

BENEFIT INFORMATION



Benefit Information for the UK

Matthew Jay of Camden Citizens Advice Bureau and Great Ormond Street Hospital has kindly provided Pain UK with the information within this document to give insight to the benefits system within the UK. The document outlines the various benefits that are available accompanied with an explanation for what they are. This is intended to be an informative document for those who wish to learn more about the benefits system within the UK. All information was checked for accuracy at the time of publication.

Introduction

Chronic pain has an enormous impact on the lives of the people it affects. Research has shown that people with pain might reduce the amount they work or go to school, change roles at work or in the home or give up work or school altogether. They might withdraw from social activities and become isolated and many also incur additional expenses. At the same time, we know that pain affects socially disadvantaged people (such as those living in deprived neighbourhoods or with less income) more.

Many people with chronic pain and their family members may therefore need additional support to help them get back on track. Most, of course, will turn to their doctors and other healthcare professionals such as physiotherapists, psychologists and other allied health professionals but many will need help with issues like debt, income, employment rights, housing issues and other aspects of social security.

Within this document, you will find some general information about social security benefits and how you can get more help if you need it.

Who is this information for?

This information is aimed at anybody living with chronic pain and their family members. Healthcare professionals might also find it useful to direct their patients to appropriate sources of help.

Benefits

Benefits can be divided into 'means-tested' benefits and 'non-means-tested' benefits. In order to get the means-tested benefits, your income and capital (and usually that of your partner if you have one) are taken into account. If you have income and capital over a certain amount, you are not entitled. If you have some but it is under the upper threshold, this will usually mean that your award is reduced. The non-means-tested benefits ignore your and your partner's income and capital.

Below are just the main benefits available in the UK. There may be other sources of support available to you instead of, or in addition to, these benefits.

We have not been able to include all the possible relevant information or all the rules. If you are not sure whether you qualify, you can use the information at the end of this page to find out how to get more help.

If you have a 'no recourse to public funds' restriction, you are generally not entitled to benefits. You should seek advice before making any claim as this may affect your immigration status.

If you are from the European Economic Area, or if you are of any nationality and you have recently returned to the UK after a long period abroad, you may find that claiming benefits is more difficult. You should seek advice if this applies to you.

Means-tested benefits

The three main means-tested benefits are Jobseekers Allowance, Employment & Support Allowance and Income Support. Which of these you can claim depends on your circumstances. Other important means-tested benefits include Tax Credits, Pension Credit and Housing Benefit. Importantly, if you or a member of your household gets a disability benefit, you may be entitled to a higher amount. Additionally, there are versions of Jobseekers' Allowance and Employment & Support Allowance (known as contributory or contribution-based) which you can get if you have paid enough National Insurance Contributions. These are time limited but your income and capital are ignored.

A new benefit called Universal Credit is slowly being introduced. This replaces Jobseekers Allowance, Employment & Support Allowance, Tax Credits and Housing Benefit. It is currently only available to a

relatively small number of people living in certain areas. Use the information at the end of this page to find out more.

Jobseekers Allowance (JSA)

JSA is for people who are looking for work. You can claim JSA even if you have chronic pain but you would need to consider the nature of the work that you are able to do. Claimants are normally required to apply for full-time work (at least 40 hours per week) within a certain distance (e.g., 90 minutes). You may be able to negotiate these requirements down on the basis of your pain—for this, medical evidence would normally be required.

The amount of JSA that you receive depends on your circumstances. As a guide, a single person aged over 25 with no children and no income or capital will receive £73.10 per week. The amount you receive may be more or less than this.

If you feel you are unable to work right now or you are unable to meet the jobseeking requirements, you may want to consider Employment & Support Allowance instead of JSA.

