** pack on www.hertsdirect.org/benefits

Claim ESA by phoning your local Jobcentre Plus contact centre on 0800 055 6688 or via www.direct.gov.uk

JOBSEEKER'S ALLOWANCE

If you are unemployed and looking for work, you can claim jobseeker's allowance (JSA). If you have paid enough national insurance contributions you may get contribution-based JSA worth £67.50 (£53.45 if you are under 25). If you have not paid enough contributions, or if you are entitled to extra benefit to top up your contribution-based JSA (eg because you have a disability or a mortgage), you can claim income-based JSA. If you work less than 16 hours a week but are still looking for full time work you may still be able to get some JSA but there are strict earnings rules.

Claim by phoning your local Jobcentre Plus contact centre on 0800 055 6688 or via www.direct.gov.uk

For more information about JSA see MAU factsheet **in and out of work** on www.hertsdirect.org/benefits

If you are unsure about whether to claim JSA, ESA or income support, seek advice.

PENSION CREDIT

Pension credit aims to provide a minimum level of income to those who are older than the women's pension age.

Claim by phoning the pension service on 0800 99 1234 or visit www.direct.gov.uk

For more information see our factsheet **extra money for older people** on www.hertsdirect.org/benefits

HOUSING AND COUNCIL TAX BENEFIT

Housing benefit provides help with your rent if you are on a low income. If you rent accommodation from a private landlord your housing benefit will be called local housing allowance (LHA). The amount of LHA is based on where the property is and the number of people living in it. From April 2011 LHA will be capped at various levels depending on the size of the property. There are also proposals to introduce a cap on the total amount of benefit a household can claim based on the average household take-home pay. However these proposals should not affect families where DLA is in payment or working tax credit claimed.

Council tax benefit is one form of help you can get with the council tax; see below for others.

Both housing and council tax benefits have a £16,000 savings limit (unless you are getting pension credit (guarantee credit). If you are under women's pension age you can get up to six months' backdating but will need to show good cause for your late claim. If you are older than the women's pension age you can get up to three months' backdating and do not have to show any special reasons.

If you have a disabled child, or if you are a carer, make sure the local council's housing and council tax benefit section knows about any DLA or CA.

If you receive housing/council tax benefit but it does not pay all of your rent or council tax, you can ask the district or borough council for a **discretionary housing payment** to top up your benefit. You need to show that you require financial assistance to help meet your housing costs (including council tax) and that you have good reasons for getting extra help. Coping with the needs of a disabled child or being made worse off by the new local housing allowance could be a reason. Claims should be made in writing to your district or borough council and some councils have special forms for doing this.

Claim housing or council tax benefit by contacting your local council or downloading a form from their website.

COUNCIL TAX DISABILITY REDUCTION SCHEME

If you need extra space in your home because of your child's disability, you may be able to have your council tax bill reduced by one band. This is called the disability reduction scheme. The extra space or room must be of major importance to the disabled person and be one of the following:

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- an additional kitchen or bathroom for a disabled person's use; *or*
- a room (other than a kitchen, bathroom or toilet) which is set aside mainly for a disabled person's use; *or*
- your home has extra space so that a wheelchair can be used indoors.

You may also be able to get other help with your council tax.

For more information about help with rent and council tax contact your local council or see our factsheet **extra money for your housing costs** available at

www.hertsdirect.org/benefits

CHILD BENEFIT

You can claim this as soon as your child is born and it is paid at a flat weekly rate of £20.30 for the oldest child and £13.40 for all other children. So long as your child is in full time, non-advanced education, child benefit remains in payment until they reach their 20th birthday. However, once your child reaches 16, some families may be better-off if the young disabled person claims benefits in their own right and you give up the child benefit and child tax credit - see page 21.

Child benefit is not currently affected by your savings, income or whether you have paid national insurance contributions. However, it will be taxable at 100% for families where there is a higher rate tax payer from 2013.

