



# Coventry Law Centre

## ATTENDANCE ALLOWANCE

### Rates of Benefit

Higher	£71.40 per week
Lower	£47.80 per week

### How To Claim

To obtain a claim form telephone freephone **0800 88 22 00**

## **What is Attendance Allowance?**

It is a tax-free benefit for people over 65 who are severely disabled, physically or mentally, and who need help with personal care or need supervision. What matters is the help you need. You could still live alone and not be receiving any help as long as you would reasonably require help with personal care or supervision.

There is a six-month qualifying period for Attendance Allowance. This means that you must satisfy one of the disability tests and have done so for the last six months.

## **Care Component**

### **Lower rate Attendance Allowance**

This is paid when you need attention from another person either during the day or night.

#### **Daytime**

You need frequent attention throughout the day in connection with your bodily functions.

or

Continued supervision throughout the day in order to avoid substantial danger to yourself or others.

#### **At night**

You reasonably require prolonged or repeated attention with your bodily functions

or

In order to avoid substantial danger to yourself or others you require another person to be awake for a prolonged period or at frequent intervals for the purpose of watching over you.

### **Higher rate attendance allowance**

This is paid when you need attention from another person both during the day and night. The conditions for receiving the higher rate attendance allowance are as detailed in the section above.

## **Care Needs**

Frequent attention is when you need help from another person three or more times throughout the day. It is generally not sufficient to need attention only when you get up in the morning (for example, getting out of bed, washing, bathing) and just before you go to bed but also some need for attention during the day, for example, using the toilet or getting up from a chair.

The care is the help you need to look after yourself rather than what people do instead such as cleaning, shopping, etc. Please note that the rules regarding night care needs are different to day needs. You may well qualify for the middle rate if you need attention from another person on two occasions most nights or once for at least 20 minutes.

## **What is Supervision?**

This means the need for somebody to be around to keep an eye on you. The supervision must be frequent or regular but does not need to be non-stop. The supervision must lead to a real reduction in the risk of harm. The danger to yourself must not be too remote a possibility.

Examples of supervision could be because of the danger of falls or epileptic fits, to prevent self-harm or suicide attempts.

## General Information regarding Attendance Allowance

1. Attendance Allowance is paid in full in addition to almost any other benefit, such as retirement pension or income support.

It is ignored as income for means tested benefits. Therefore, it does not reduce the amount of income support, housing benefit or council tax benefit you receive.

2. You should always have your benefits re-checked by an adviser if you are awarded Attendance Allowance. You may qualify for pension credit, housing benefit or council tax benefit if you did not do so before because your income was over the limit. Secondly, if you were receiving one of these benefits then qualification for Attendance Allowance can mean that they are paid at a higher rate. You should always therefore inform the local benefit office if you are awarded Attendance Allowance otherwise these higher rates of benefit may not be paid from the date of the award of Attendance Allowance.
3. If you go into hospital or sometimes into residential care, your Attendance Allowance normally stops after four weeks. Attendance Allowance can be taken into account for income support if you go into residential care including local authority arranged residential care.
4. It is taken into account the means test for charging for local authority services. However, this should not stop you claiming Attendance Allowance, as you will always be better off by claiming.
5. You cannot claim Attendance Allowance solely for problems with mobility. If you already get the DLA mobility component at the age of 65 this will not stop but can be looked at by the Attendance Allowance Unit after you reach the age of 65.

If you already get a disability living allowance care component at the age of 65, you may consider requesting a higher rate than you already receive. However, you should always check with an adviser whether this is the best course of action as your benefit can be reduced or stopped altogether.

How you fill in the form is very important. If you do not put something down on the form at this stage it is less likely that a decision maker, visiting examining doctor or Appeal Tribunal will believe you about facts you only mention later.

Here are some tips about completing the form:

1. Be honest about your disability. You should not exaggerate but neither should you understate your problems. You should put the problems down even if you find them embarrassing.
2. The form is designed to try to ask the relevant questions. So, you should answer the questions on each page. For example, if the question is about getting out of bed do not answer about getting dressed.
3. You do not need to fill every page in full to be entitled. If you need to help with any function tick no help needed.
4. Your condition may vary. You should put on the form what help you need on the worst days. You should then state that your condition is sometimes not as bad as this. If you are in pain, for example, walking or getting dressed or you feel exhausted afterwards, mention this.
5. Make sure you mention all medical conditions and medication taken. If you have a specialist give full details of this.

6. Always keep a copy of your claim form. You may have a visiting doctor come to your home to examine you and make a report. Any slight inconsistency in your answers may mean you will not be believed about the extent of your condition.
7. You only need to complete section one of the claim form if you are prepared to be examined by a visiting doctor and the decision based on their report.
8. A renewal claim is considered afresh. Always put full information on a renewal form.
9. The rules remain the same whatever your age. So, do not be put off claiming because you think you are "doing well for your age". However, the older you are the more likely you are to receive Attendance Allowance if you are becoming frailer, are likely to fall or can only perform your bodily functions with great difficulty or take much longer than previously.

## **APPEALS**

If you are turned down it is always worth asking advice about an appeal. If you get a lower rate than you expected you should seek advice as you can lose what you already have. You have one month to appeal from the date of the letter telling you the decision.

Coventry Law Centre will advise you about appealing and may represent you at the hearing. The Law Centre offers free legal advice and representation.

You can telephone Coventry Benefits Advice Line on 024 76832000 if you live within the Coventry boundaries and wish to make an appeal. They will refer your case to the Law Centre for representation at tribunal.

You can contact the Law Centre for an appeal appointment.

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