

## **INCAPACITY BENEFIT**

**NOTE: THIS BENEFIT CANNOT BE CLAIMED FOR THE FIRST TIME AFTER 27<sup>TH</sup> OCTOBER 2008**

### **WHAT IS IT?**

It is for people under state pension age who are unable to work due to illness or disability and who have paid enough National Insurance Contributions. Young people who haven't had a chance to build up a National Insurance record claimed 'Incapacity Benefit in Youth'.

The Government intends to "migrate" all Incapacity Benefit claimants to its replacements, Employment and Support Allowance [ESA] from April 2011.

### **TO QUALIFY**

- ◆ You must have paid enough National Insurance Contributions in any of the previous two tax years.
- ◆ For people who have done some work recently, for the first 28 weeks you have to be unable to return to your own work, or work of a similar type. Note that if you are off sick from work you may get Statutory Sick Pay instead for this period.
- ◆ After 28 weeks you will have to pass the 'Personal Capability Assessment' (PCA) (unless exempt). This may involve a visit to a Social Security doctor, who decides if you are capable of any work by awarding points.

### **HOW MUCH?**

- ◆ Incapacity Benefit is paid at 3 rates depending on the length of time you are incapable of work.
- ◆ You may get an age addition if you are under 45 years old.
- ◆ If you have been in receipt of Incapacity Benefit from prior to April 2003, you may also get a dependant addition for any children living with you and for your partner or anyone who looks after them.
- ◆ See Benefit Rates for current amounts.

### **POINTS TO REMEMBER**

- ◆ Your Incapacity Benefit may be topped up with Income Support if your income and savings are low enough. You may also be entitled to Child Tax Credit.

- ◆ If you have not worked for 8 weeks during the 21 weeks before you claim Incapacity Benefit you are subject to the 'PCA' immediately.
- ◆ When filling in the 'PCA' questionnaire (IB50) consider your ability to perform tasks regularly and safely and how pain, fatigue, breathing or balance problems affect your ability. Fill the form as if you were in a workplace, not at home. If you take medication are there any side effects?
  - See our booklet giving guidance on how to fill in the IB50 form (Pb8)
- ◆ If you fail the 'PCA', take advice.  
Almost half of the people who fail the 'PCA' and appeal, win. You must appeal within 1 month of the date on the decision letter.
- ◆ Certain people are exempt from the test. Certain conditions are certified exempt by a doctor e.g., severe learning disability, severe mental illness, certain serious or degenerative illnesses.
- ◆ People who are terminally ill or registered blind are exempt.
- ◆ People who are getting the Higher Rate of the Care Component of Disability Living Allowance are also exempt.
- ◆ You can work and claim Incapacity Benefit, but you must meet the Permitted Work rules – see our factsheet Pb64.

## **HOW TO CLAIM**

- ◆ Claim on form **SC1** available from the Doctors Surgery or the Social Security Office. You must also send a doctor's note (**MED 3**).
- ◆ Claim via the call centre on 0845 602 0265

## **FURTHER HELP**

- ◆ If you need help or have failed the 'PCA' contact your local Advice Centre.

**The information in this factsheet is correct as of April 2011**

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***Produced by Warwickshire Welfare Rights Advice Service***

***Funded by: Warwickshire County Council***

***Charity Reg No: 1113524***

***Company No. 5730678***

