



## **HOSPITAL STAYS AND BENEFITS [ADULTS]**

This leaflet outlines the effect on social security benefits of a stay in hospital or in other kinds of completely NHS-funded care where the patient is an adult. You do not count as a patient for benefit purposes if you are a private patient or meeting the cost of your treatment in a private hospital.

### **[A] ATTENDANCE ALLOWANCE + DISABILITY LIVING ALLOWANCE [AA/DLA]**

AA/DLA Care and Mobility Components will cease after 28 days in NHS-funded care. Periods spent in different forms of publicly-funded care will be linked together unless broken by at least 29 days away from care.

If you have a MOTABILITY agreement in force when you enter hospital, it will continue until it expires. No new agreement can be made whilst still in hospital [apart from under the wheelchair scheme].

Some people only use part of their Mobility Component for Motability; although the Motability agreement will continue, any balance paid will cease after 28 days.

AA/DLA is only suspended whilst in hospital, it will be restored once you are back home.

### **[B] NON-MEANS-TESTED BENEFITS**

Non-means-tested benefits are not affected by a stay in hospital, except for Carers Allowance.

Carers Allowance stops once the carer has been in hospital for 12 weeks; it may cease earlier, for example if there have been other recent breaks in caring.

As Carers Allowance is dependent on caring for someone who is getting AA/DLA themselves, it will be lost if the disabled person loses AA/DLA by being in hospital over 28 days.

### **[C] MEANS-TESTED BENEFITS [MTBs]**

These are: Income Support [IS]; income-related Employment and Support Allowance [IRESA]; income-based Jobseekers Allowance [IBJSA]; Pension Credit [PC]; Housing Benefit; Council Tax Benefit [HB/CTB].

Initially these benefits are not affected by a stay in hospital (but see JSA below). Some patients will see a change after being in hospital after 28 days, and again after 52 weeks.

Also see the special note about Housing Benefit [below].

AFTER 28 DAYS, as payment of AA/DLA is suspended, any *severe disability premium* paid with MTBs will stop. This will reduce the weekly amount. In some cases it will mean losing the MTB altogether.

If IncomeSupport/IRESA/IBJSA/Pension Credit is lost, the patient will need to reclaim HB/CTB as automatic entitlement will also have been lost.

AFTER 52 WEEKS, other premiums will be lost [the *disability, enhanced disability and higher pensioner premiums*]. The impact will be the same as the loss of the *severe disability premium* [see above]. On IBESA, the *support component or work-related activity component* is lost. Any Housing Costs payable with these MTBs will also cease.

If you are one of a couple, you and your partner are treated as separate claimants once the patient has been in hospital for over 52 weeks. The partner at home should seek advice on what s/he is now entitled to.

### COUNCIL TAX

Although Council Tax Benefit will cease after 52 weeks, the home may be exempt from Council Tax, depending on who still lives there.

### JOBSEEKERS ALLOWANCE

JSA can continue for up to two weeks in hospital; from that point you may need to claim ESA as you will no longer be able to say that you are available for, and actively seeking work. If your partner is the actual claimant, the benefit can continue but see above for effect on premiums.

### TAX CREDITS

Working Tax Credit [WTC] will remain in payment for as long as you continue to be treated as employed [which can apply for up to 28 weeks]; both WTC and Child Tax Credit will be affected if your other income changes by being in hospital.

#### NOTE; HOUSING BENEFIT

Housing Benefit will cease immediately the patient tells their Council:

EITHER

that they do not intend to return to their home;

OR

if s/he says she won't be returning within 52 weeks;

OR

the patient stays in the hospital longer than 52 weeks  
– even though the intention is to return home.

This means that although the patient has a contractual liability to pay rent, the Housing Benefit to cover it will cease, so there is the possibility of both accruing rent arrears, and losing the tenancy.

Therefore the patient needs to both tell the Council that s/he intends to return home within 52 weeks, and then do so.

Alternatively, if the patient is discharged from hospital within 52 weeks, and is then re-admitted, the 52 week clock starts anew.

## **[D] ON DISCHARGE**

Once the patient knows the discharge dates, s/he should inform the DWP.

For example the Disability Benefits Unit should be contacted to re-activate any suspended AA/DLA, the 'local' Jobcentre Plus office should be notified to restore any MTB reduced or lost whilst in hospital, the Tax Credits Office should be contacted, giving any change of address.

Patients on Income Support/IRESA/IBJSA/Pension Credit should consider making an application to the Social Fund for a Community Care Grant. This is a non-repayable grant that can help facilitate the move back into the community. It can be claimed up to 6 weeks ahead of the discharge date, and covers most things that may be needed, such as beds, bedding and cookers. As payment is discretionary, entitlement is not guaranteed, and so the application form [SF300] should contain as much detail as possible to raise the priority level of the applicant.

**The information in this leaflet is correct as of December 2010**

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