Claim forms are available in the 'Bounty Pack' that is given to new mothers in hospital, via www.direct.gov.uk or by phoning the Child Benefit Helpline on 0845 302 1444 (textphone: 0845 302 1474).

HELP WITH HEALTH COSTS & HOSPITAL FARES

Children under 16, or under 19 if in full time non-advanced education, are entitled to free prescriptions.

Adults who get income support, income-based jobseeker's allowance, income-related employment and support allowance or pension credit (guarantee credit) can get help with health costs such as prescriptions, dental treatment, sight test and glasses.

You will also get help if your gross income is **below** £15,276 and you are getting

- working tax credit and child tax credit; *or*
- working tax credit with a disability element or severe disability element; *or*
- child tax credit

If you do not get one of the above benefits or you get tax credits, but your income is higher than £15,276 you may still receive full or partial help with these costs depending on your income. Apply on form **HC1**, available from chemists, doctors' surgeries or the hospital's general office. You can get a claim form via www.direct.gov.uk or by phoning the Benefits Enquiry Line on 0800 882200.

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If you are entitled to help with health costs on low income grounds, you will be sent a certificate to show at the appropriate office. You can phone the NHS Business Services Authority helpline on 0845 850 0030 for more information.

You can also get help with fares or petrol costs to get to hospital for treatment or if you need to accompany a child to hospital.

HEALTHY START SCHEME

The Healthy Start Scheme helps low income pregnant women and families with children under four by giving vouchers for fresh fruit and vegetables as well as milk and formula for babies. The vouchers are worth £3.10 each. Free vitamin supplements will also be supplied.

To qualify, your family must be on income support, income-based jobseeker's allowance, income-related employment and support allowance or child tax credit (no WTC) with annual income which does not exceed £16,190. Pregnant women under 18 years old can qualify without being on these benefits.

Pregnant women and children aged one to four will receive one voucher per week for each child/pregnancy. Babies under one will receive two vouchers.

Health professionals working with pregnant women and families with young children have to countersign the applications for Healthy Start.

Families can claim on form HS01 available from GP surgeries, health centres, antenatal clinics and children's centres. You can get more information on www.direct.gov.uk or by phoning 0845 607 6823.

SURE START MATERNITY GRANT

You may be able to get a sure start maternity grant of £500 to help with the costs of your first baby (or babies if this is a multiple pregnancy). You may also get a grant for a subsequent baby but only if s/he is the only child under sixteen in the household. You can apply if you are expecting a baby within the next 11 weeks, or have had a baby in the last three months, or are adopting a child under 12 months old **and** you have taken advice on maternal health or the health and welfare needs of the new baby. You must **also** be getting one of the following:

- income support
- income-based jobseeker's allowance
- income-related employment and support allowance
- pension credit
- working tax credit including disability or severe disability element
- child tax credit at a rate greater than family element (£545.34 per year)

If your claim for a maternity grant is refused while you are waiting for a decision on a claim for a qualifying benefit, you should re-claim a maternity grant within three months of being awarded the qualifying benefit.

Claim a maternity grant by phoning 0845 8500 032.

Further information is available on www.hertsdirect.org/benefits

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SOCIAL FUND

If you need one-off help to pay for essential items you may be able to get help from the social fund which is administered by Jobcentre Plus.

Community care grants are for people getting income support, income-based jobseeker's allowance, income-related employment and support allowance or pension credit. You can claim for things like furniture, clothing or bedding. Families with disabled children have some priority. Community care grants can also cover travelling expenses if you are visiting your child in hospital and accommodation charges if you have to stay overnight.

Claim a community care grant by phoning 0845 8500 032.

WARM FRONT GRANT

You may get a Warm Front Grant to help towards improvements in insulation, room heating and water heating up to the value of £3,500 if you receive DLA or attendance allowance or are on a low income and getting certain benefits or tax credits.

