Benefits Services

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Providing practical answers

Attendance Allowance
Explained

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Attendance Allowance, also known as AA, is a tax-free benefit available to the over 65s who need help with personal care or require supervision to remain safe, either due to physical or mental disability or illness.

This guide is designed to help you determine whether or not you're eligible for Attendance Allowance and what your entitlement may be. However, working out benefits entitlements can be complex. Adroit Financial Planning has a welfare benefits adviser who is able to discuss this with you, advise you of your entitlements and help you through the application process.

Should you have any queries, please contact our welfare benefits adviser on 0330 995 6838.

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The information contained in this brochure was obtained from www.gov.co.uk and was correct at the time of going to print in September 2018.

The Basics

What makes you eligible to apply for Attendance Allowance?

You must:

- Have had your illness or condition for 6 months (unless you qualify under special rules - see 'What are the special rules?')
- Not be subject to immigration control
- Have lived in Great Britain for at least two out of the last three years
- Satisfy the 'disability test' (see 'Who would pass the Disability Test?')
- Be aged 65 or over

You can apply for Attendance Allowance even if you don't receive the help you need. You'll be assessed on the help you need and not the help you actually receive. You can also apply if you live with your partner or you live alone and you don't need a carer.

What are the benefits rates?

- Lower rate for thoes needing help either by day or by night
- Higher rate for those needing help both during the day and night

Is Attendance Allowance a means-tested benefit?

Attendance Allowance is not a means-tested benefit and is not linked to your National Insurance contributions. It's paid in addition to any other money or benefit you may be receiving.

Can you obtain other benefits if you qualify for Attendance Allowance?

Attendance Allowance acts as a gateway to other benefits and help. These include 'premiums' and 'elements' of other benefits such as Housing Benefit, Working Tax Credits and Pension Credit.

Other benefits and help you're able to access is dependant upon the rate of Attendance Allowance you're offered:

Lower Rate:

- Benefit cap exemption
- Additional amount for severe disability (Guarantee Credit of Pension Credit)
- Carer's Allowance (premium only for Pension Credit)
- Childcare costs disregard for Housing Benefit
- Childcare element for Working Tax Credit
- Disabled worker element for Working Tax Credit
- Disability Premium for Housing Benefit
- National Insurance Carer's Credits
- No non-dependant deductions for Housing Benefit, UC, Guaranteed Credit of housing costs
- Severe Disability Premium

Higher Rate:

- Severe Disability element for Working Tax Credits

You 'll need to seek advice on what you might be eligible for once you've obtained an award of Attendance Allowance. For example, it could affect your and your partner's entitlement to Pension Credit along with the additional premiums.

Examples of Entitlement

David: David is 75 and he's developed dementia over a long period of time. This recently got worse and he now needs someone to stay with him during the day to keep him safe as he tends to wander off and forgets things very easily. He also wakes through the night and tries to get up and wander about so is not safe during the night either. His daughter applied for Attendance Allowance and he was awarded the higher rate because the supervision he needs is both day-time and night-time.

Mary: Mary is 66 and had a stroke 6 months ago. She's lost the use of her left side so needs help washing, dressing and eating. She's had some falls too. During the night she sleeps through. Her husband applied for Attendance Allowance and because she needs attention during the day only, she was awarded the lower rate.

The Application

Where do you start?

To apply for Attendance Allowance, you must complete a form AAIA, which can be obtained from the Department for Work & Pensions.

You can either:

- Telephone the Attendance Allowance helpline and request they send you a copy of the form in the post;

- Complete an interactive form on the website - this will then need to be printed so you can sign it; or

- Print the form on the website and complete it by hand.

Attendance Allowance packs are available in large print and Braille if required. You can contact the Attendance Allowance helpline on 0800 731 0122, Monday to Friday, 8am to 6pm.

How do you complete the form?

Before you begin to complete the form, it's a good idea to sit down and make notes on what your answers may be for each question. Ask relatives, friends or your partner what additional help they provide in order for you to deal with your daily living needs.

