



A RISKY BUSINESS!!!



THE DANGERS INVOLVED IN TRYING TO GET MORE DISABILITY LIVING ALLOWANCE IF YOU ARE AGED 65 OR OVER

GETTING YOUR DISABILITY LIVING ALLOWANCE AWARD INCREASED

Those who were in receipt of DLA when they reached the age of 65 (before DLA was abolished in 2013) will remain on DLA as long as they are still eligible.

This factsheet provides information and advice for people who are considering asking the DWP for a higher level of Disability Living Allowance (DLA) because they think their care and/or mobility needs have increased.

If you are one of these people, you should read all of it carefully before you contact the DWP.

CAN I GET MY EXISTING DISABILITY LIVING ALLOWANCE AWARD INCREASED?

If you already receive DLA but think that your condition has got worse since it was awarded, you can ask for your award to be increased (unless, of course, you already get the highest rates).

If you contact the DWP you will be sent a new form to complete.

Disability Living Allowance

DLA is made up of two components: Care & Mobility. DLA Care has three levels: lowest, middle & highest. It is for people who claim for the first time before their 65th birthday.

Those who claim for the first time after they are 65 claim a different benefit – called Attendance Allowance. This only has 2 rates of ‘care’ and no mobility.

If you are on DLA and reach your 65th birthday, nothing changes. You stay on DLA as long as your care/mobility needs do not decrease - you do not automatically transfer to Attendance Allowance.

BUT: It is different if you ask the DWP to look at your DLA again.

ASKING FOR A REVIEW: THE RISKS

There are two possible risks to your existing benefit if you ask for a review after you are 65:- to your DLA and then, as a consequence, to other benefits.

If you ask for a review of your DLA after the age of 65 you will be assessed under Attendance Allowance rules – not DLA.

In addition all of your DLA will be looked at – Care *and* Mobility.

So if you are on a rate of DLA that has no equivalent under Attendance Allowance –the lower rate Care or any rate of Mobility - you may lose benefit. You may also lose benefit if they now believe that you no longer meet the rules for the rate of benefit you are currently on.

Other benefits

DLA triggers off other benefits, so losing DLA may impact on other benefits – see below.

WHAT IF MY PRESENT AWARD IS “FOR LIFE”?

You may feel that you are safe as you were given the benefit “for life” but this is not true. You were only awarded the benefit for life on the basis that your needs would remain the same.

If the DWP thinks there has been a relevant change, the benefit can still be reduced or even removed altogether.

There is a particular danger for people who have been getting the higher rate of the DLA Mobility component for a long time. This is because the DWP has “moved the goalposts” and now applies much more restrictive criteria. As a result, someone whose walking is no better (or even worse) than when the benefit was first awarded could still lose it. This can have a serious effect on your life, especially if you use the allowance to lease a Motability car.

BE WARNED: Even if you think your condition has not improved, the DWP may take a different view.

HOW MUCH COULD I LOSE?

This depends on your personal circumstances. Some people risk losing a great deal. This is because other benefits may depend on entitlement to DLA, so if that is reduced you could have less Pension Credit and even less help with your rent or Council Tax as well as less DLA.

For example, income-related benefits such as Pension Credit and Housing Benefit* are increased for some claimants by adding on “premiums” or “additions”. These are often triggered by DLA or Attendance Allowance.

Disabled Person

DLA middle or higher Care => Severe Disability Addition
(for some claimants)

Carer

Carers Allowance and/or Carer Premium

(Carers Allowance is only for carers who look after someone on DLA middle/ higher rate Care, PIP daily living or Attendance Allowance).

*some working age benefits, including Housing Benefit will be replaced, over time, by Universal Credit.

<p>Cautionary Tale: SHEILA</p>	<p>Sheila (68) gets DLA middle rate Care. Her partner, George, gets Carer's Allowance and Pension Credit</p>
<p>Result:</p>	<p>She applies for the higher rate Care component of DLA – possible gain is £27.20 per week [at 2016/17 rates].</p> <p>The DWP feel that Sheila's care needs have reduced. There is no equivalent to the lower rate DLA Care under Attendance Allowance so she loses her DLA altogether.</p> <p>This means George can no longer get Carers Allowance and so they lose the Carers Addition on their Pension Credit.</p> <p>Their income will be reduced. They are, therefore, over £80 per week worse off.</p>

<p>Cautionary Tale: ROD</p>	<p>Rod (69) gets DLA Mobility at the highest rate. He finds that he is struggling with other things so he asks the DWP to look at his care needs.</p>
<p>Result</p>	<p>They look at his mobility at the same time and say that, although he is worse than when he got the DLA in the first place, a new interpretation of the rules mean he loses his DLA Mobility.</p> <p>Rod also, therefore loses his Motability car.</p>

Housing Benefit can also be affected in other ways if you lose DLA Care Component. For example if you have an adult son or daughter living at home you often get more rent rebate (Housing Benefit) or Council Tax Reduction if you also get DLA Care Component. Thus, If you then lose your DLA Care Component you might then have to pay more rent/Council Tax.

WHAT SHOULD I DO?

If you think you have more care and/or mobility needs now than when you were last awarded DLA, TAKE ADVICE BEFORE YOU DO ANYTHING. Go to your local advice agency (see page 6) first and make sure you understand exactly what is at risk for you.

Check the rules to see if you really may be entitled to an increase of benefit – the fact that your condition is worse doesn't necessarily mean that you can get more benefit.

Talk to your doctor. The DWP may ask her/him for a report so you need to be sure you will have medical evidence to support your claim – not only the increase but what you are getting now.

If you do ask for more benefit, make sure you fill in the new claim form with full details of all your care and mobility needs, not just the extra help you think you need. Ask your advice agency for help with the forms.

WHAT IF MY BENEFIT IS REDUCED?

Ask your local advice agency (see overleaf) about how to appeal against the decision. You only have one month from the date on the decision letter so don't delay!

AND FINALLY...

The purpose of this factsheet is not to discourage people from getting their correct entitlement.

On the contrary, we believe you should be able to get the full entitlement that Parliament intends, so are not saying, don't try at all.

What we *are* saying is: **GET ADVICE FIRST!**

For further information contact any of the following agencies:

CITIZENS ADVICE

Rugby

[CAB]

1st Floor, Chestnut House

North Street

Rugby, CV21 2AQ

North Warwickshire

The Parish Rooms

Welcome Street

Atherstone, CV9 1DU

Bedworth & District

(Covers Nuneaton & Bedworth)

Old Market Tavern

25 Congreve Walk

Bedworth, CV12 8LX

(To book appt in Nuneaton

call 024 7635 1049)

Warwick District

10 Hamilton Terrace

Leamington Spa, CV32 4LY

Stratford-upon-Avon

25 Meer Street

Stratford-upon-Avon, CV37 6QB

Switchboard number for ALL CAs: 0344 855 2322

For Carers Advice, Information and Support

Warwickshire Carer Wellbeing Service

9 Lawford Road, Rugby, CV21 2DZ

Tel: (024) 7610 1040

e-mail: carerssupport@carerstrusthofe.org.uk

www.carerstrusthofe.org.uk

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