For more information contact 0800 316 2805 or go to www.direct.gov.uk

CINEMA EXHIBITORS ASSOCIATION CARD

The Cinema Exhibitors Association Card is a national card scheme allowing carers to get into cinemas free when going with the person they are caring for. The person being cared for must be in receipt of DLA or AA or be registered blind. The card lasts three years and costs £5.50.

For more information see www.ceacard.co.uk or call 0845 123 1292.

THE FAMILY FUND

The Family Fund aims to help families caring for a severely disabled child under the age of 18. It can provide help for anything that is needed. For example the fund can help with the costs of holidays, household equipment, furniture, transport expenses, play equipment or even driving lessons for a carer.

Any payment you get will not affect benefits such as income support.

You can get an application form and more information from the Family Fund Trust, 4 Alpha Court, Monks Cross Drive, York, YO32 9WN or www.familyfund.org.uk or phone 0845 130 4542 / 01904 621115.

There are other charities that you can apply to for help. Voluntary organisations, support groups or social workers may have details or alternatively visit www.turn2us.org.uk which lists most grant giving charities in the UK.

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CHILDREN, SCHOOLS AND FAMILIES

Children, Schools and Families (CSF) can provide advice and information about services that are available locally. They can carry out an assessment of your child's social and welfare needs. You can also ask for a carer's assessment. Contact numbers are at the end of this factsheet.

Hertfordshire Additional Needs Database (HAND)

You can register your child on the Hertfordshire Additional Needs Database. If you join, you will get a card which can be helpful in getting assistance and understanding for your child in many different situations. The card also enables you to gain discounts from a wide range of organisations. HAND News also helps you to stay informed of new and changing services, play schemes, holiday schemes and welfare benefits – see www.hertsdirect.org/HAND

Education benefits

Hertfordshire County Council can also provide help to low income families with the cost of some education items.

Free school meals are available for families getting one of the following:

- income support
- income-based JSA
- income-related ESA
- pension credit (guarantee element)
- CTC (no WTC) and gross annual income not over £16,190
- support under part VI of the Immigration and Asylum Act 1999.

Families can also get free school meals if they receive WTC during the four weeks after they cease work or reduce their hours to less than 16 per week (WTC 'run-on').

Help with music fees

- 100% for families entitled to free school meals
- 50% if receiving WTC, CTC at more than the family element, housing benefit or council tax benefit

If you are in receipt of free school meals or any of the above benefits you may also be able to get some help with the following costs:

- SaverCard
- TrainCard
- Assisted transport (limited availability)
- Cycle training fees

Claim education benefits online at www.hertsdirect.org/scholearn on a form available from your child's school, or telephone the HCC Education Helpline on 0300 123 4048.

NATIONAL INSURANCE CREDITS

In order to get a state pension you need to have paid a certain number of national insurance payments or, if you are unable to do this because you are caring for a child or disabled person, the state can credit contributions for you. However, this only happens if you claim the right benefits or take the right action.

From April 2010 you can build up state pension entitlement based on national insurance credits only. If you claim carer's allowance or are getting child benefit for a child under 12 you should be automatically credited with national insurance contributions.

Otherwise you can apply for a **carer's credit** as long as you are caring for at least 20 hours a week. This is available to carers who would otherwise have difficulty protecting their state pension, eg carers caring for less than 35 hours a week, who can't get carer's allowance, or those looking after someone who isn't getting attendance allowance or DLA.

You may need to get a medical or care professional to confirm you are providing the appropriate care.

The carer's credit has replaced Home Responsibilities Protection (HRP) for carers and any previous HRP has been converted to years of credits for people reaching state pension age on or after 6 April 2010.

See www.direct.gov.uk for more information or phone the Carer's Allowance Unit on 0845 608 4321.

From April 2011 grandparents and other family members may be able to gain national insurance credits toward the basic state pension for caring for their grandchildren or members of their family aged 12 or younger, for 20 hours a week or more.