Remember it's not about the illness you have but how that illness affects your ability to look after your personal care and whether your illness places you in potential danger. Give as much detail as possible along with examples. Don't worry about repeating yourself throughout the form. It's important that you give a clear picture of how you're affected on both good days and bad days.

Should you still apply for Attendance Allowance if you're in a care home?

You can't normally be paid Attendance Allowance if you live in a care home but you should apply for it anyway because any days or nights you spend staying with family members or in your own home entitle you to the benefit.

You're still entitled to Attendance Allowance in a care home if:

- You're terminally ill and residing at a hospice

- You're living in a care home and paying the fees for accommodation, board and personal care in full

- The local authority is paying your fees only until you're able to pay them yourself (for example, if you're waiting for your home to sell)

What is the disability test?

The disability test is a test that estimates your level of disability so they can ensure you receive the correct amount of Attendance Allowance. It states that you must be 'so severely disabled physically or mentally that you require from another person', one of the below four conditions:

During the day

- You require frequent attention throughout the day in connection with your bodily functions; or

- You require continual supervision throughout the day in order to avoid substantial danger to yourself or others; or

During the night

- You require prolonged or repeated attention in connection 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

What are the special rules?

There is no qualifying period if you're awarded Attendance Allowance due to terminal illness. The application can be fast-tracked but you must include in your application a DS1500 report form which can be obtained from your GP or hospital consultant upon request. A relative can apply without permission in these cases.

What should you do once you've completed the form?

Before you send the form off for assessment, read through it once again thoroughly, making sure you've answered all the questions as clearly as you can. If you are able to, make a copy of it as you may need to refer back to it at a later date.

Evidence to support your claim

How do you provide evidence to support your claim?

It may be helpful to include some additional information to support your claim. This is not essential but may speed up the process of your application. If you have any reports on how your condition affects your functional ability, you could send a copy of those.

It may also be beneficial to keep a diary. Writing a diary can support your claim, it can form a reminder of what your needs are on a day to day basis. It can be useful when explaining fluctuating conditions and establishing between good days and bad days.

Try to answer the following questions when keeping a diary:

- What help do you need?
- Why do you need the help?
- At what time do you need the help?
- How long do you need the help for?

A diary can help when giving an indication to how often you might fall or experience seizures. Always make sure you include your name and National Insurance number on the diary and make several copies of it.

This is an example of what your diary may include:

Date	Time	Task	Comment
28/02/2017	07:15-07:27	Mum wakes up and asks for help getting out of bed	Mum's pad had leaked again, will need to change sheets and clean duvet, Mum was upset over this
	07:27-07:40	Help Mum into the shower to sit on the shower seat	
	07:40-08:30	Stayed in bathroom to supervise	
	08:30-09:15	Helped Mum out of the shower, sat her down on toilet, managed to dry herself whilst sat, helped dry her feet	Wound still looks sore, will speak to district nurse about whether it would be better left undressed during the day
	09:15-09:36	Breakfast	Just wanted toast - had to prompt her to eat this
	09:36-10:00	Mum watched breakfast TV whilst I dealt with the bed sheets	Must get soft waterproof mattress cover

The Assessment

How do you provide evidence to support your claim?

Your Attendance Allowance claim pack will be assessed by a DWP decision maker. They use a guidance manual called the Medical Guidance for DLA & AA Decision Makers. This is available to anyone with internet access. The guidance manual outlines the main care and supervision needs likely to arise from a number of illnesses and disability conditions.

Your completed claim form and the evidence you send with it may provide sufficient information for the decision maker to make an informed decision about your claim. If not, they'll request a short report from your doctor or the medical person you have named on your claim form. Once this has been submitted and reviewed they'll decide whether you require an assessment. The assessment will take place in your home so that a more in-depth report can be produced and a decision on your claim made.

It's important that you inform the DWP of any change in your circumstances, so that they can adjust your claim.

The Award

What happens when you recieve the award?

The award period may be fixed or indefinite, if it's a fixed award you'll be invited to make a further application at least four months prior to the end of your current award.

If you're not happy with the award decision, you can ask for a mandatory reconsideration within one month of notification of the award. If the decision from the mandatory reconsideration is still not satisfactory, you then have a further month to request an independent appeal.

