

# A RISKY BUSINESS!

## ***THE DANGERS INVOLVED IN TRYING TO GET MORE DISABILITY LIVING ALLOWANCE OR ATTENDANCE ALLOWANCE***

### **GETTING YOUR DISABILITY LIVING ALLOWANCE/ATTENDANCE ALLOWANCE AWARD INCREASED**

This factsheet provides information and advice for people who are considering asking the agency who pay their benefits [The Disability and Carers Service or D&CS] for a higher level of Disability Living Allowance (DLA) or Attendance Allowance 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 D&CS.

### **CAN I GET MY EXISTING DISABILITY LIVING ALLOWANCE/ATTENDANCE ALLOWANCE AWARD INCREASED?**

If you already receive DLA or Attendance Allowance 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 rate).

You can write to the D&CS in Blackpool and you will then be sent a new form to complete.

## **Disability Living Allowance**

If you are getting DLA, there are two possible ways your award could be changed. DLA has two “components” - Care and Mobility. If you are only getting one of these, you could ask for the other one to be added on.

Both components have more than one level of payment (Lower and Higher for Mobility, Lower, Middle and Higher for Care). You could ask for the level of either component (or both) to be increased.

## **Attendance Allowance**

Attendance Allowance has no Mobility component and only two levels (Lower and Higher). If you get the lower rate, you can ask for it to be increased to the higher level.

### **IS THERE ANY RISK INVOLVED?**

Once you have asked for your benefit to be reconsidered, the D&CS have the right to change all of it, which means it can be reduced as well as increased.

Even if you only ask for one component to be looked at, the D&CS can still look at the other one if it believes that the evidence suggests you may not still be entitled.

### **WHAT IF MY PRESENT AWARD IS FOR LIFE?**

You may feel that you are quite safe because 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 D&CS 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 D&CS 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 rent or buy a Motability car.

## **BE WARNED**

Even if you think your condition has not improved, the D&CS 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/Attendance Allowance, so if that is reduced you could have less Income Support and even less help with your rent or Council Tax as well as less DLA or Attendance Allowance.

For example, income related benefits such as Income Support, 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**

Any level of DLA	=	Disability Premium
DLA middle or higher Care	=	Severe Disability Premium
Any level of AA	=	Severe Disability Addition
		(for some claimants)
DLA higher care	=	Enhanced Disability Premium

## Carer

Carers Allowance = Carer Premium/Addition

(Carers Allowance can only be claimed by a carer looking after someone on Attendance Allowance or DLA middle or higher rate Care)

Housing Benefit can also be further affected if the person claiming loses DLA Care or Attendance Allowance and has adult sons or daughters living at home. Housing and Council Tax Benefits are usually reduced if you have other adults living with you and your partner but no deduction is made if you get DLA Care or Attendance Allowance.

### Cautionary Tale:

Violet gets DLA middle rate Care. Her partner, George, gets Carer's Allowance and Income Support.

She applies for the Mobility component of DLA – possible gain is £18.65 per week [at 2009/10 rates].

**Result:** Violet is awarded lower rate Mobility but the Care component is reduced to the lower rate as well.

This means George can no longer get Carers Allowance or Income Support as a carer. He will have to sign on and look for work to claim Jobseekers Allowance

Their income will be reduced.

They are, therefore, £39.30 per week worse off.

## **WHAT SHOULD I DO?**

If you think you have more care and/or mobility needs now than you had when you were last awarded DLA or Attendance Allowance, **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 D&CS 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!

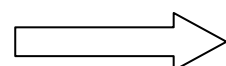
## **AND FINALLY...**

The purpose of this factsheet is not to prevent people from getting more benefit.

On the contrary, we believe you should be able to get the allowances increased if you are entitled, so we 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:

**Rugby Citizens Advice Bureau**  
[CAB]

1<sup>st</sup> Floor, Chestnut House  
North Street  
Rugby, CV21 2AQ  
Tel: 0844 855 2327

**North Warwickshire CAB**

The Parish Rooms  
Welcome Street  
Atherstone, CV9 1DU  
Tel: 0844 499 4192

**Bedworth & District CAB**

(Covers Nuneaton & Bedworth)  
Old Market Tavern  
25 Congreve Walk  
Bedworth, CV12 8LX  
Tel: 0844 855 2322  
To book appt in Nuneaton  
call 024 7635 1049

**Warwick District CAB**

10 Hamilton Terrace  
Leamington Spa, CV32 4LY  
Tel: 01926 457900

**Stratford-upon-Avon CAB**

25 Meer Street  
Stratford-upon-Avon, CV37 6QB  
Tel: 01789 293299 for advice or  
01789 261966 to book appt

**For Disabled people.....**

**D.I.A.L.**

*(Nuneaton & Bedworth only)*  
New Ramsden Centre  
School Walk  
Attleborough  
Nuneaton  
CV11 4PJ  
Tel: 024 7634 9954

**The Rowan Organisation**

*(Whole County)*  
Eliot Park Innovation Centre  
Barling Way  
Nuneaton  
CV10 7RH  
Tel: 0800 783 1755

**The information in this factsheet is correct as of April 2009**

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