RETURNING TO WORK

If you are thinking of taking up, or returning to, work you should seek advice about the benefits you may be able to get and the effect on any existing benefits. More information is available on the Money Advice Unit factsheet **in and out of work** available by phoning 0300 123 4040 or on www.hertsdirect.org/benefits

The cost of childcare can be a barrier for many families but there is a range of help available with childcare costs; see the Money Advice Unit **paying childcare fees** available as above. You can also get advice, guidance and practical support with finding suitable childcare from the Family Information Service - visit www.hertsdirect.org/fis or call on 0300 123 4052.

You can get further advice about work or training from the Carers Learning and Work Service on 0800 587 4103 or from Jobcentre Plus care champions available at local Jobcentre Plus offices - phone 0845 604 3719. Jobcentre Plus can currently fund replacement care for some job seekers.

SECTION 2

CHILDREN AWAY FROM HOME

Some benefits can be affected when your child is away from home, for example if s/he is in hospital, at a residential school or on a short-term break.

It is important to tell the Department for Work and Pensions, the local authority benefits office and Tax Credit Office whenever your child is away from home. If you continue to receive certain benefits you may end up being overpaid and asked to pay the money back. If this happens seek advice.

NHS hospital stays

Child benefit

Child benefit is unaffected for the first 12 weeks of a child's stay in hospital and can continue after that as long as you regularly give or spend money on behalf of your child. For example you could give pocket money, buy CDs, magazines, clothes etc.

Disability living allowance – care and mobility

Both the mobility and care components stop after a child under 16 has been in hospital for 12 weeks. If your child goes in and out of hospital regularly, any stays that are separated by less than 28 days are added together when deciding what date benefit will stop. This is sometimes known as the 'linking rule'

Example

Adam has a chest infection and goes into hospital for six weeks. He is at home for two weeks before another infection means a stay in hospital for ten weeks. His DLA will stop six weeks after he is admitted into hospital for the second time (ie, the two stays in hospital are added together because they are separated by less than four weeks.) Benefit stops after a total of 12 weeks in hospital.

If your child is still in hospital after 12 weeks, DLA can be paid for any day spent at home; for instance if s/he comes home for a weekend break. The day your child leaves hospital and the day s/he returns will be counted as days at home.

You cannot be paid DLA for the first time if you claim when your child is in hospital. Benefit can be awarded but it is not paid until s/he leaves.

Motability

If your child is in hospital and the mobility component of DLA is used to pay for a car or wheelchair under the Motability scheme, this can continue until the agreement ends.

Carer's allowance

If your child is in hospital you can continue to get carer's allowance for up to 12 weeks in any 26 week period. However, carer's allowance will stop if your child's DLA care stops because s/he is in hospital.

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If your carer's allowance stops, the carer premium continues to be included in the calculation of means-tested benefits for a further 8 weeks.

If your child comes home from hospital and receives DLA middle or highest care component again, carer's allowance can be paid for any week that you look after them for 35 hours or more. A week runs from midnight on Saturday until midnight the following Saturday. Any time spent preparing for the child's visit and clearing up afterwards can help to make up the 35 hours.

Tax credits

As long as the child is normally living with you, child tax credit should not be affected by a temporary stay in hospital.

Income support

If you are still getting amounts for your child in your income support this should continue while s/he is in hospital as long as you have regular contact with your child. Otherwise payments could stop after 12 weeks.

If a child getting DLA is included in your claim for income support or income-based JSA, entitlement to the disabled child and enhanced disability premiums is not affected by DLA stopping, so long as the child continues to count as a member of your family. However, these premiums will stop once your child has been a patient for 52 weeks.

Housing benefit and council tax benefit

If your child is temporarily in hospital you can continue to get any housing benefit which includes an amount for that child. Your entitlement to the disabled child and enhanced disability premium should not be affected if your child has been a patient for more than 52 weeks, so long as s/he continues to count as a member of your family. For council tax benefit the allowance for the child should continue for as long as the admission is regarded as temporary by the local authority.

CHILDREN LOOKED AFTER

This information applies to children who are 'looked after' by the local authority (Children, Schools and Families in Hertfordshire). It does not apply to families whose children are living away from home under any private arrangements or who are away from home solely to receive education.