Employment & Support Allowance (ESA)

A person can claim ESA if they have 'limited capability for work'. To claim ESA, you will need to submit regular medical certificates until you are called for a medical examination. This period is known as the assessment phase and this phase can take a number of months to complete. At the examination, known as the work capability assessment, you will be asked about your health and about your ability to perform certain activities. You will be awarded a number of points and if you get enough points, you will be put either into the 'work-related activity group' (worth an extra £29.05 per week) or the 'support group' (worth an extra £36.20). Which group you are in will also determine what work seeking activities you must perform to carry on getting ESA.

As with JSA, the amount of ESA depends on your circumstances.

If you do not score enough points, you will be deemed fit for work and your claim will be terminated, unless special rules apply. You will then not be able to claim ESA again unless your health significantly changes. It is therefore very important that you challenge a decision that you are fit for work if you think you should be getting ESA—find out more below.

If you are awarded ESA, you may be able to carry out some work provided it falls within the 'permitted work' limits. You should seek advice if you want to do any kind of work while claiming ESA as this may affect your claim.

Income Support (IS)

IS is an alternative to JSA and ESA. It is paid to certain groups of people, e.g. carers. Having chronic pain will not give rise to entitlement but someone with chronic pain would not for that reason be excluded. If you are looking after someone who has chronic pain, you may be entitled to IS. Again, the amount that you will receive depends on your personal circumstances.

Child Tax Credits (CTC) and Working Tax Credits (WTC)

Tax Credits are paid to people who either have children (CTC) or work full-time (WTC), or both (CTC and WTC together). Pain may be relevant in at least two ways. Firstly, if a child whom a CTC claimant is looking after gets certain elements of Disability Living Allowance or Personal Independence Payment, then the CTC award may be increased. Alternatively, if a WTC claimant gets a disability benefit, their WTC may be increased and the amount of hours they are required to work to qualify may be reduced.

Housing Benefit (HB)

HB helps people pay their rent. The amount received depends on personal circumstances and rules such as the under-occupancy penalty (the 'bedroom tax'). Additionally, HB is reduced if the claimant's total benefit income exceeds the relevant threshold, known as the benefit cap. The cap will not apply if a member of the household gets a disability benefit, the claimant or their partner gets ESA with the Support Component, if the claimant works enough hours to be entitled to WTC—even if their income is too high for WTC—or in some circumstances after finishing work.

Help with mortgage interest costs

People who get IS, JSA or ESA can get help with mortgage costs as part of those benefits. The amount is worked out using a standard rate of interest (currently 3.63%) regardless of how much interest is actually paid. Not all loans are covered and you must have been claiming for a certain period before you qualify for help with mortgage costs.

Pension Credit (PC)

PC is for men and women who are of state pension age for women. This is at least 60 though for many claimants the required age will be higher and depends on their date of birth.

Non-means-tested benefits

The following benefits are not linked to employment. You can get them whether or not you are working and your earnings and capital are ignored. These benefits are aimed at people whose health condition interferes with their day-to-day lives. Remember that if you feel that your pain is getting in the way of your work, social life, education or other activities of daily living, you should also speak to your doctor about multidisciplinary pain management and other ways to help you manage your pain. You can find out about sources of support for people in pain on the British Pain Society website (<https://www.britishpainsociety.org/people-with-pain/#what-support-is-available-for-people-with-pain>).

Disability Living Allowance (DLA)

Perhaps, until recently, the most important disability benefit was DLA. For people aged 16 to 64, DLA has been replaced with Personal Independence Payment (PIP) but existing DLA awards will continue until re-assessment. This is happening gradually. People under 16 can still claim DLA. DLA has two components: care and mobility. The care component is paid at either the lowest, middle or highest rate; mobility is paid at either the lower or higher rate. A person may receive either or both components. Eligibility is on the basis of supervision or attention needs or mobility difficulties and is regardless of diagnosis. You may be entitled to the care component if, in summary, you require supervision to keep safe or attention in connection with your bodily functions. The mobility component is for people with walking difficulties. You must have had your symptoms for at least three months when you claim, and they must be expected to last for at least six more. Generally, the more severe the difficulties you have, the higher your award, though the rules are complex. The claim forms are very long and you may wish to seek help from an adviser with filling one in.