What if you go into hospital?

Payments of Attendance Allowance generally stop after you've been an inpatient for more than 28 days. Once you leave hospital, payments recommence.

If you leave hospital temporarily and are expected to return within 28 days, you'll be paid for every night you spend at home. If you pay for your treatment privately, your Attendance Allowance will continue without any breaks.

The Glossary

Understanding what is meant by the following terms:

"Attention"

This means someone actively helping or another person doing the things you can't do – remember it doesn't mean you actually have to be receiving assistance, but it's whether the need for it is there. In this regard, the attention you need must be in connection with your 'bodily functions' and be 'reasonably required'.

"Bodily Function"

Bodily functions are personal actions, i.e. breathing, hearing, seeing, eating, drinking, walking, sitting, sleeping, getting in/out of bed, getting on/off the toilet, dressing, undressing, getting in/out of the bath, washing, shaving, communicating, speaking and help with medication and treatment.

Some other tasks involved during the course of helping you with your bodily functions may also be included if they're done immediately. For example, if rinsing out your bed clothes because of incontinence is required then this can be included, as can cleaning up spills whilst eating, if you need help with eating.

"Continual Supervision"

Continual supervision means that someone is with you in order to keep you safe.

'Continual' means frequent or regular but not non-stop so you don't need to have supervision every single minute.

The supervision you receive must be in place to reduce the risk of harm to you. For example, if you struggle to drain a pan of boiling water and are at risk of scalding yourself, or if you forget important things, like who people are or where you live.

Even if the supervision you receive doesn't completely eliminate the risk of danger, you'll be assessed on your vulnerability if you weren't supervised.

When considering your need for continual supervision the decision maker must consider the following:

- Whether your condition or functional ability might give rise to substantial danger to you or others. This could be from your own actions or from the actions of others.

- The danger must not be too remote a possibility. However, if the danger is remote but the consequences could be dire, then the frequency becomes less relevant. For example, someone who has osteoporosis but doesn't fall often. If they were to fall, the consequences of the fall should be considered.

- The supervision must be from someone else to avoid the substantial danger.

- The supervision must be continual but the person providing the supervision need not always be alert, awake or active. Being ready to intervene, on standby and ready to help can also count.

"Watching Over You"

This means someone else being awake during the night and listening as well as them getting up and checking how you are. A 'prolonged period' is normally at least 20 minutes, 'frequent intervals' means at least three times per night and the test is what is 'reasonably required', not what is actually done.

"Reasonably Required"

The attention you need must be 'reasonably required' rather than medically required and you may reasonably require more attention than you actually get. Think about the activities you do. Do you do them very slowly, with difficulty or are they done in an unsafe way? If so, then the attention you need is reasonably required.

Examples of 'Reasonably Required'

Here are some examples of help you may 'reasonably' need:

- You are visually impaired and need someone to assist you in situations such as cooking, using the appliances and preparing food safely. You also need someone to assist in helping you to select appropriate clothing.

- You have arthritis and movements are difficult for you. You may need help with daily activities such as someone helping you in/out of a bed or a chair, washing, dressing and preparing food.

Your Diary

Date	Time	Task	Comment

Why Choose Brooks Adroit?

- We are specialists in what we do
- We act at all times with the best interests of our clients in mind
- We foster long term relationships with our clients and their families
- We take a sympathetic and understanding 'holistic' approach
- We speak and write in plain English avoiding any financial jargon

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If you would like more information or wish to speak to a financial planning or welfare benefits expert, please call us on Freephone **0330 995 6838.**

BRAIN INJURY GROUP
Providing practical answers

Support For Individuals And Families Affected By Brain Injury

Our **in-house advisors** and network of **trusted professionals** have skill and expertise in providing financial, legal and rehabilitation support whilst understanding the complexities of a brain injury and how this affects everyday life.

If you'd like to speak to a member of the team, please call 03300 569 510

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To speak with an advisor at the Brain Injury Group

Call: 03300 569 510
Email: enquiries@braininjurygroup.co.uk
Website: braininjurygroup.co.uk

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