There are different rules depending on which benefit it is, how long your child is away from home, where they stay and whether they come home during the week. The rules are complicated so it is best to get advice before arranging for your child to have a break.

If your child is going to be 'looked after' you should tell the Department for Work and Pensions, Tax Credit Office and local council benefit offices as soon as possible to avoid being overpaid benefit. If you can, keep copies of letters you send and make a note of the date letters are sent or of any phone calls in case there is a problem later on.

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Child benefit

Child benefit usually stops after your child has been 'looked after' by a local authority for more than eight consecutive weeks. It can carry on after the first eight weeks if your child comes home for at least two consecutive nights every week. If your child is not able to come home this often, you can still get child benefit if s/he comes to stay for at least a week, plus any extra nights they are at home at the end of that seven-day period.

If your child is 'looked after' solely because of their disability, child benefit will continue for 12 weeks. It can be paid indefinitely if you give money to your disabled child or regularly spend money on her/his behalf.

If you are getting an addition for your child with a non-means-tested benefit, this will continue as long as you still get child benefit.

See form CH194A available from www.hmrc.gov.uk for further information.

Disability living allowance

If your child is being 'looked after' by the local authority, the mobility component will continue to be paid. However, it may become payable to someone else, such as a foster carer, because it is supposed to follow the child.

The care component of DLA is affected by stays in special accommodation like a local authority care home and will usually stop after 28 days. This can include residential homes, whether they provide education or not, if the child is also 'looked after'. A 'linking rule' means that any stays which are separated by less than 28 days are added together when working out when the care component of DLA stops. You can still get it for any days that are spent at home.

Example

Yasmine lives at home with her parents. She has two full days of respite care every weekend, leaving home on Friday and returning on Monday. Only Saturday and Sunday count as stays in 'special accommodation'. She can carry on like this for 14 weeks (2x14=28 days) before her DLA care component is affected. After this the care component will not be paid for the days that she is in respite unless she breaks the link by spending 29 days at home. The next time Yasmine goes into respite, after a 29 day break, her care component will be paid for another 28 days.

Yasmine will still be able to get paid DLA care for all the days when she is at home.

If your child goes into foster care s/he will still be able to get DLA. The local authority and DLA Unit will decide who gets the payment on the child's behalf. The payment could remain with the parent or may be changed to the foster carer or other appointed person.

Carer's allowance

Carer's allowance will stop if your child's DLA care component stops. It will also stop if you cease caring for your child for 35 hours or more a week. If your child comes home from residential care, carer's allowance can be paid again for any week where you care for them for 35 hours or more. A week runs from midnight on Saturday to midnight the following

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Saturday. You can include any time spent preparing for or cleaning up after the child's visit towards the 35 hours.

Example

Becky's mother Jill used to get carer's allowance for her but this has stopped because Becky is in residential care. Becky comes home on Thursday for a long weekend and returns to care the following Tuesday. Jill will be able to get carer's allowance for the week ending on Saturday because she has spent 35 hours caring for Becky. She will also get carer's allowance for the following week because she spent Sunday and Monday caring for Becky.

Income support, jobseeker's allowance and employment & support allowance

If your child is 'looked after' by the local authority, the carer premium will continue to be included in your benefit for 12 weeks.

However, at the end of this period, if your only dependant child has gone into care you may no longer be able to claim income support as a lone parent or carer. You may need to register as unemployed and claim income-based jobseeker's allowance instead. If you are incapable of work due to ill health or disability you may be able to get ESA. Get advice if this happens.

Housing and council tax benefit

If your child is 'looked after', your housing and council tax benefit may need to be re-calculated. You will need to inform the district or local council who pay the benefits when your child is being 'looked after' and when your child is back at home.

If you continue to receive income support, income-based jobseeker's allowance or income-related ESA while your child is away from home, your housing benefit and council tax benefit will not change. However, if you stop getting any of these benefits your housing benefit and council tax benefit may be reduced, which means you will have to pay more rent and council tax. The change will happen from the week after your child leaves your home.

