



# **DISABILITY LIVING ALLOWANCE/ ATTENDANCE ALLOWANCE - HOSPITAL AND RESPITE CARE**

This factsheet deals with what happens to Disability Living Allowance/Attendance Allowance if you go into hospital or temporary Care. It does not deal with going into permanent Residential or Nursing Care.

## **IN HOSPITAL**

If you are getting Disability Living Allowance or Attendance Allowance and you are admitted to hospital, your benefit will stop after you have been an in-patient for 28 days, (or, for NHS funded care only, 84 days for a child under 16)

However, if you have a Motability agreement, the mobility component will continue up to the end of the agreement.

You can make a new claim for Disability Living Allowance/Attendance Allowance while in hospital but it will not be paid until you are discharged.

## **TEMPORARY CARE/RESPITE**

If your stay exceeds 28 days, your Attendance Allowance/Disability Living Allowance care will stop. You will not lose your mobility component unless you are in a home owned by the NHS.

You could also lose Attendance Allowance/Disability Living Allowance care if you have regular stays in Respite Care which are less than 28 days apart.

So if you can ensure that there are always at least 29 days between your stays in Care, and that stays last for less than 28 days each time, you should not lose benefits.

## **WHICH DAYS COUNT?**

- ◆ The day you enter, and the day you leave hospital / Respite Care do not count as days *in Care*, so they do not count towards the 28 days.

### *EXAMPLE:*

*Jenny goes into a Respite Care Home on Friday and comes out on Monday. Only Saturday and Sunday count as days in care.*

- ◆ However, if you spend periods out of hospital (e.g. you might go home for the weekend), you can be paid for your days 'out' at  $\frac{1}{7}$  of the weekly rate per day. So if you go home on Friday and return to the hospital on Sunday, you could claim  $\frac{3}{7}$  of your care component (Friday, Saturday and Sunday) each week until you are fully discharged.

### **LINKED PERIODS**

Periods spent in separate, publicly funded care, such as both NHS and Local Authority Care, are also linked.

#### *For Example*

Vera goes into hospital on 16<sup>th</sup> June. She is in hospital 3 weeks, and then goes on to 2 weeks Respite Care before returning home. As she has now been in hospital/respice for 5 weeks, her Attendance Allowance will stop after 4 weeks, on 14<sup>th</sup> July. She returns home on 20<sup>th</sup> July, and as this counts as a day 'out', she will be able to get her benefit back from 20<sup>th</sup> July.

If she returns to hospital or respice before 17<sup>th</sup> August, the periods will be 'linked', and she will lose her Attendance Allowance immediately. However, she goes back into hospital or respice at a later date, she will again keep her Attendance Allowance for a further 28 days.

### **FURTHER HELP**

- ◆ Contact the Disability Benefits Helpline on 0800 882200 or your nearest advice agency.

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

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