DLA can be awarded indefinitely however it is usually time-limited. The minimum award is six months. If your award is time-limited, you will be invited to renew your claim towards the end of this period.

Personal Independence Payment (PIP)

As noted above, PIP has replaced DLA for adults. It covers broadly the same 'subject matter' but is far more restrictive. The main difference is that instead of referring to broad categories of needs, PIP stipulates a series of activities. Within those activities are descriptors. You are assessed by your ability

to carry out the descriptors and, like with ESA, you are awarded points. If you score insufficient points, you will not be entitled.

PIP may also be time-limited. The minimum length (as well as the forward qualifying period) is nine months.

Note that if you currently get DLA and you are approaching 16, or you are aged 16 or over, you will at some point be invited to claim PIP. If you report a change of circumstances, this will also trigger a PIP claim and you will not be able to claim DLA again.

Attendance Allowance (AA)

AA is for claimants aged 65+ at first claim. The tests are the same for the middle and highest rate of DLA care but there is no mobility component. If you are approaching 65 and feel you may be entitled, you should seek advice to see whether a claim for PIP would be more advantageous to you. If you are already getting PIP and DLA on your 65th birthday, then these benefits will usually continue as long as you continue to meet the entitlement criteria.

Carer's Allowance (CA)

CA is paid to people who care for someone who gets a disability benefit. Although it is not normally classified as a means-tested benefit, it is not available if the carer earns more than £110 per week.

Challenging a benefits decision

If you get a decision you do not agree with, such as no entitlement, or entitlement at a lower rate than you were expecting, it is possible to bring a challenge. For most benefits, you must first of all ask for a 'mandatory reconsideration'. You should do this in writing. You have one month from the date of the decision letter to do this or you may not be able to bring a challenge. If you are still not happy with the response, you then have one month to lodge an appeal with the First-Tier Tribunal. Again, the onus is in you, as the claimant, to do this.

Note that a Tribunal can increase or decrease your award.

To get help with a challenge, please see below. Remember, the deadlines can be strict, so it is always best to seek advice sooner rather than later, even if you are not sure.

Where to get further help

To help you figure out whether you qualify for any benefits, Turn2Us has a benefits calculator and basic entitlement information (www.turn2us.org.uk).

The Citizens Advice website (www.citizensadvice.org.uk) contains lots of general information about the above and other issues. You can freely search or browse the website to find help with a problem affecting you—not just on benefits. You may also wish to speak to an adviser face-to-face. You can find your nearest Citizens Advice Bureau on the Citizens Advice website. All work done by Citizens Advice is free, independent, impartial and confidential. There may also be other local advice services which provide free advice and support.

Some GP surgeries, mental health clinics and hospitals have their own Citizens Advice or other advice service on site. You may find that getting an appointment with these services is easier so it is worth finding out if there is such a service in your GP practice, clinic or hospital.

If you wish to consult a solicitor, your local advice service will be able to help you find one or you can use the Ministry of Justice's website (<http://find-legal-advice.justice.gov.uk/>) to find a solicitor with a legal aid contract. Legal aid is increasingly being restricted and is not usually available for benefits

issues. If legal aid is not available, solicitors will normally charge a fee. Citizens Advice or the solicitors themselves will be able to advise you whether your matter is covered by legal aid.

There may also be other services that can help you. Your local Citizens Advice should be able to signpost you to appropriate specialist sources of help as necessary.

Remember: benefits agencies do make wrong decisions. If you have a social security issue, you are advised to seek help as soon as possible. It can be difficult to ask for help, especially for the first time, but remember you are not alone and it is always best to seek advice at an early stage because of the deadlines involved.

Note: Pain UK are providing this document for informative purposes only and this does not constitute advice, recommendations or endorsements of Pain UK. Information contained within this document was accurate at the time of production in September 2015. This document will be reviewed on 15th January 2016.