If your child comes home for a week, or part of a week, inform the housing and council tax benefit section at your local council so that benefit can be increased for the whole of that week.

Tax credits

If your child is being 'looked after' by the local authority you cannot claim child tax credit for that child unless s/he has been placed in the accommodation because of a disability.

You must notify the Tax Credit Office within one month of the change if your child is no longer living with you.

If you are fostering or adopting a child there are also special rules about benefits. Please see our factsheet **fostering, adoption and benefits** available on www.hertsdirect.org/benefits

WHEN A CHILD REACHES 16

Once your child reaches 16 s/he may be able to claim employment and support allowance in her/his own right if s/he has limited capability for work due to ill health or disability, even if still at school or college - see page 10.

If your child claims ESA you will lose entitlement to child benefit and child tax credit. Any additions to other benefits for that child will also stop.

You should therefore get individual advice about whether overall you will be better off if your child claims in their own right or remains as part of your claim.

For further information on benefits for young disabled people see our **benefits for young people** factsheet on www.hertsdirect.org/benefits

CHALLENGING DECISIONS

If you are unhappy with a decision about your benefits you can usually ask for it to be looked at again (**reconsideration**) or you can formally **appeal** against the decision to an independent tribunal. If you are successful, any change is normally backdated to the time of the original wrong decision. There are strict time limits if you want to challenge a decision. If you miss the time limit, **which is usually one month from the date of the decision letter**, you can only put in a late challenge in exceptional circumstances.

Tax credit decisions can sometime be revised eg if there is a change of circumstances, if the Tax Credit Office has made a mistake or if they think the award is wrong. However, unless you are simply reporting a change of circumstances, it is generally better to request an appeal if you are unhappy with a decision. You should do this within 30 days of the date the decision was sent out to you. You can only put in a late challenge in exceptional circumstances.

For more information about challenging decisions see our **extra money if you are ill or disabled** pack on www.hertsdirect.org/benefits

FURTHER HELP AND ADVICE

Hertfordshire County Council (HCC):

General enquiries 0300 123 4040

Health and Community Services 0300 123 4042

Children Schools and Families 0300 123 4043

Online information: www.hertsdirect.org

Citizens Advice Bureaux (CAB):

Legal help and advice: call the CAB Advice Line on 0844 4111 444

Online information: www.adviceguide.org.uk

Information about local CAB and opening times: www.hertfordshirecab.org.uk

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Community Legal Advice:

Legal help and information and details of advice agencies in Hertfordshire:

Helpline 0845 345 4345

Online information: www.direct.gov.uk and www.legalservices.gov.uk

Disability Benefits Centre:

PO Box 36, Cardiff, CF91 5AT

0292 058 6002

Disability Contact and Processing Unit (DCPU):

Warbreck House, Warbreck Hill, Blackpool, FY2 0YE

0845 7123456

Carer's Allowance Unit:

Palatine House, Lancaster Road, Preston, Lancs PR1 1HB

0845 608 4321

Child Benefit Centre:

Washington, Newcastle Upon Tyne, NE88 1BR

08701 555501

Benefit Enquiry Line (DWP):

General advice on benefit for disabled people; will also send out claim packs

0800 882200

Tax Credits Helpline:

0845 300 3900

www.hmrc.gov.uk

Jobcentre Plus:

National contact centre for new claims 0800 055 6688

local offices 0845 604 3719

www.direct.gov.uk

KIDS East and West HUBs

Information and support service for families of disabled children and young people in Herts.

KIDS East HUB 01992 504013 KIDS West HUB 01923 676549

www.hertsdirect.org/services/healthsoc/childfam/specialneeds/parsupinvolve/kidseasthub/

Carers in Hertfordshire:

01992 586969

www.carersinherts.org.uk

Carers Direct:

0808 802 0202 (freephone)

www.nhs.uk/carersdirect

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