

Derbyshire Welfare Rights Service

Attendance Allowance – A Short Guide

Attendance Allowance (AA) is a benefit for people who are:

- 65 or over when you first claim if you were born before 5/12/1953
- at state retirement pension age or over when you first claim if you were born on 6/12/1953 or later. By September 2020, the claim age will be 66. It will rise to 67 after 2026 for people with birthdays from 6/4/1960.

and you need help with personal care because of illness or disability.

- AA is a legal entitlement established by an Act of Parliament
- AA is payable for the care you need not what you may receive – so it doesn't matter if you live alone or you don't have a carer
- AA is paid to you: if you have a carer, they may be able to claim a separate benefit called Carer's Allowance
- You can claim AA even if you have savings or other income, pensions and benefits – your finances are not taken into account
- AA doesn't count as income when other benefits help (such as Pension Credit or help with Council Tax) is worked out
- If you get AA, you may also be entitled to additional benefits, help with Pension Credit or help with Council Tax
- AA is not taxable

When to claim AA

If you have only just become ill or disabled or you have never claimed before and you are 65 or over (if you were born on or before 5/12/1953), or at your state retirement pension age or over (if you were born on 6/12/1953 or later), you can claim AA.

If you are below the age for claiming AA, seek advice about Personal Independence Payment.

If you receive Disability Living Allowance (DLA) or Personal Independence Payment (PIP) because you claimed before you reached 65 (or state pension age), you don't have to switch to Attendance Allowance. If you continue to qualify for DLA or PIP, you will continue to get it.

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What counts as 'personal care'?

What is accepted as personal care for AA is usually the need for assistance from another person with tasks such as:

- Getting in or out of bed
- Sleeping comfortably, turning over or changing position in bed
- Getting dressed or undressed
- Getting to and from the toilet, using the toilet
- Getting in and out of a bath
- Washing and bathing
- Looking after your appearance
- Cutting up food, eating or drinking
- Getting in and out of a chair
- Going up and down stairs
- Transferring to and from a wheelchair
- Moving around safely in your home
- Managing medicines and medical treatment
- Understanding what people say to you, or making yourself understood
- Taking part in hobbies, or social or religious activities

Or you need someone to watch over you because:

- You suffer falls or you are at risk of falling
- You may suffer blackouts or fits
- You need to be prompted, reminded or encouraged to do things such as those listed above
- You may become confused
- You may forget what you are doing and cause danger to yourself or to others
- You may wander off
- You are unaware of danger
- You may neglect or harm yourself.

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You may still qualify for AA if you can carry out some of these tasks but you struggle to do them, it takes a lot of time, or it is painful or possibly dangerous to do them.

Remember that what counts is the care you reasonably require – so your care needs count even if you live alone or you haven't got a carer.

What doesn't count as personal care?

- Housework (but some cleaning that is needed right away may count – for instance if something like bedding or a carpet is soiled and needs to be cleaned straight away and you are unable to do it)
- Gardening - if someone does it for you. If you need help to do shopping, e.g. if you have problems with your eyesight and you cannot see labels on tins etc but someone helps you to 'see', this may count - seek advice.

Care during the day, the night or both

AA looks at the care you need, and also whether you need care during the daytime, the night time or both.

There is a lower rate of AA if you just need care during the day or only at night - and a higher rate if you need both (or you are terminally ill - see below).

You must need help frequently with the tasks listed above as 'personal care'; to be 'frequent', the help must be needed throughout the day, but not all the time. For instance if you have problems moving about safely and problems managing getting to and from the toilet, you are probably going to need help frequently.

Alternatively, or as well as this help, you may need someone watching over you to prevent danger to yourself or others. This needs to be 'continual' but it doesn't mean for the whole time. The less time you can be left alone safely, the more likely you are to qualify for Attendance Allowance.

Night time care usually only counts from when you close down your household for the night and go to bed; if you live alone and go to bed or get up at unusual hours, 'night' may be assumed to be between 11pm and 7am.

At night, you must need help from someone else with personal care, not all the time but twice or more a night, or for at least 20 minutes at a time, or someone needs to be awake to watch over you twice or more a night or for at least 20 minutes at a time.

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How much is Attendance Allowance?

- Higher Rate £89.15 weekly

This is payable if you have both day and night time care needs or you are terminally ill (see below).

- Lower Rate £59.70 weekly

This is payable if you have either daytime or night time care needs.

Can I get AA right away?

You can be paid AA when you have needed help for at least six months. You don't need to wait the whole 6 months to apply – you can apply for AA up to 6 months in advance (for instance if you know your illness will not improve), but you will only be paid once 6 months is up.

If you are terminally ill, this waiting time does not apply – see below.

What if my care needs increase?

If your care needs increase and you are on the lower rate of AA, it is possible to apply to be put on the higher rate.

However, this can only happen if you now have care needs during both the day and the night. The change in your situation must also have applied for 6 months – unless you are terminally ill.

Terminal illness

If you are terminally ill, you may qualify for AA under special rules without a waiting period and without having to complete the full form.

You count as terminally ill if you have a progressive disease and it is likely that you will die within six months. You will need a form called a DS1500, signed by your GP or consultant. This will explain your condition and you will not need to complete the full Attendance Allowance form.

Claiming

Contact our Helpline on 01629 531535.

We can send you a claim form, and will stay in touch with you during the claim process and we can advise you on your rights should you disagree with the decision. We will also send you our fact sheet 'AA Hints and Tips' to help you with filling in the form.

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It is possible to request the forms direct from Attendance Allowance by telephoning (Monday to Friday, 8am to 6pm):

Telephone: 0800 731 0122

Textphone: 0800 731 0317

NGT text relay (if you cannot hear or speak on the phone): 18001 then 0800 731 0122

How is Attendance Allowance paid?

Normally in to your bank (or other) account - and usually every four weeks. AA may be paid alongside your State Retirement Pension.

Does getting Attendance Allowance mean I can get any other benefit help?

Getting Attendance Allowance cannot reduce any of your benefits but it can mean that you get some extra help, for instance if you live alone and nobody claims Carer's Allowance for being your carer. In this situation, you may qualify for more help with your Council Tax bill, or with Pension Credit.

Phone our Helpline for further advice on extra help.

Can my carer claim benefit for looking after me?

There is a benefit for carers called Carer's Allowance (CA). If your carer spends at least 35 hours a week looking after you, they may qualify for CA. However, they must not be earning over £128 per week from work, and must be over 16 and not in full-time education.

If your carer is thinking of claiming CA, ask them to contact our Helpline first – there are some situations in which a carer being paid CA can mean that the person for whom they care will lose some of their additional help with things like Council Tax or Pension Credit.

What happens if I go in to hospital or residential care?

Tell the Attendance Allowance office if you go in to hospital as an in-patient, or in to care. In some circumstances, your payment of Attendance Allowance can stop after 4 weeks (or earlier, for instance if you have been in hospital previously), but you may still be paid for any days that you spend at home.

It is important to tell the Attendance Allowance office about changes like this (contact details above), as if you have been paid benefit when it should have stopped, they may be able to claim it back from you.

Always seek advice if you have been overpaid benefit.

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Does AA help with mobility problems out of doors or with vehicle costs?

No. AA is payable only for personal care and has no 'mobility' element, unlike Disability Living Allowance (DLA) or Personal Independence Payment (PIP). This also means that AA does not help with the Motability scheme or with automatic qualification for the Blue Badge parking scheme for disabled people.

However you may still be able to apply for a Blue Badge on the grounds of having a permanent and substantial disability that affects your walking – your Local Authority has discretion to allow this.

Get help from us

If you call us on our Helpline, we can discuss entitlement to Attendance Allowance and also we can do a check on your entitlement to other benefits. We can also help if you have an Attendance Allowance decision you are not happy with.

Additional information can be found on our website, visit www.derbyshire.gov.uk/welfarebenefits

To keep up-to-date with benefit changes in Derbyshire go to
www.derbyshire.gov.uk/benefitnews

Benefits Helpline – 01629 531535 or email
welfarebenefits@derbyshire.gov.uk

Monday, Tuesday, Thursday, Friday

11.00am – 4.00pm