

# benefits

for young people with disabilities  
aged 16 and over

*This leaflet explains...*

**This leaflet explains the benefits that can be claimed by young people with disabilities when they reach 16, and the impact that this may have on the benefits claimed by their parents or carers.**

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limits**

Community  
Legal Service



**Suffolk**  
County Council

# Incapacity Benefit

Incapacity Benefit can be claimed from the age of 16. You have to show that you have been incapable of work for 28 weeks in a row before payment can be made. This is usually done with a medical certificate from the GP.

If you became incapable of work before the age of 20, then you do not have to satisfy the national insurance contribution rules. This means that it does not matter if you have never had a job and paid national insurance contributions. In a few cases the age limit can be extended to 25 – you should take advice if you are over 20 and want to claim Incapacity Benefit and have not paid enough National Insurance contributions.

## What if I am still at school or college?

Normally Incapacity Benefit is not payable to young people aged 16-18 if they are at school or college full time, however you are able to claim if:

- you are in education of less than 21 hours per week (breaks, free periods and unsupervised study or homework do not count), or
- your course is over 21 hours but would not be suitable for a person of your age who does not have a disability, then you are able to claim. If for instance, you are on a course that is designed for people with disabilities, attend a special school or your course has been adapted to cater for your disabilities, then you should still be able to claim. Your support worker or Social Worker will be able to give you advice about this.

## Do I have to have a medical examination?

Normally when people are claiming Incapacity Benefit they have to fill in a medical questionnaire about twice a year. This is often followed by an assessment, called the Personal Capability Assessment, by a Doctor acting on behalf of the Jobcentre Plus. There are certain people who are exempt from the Personal Capability Assessment (PCA)-

- if you get the highest rate of Disability Living Allowance care component or
- if you are registered blind or
- if you have a severe learning disability or
- if you have a severe mental illness.

Your support worker or Social Worker should write to the Jobcentre Plus office on your behalf if they think that you should be exempt from the PCA.

## If I claim Incapacity Benefit what will happen to my parents' benefits?

If you are under 19 (20 from April 2006) and still in education it is possible that your parents or carers could continue to have money for you included in their benefits and Tax Credits. This money will stop if you claim Incapacity Benefit.

The benefits which may be affected are:

- Child Benefit
- Income Support
- Housing Benefit and Council Tax Benefit
- Child Tax Credit
- Working Tax Credit

When you claim benefit in your own right, any money your parents get for you included in their benefits will stop being paid. This will happen even if they become appointee for your benefits.

This may mean that your parents or carers are worse off. You should take independent advice about the effect that you claiming Incapacity Benefit will have on the benefits that are claimed by your parents or carers.

### **Is Carers Allowance affected?**

If someone claims Carers Allowance for looking after you their entitlement is not changed because you claim any benefits in your own right as long as they continue to satisfy the rules for claiming Carers Allowance. See the FIAS leaflet 'Benefits for Carers' for more details.

### **How do I claim Incapacity Benefit?**

Phone the Jobcentre Plus claim line on 08456 032451. They will send you a form to complete. You should get help to fill this in.

### **What if I am unable to manage my own affairs?**

If you do not have the capacity to manage your own benefit claims, then a person can apply to be the 'appointee' for you, and can make a claim and manage your claim on your behalf. The Jobcentre Plus will probably visit you and the person making the application to be your appointee. If someone already holds Power of Attorney for you, then they are automatically your appointee for your benefits.

## **Disability Living Allowance**

Disability Living Allowance (DLA) is a benefit paid to people who need help with their personal care or with getting around. It is likely that this will already be being paid before you reach the age of 16, but it will be being paid to your parent or carer on your behalf. Once you reach 16 a decision will have to be made as to whether you can claim the money in your own name or whether someone will act as an appointee for you (see above).

The rules for getting DLA change when you are 16. You no longer have to show that you need more care or supervision than another person of your own age. In some cases this may mean that you may be entitled to a higher rate of benefit than you were getting before you were 16. Often

the Department of Work and Pensions (DWP) will review your claim around your 16th birthday. You should get help to complete any forms you are sent. Your support worker or Social Worker will be able to help you, or you can get help from one of the independent advice agencies listed at the end of this leaflet.

See the FIAS leaflet 'Benefits for people with disabilities' for more information about the rules for claiming DLA.

### **If I claim Disability Living Allowance what will happen to my parents' benefits?**

Getting DLA paid to you, or to an appointee once you are 16 will not alter your parent's benefits.

## Income Support

Income Support is a means tested benefit that may be paid to you on its own, or on top of other benefits that you are getting – such as Incapacity Benefit. How much you get depends on your personal circumstances, such as the amount of your income or savings and whether or not you live alone. You should take independent advice to see if you qualify for Income Support. You cannot get Income Support if you have over £8,000 in savings (£16,000 from April 2006).

### How do I claim Income Support?

Phone the Jobcentre Plus claim line on 08456 032451. They will send you a form to complete. You should get help to fill this in.

### If I claim Income Support will it affect my parents' benefit claims?

Yes – see the Incapacity Benefit section for details.

## What to do if you are unhappy with a decision

You can ask for the decision to be looked at again. This is called a revision. You should ask for a revision of the decision in writing and within one month of the date of the decision that you are unhappy with being made.

You also have the right of appeal. You can appeal straight away or after you have had the revision decision if you

remain unhappy.

You should take advice about asking for a revision or to make an appeal. Your support worker or Social Worker will have access to the County Council's Welfare Rights Helpline and will be able to help you, or you could contact an independent advice agency. They are listed below.

## Useful contacts

### Disabled Advice Bureau

19 Tower Street  
IPSWICH IP1 3BE  
Phone: 01473 217313

### DIAL

Waveney Centre for Independent Living  
161 Rotterdam Road  
LOWESTOFT NR32 2EZ  
Phone: 01502 511333

### OPTUA

Red Gables  
Ipswich Road  
STOWMARKET IP14 1BE  
Phone: 01449 672781

### Disability Advice Service

Cedar House  
Pytches Road  
WOODBRIDGE IP12 1EP  
Phone: 01394 387070

### OPTUA

West Suffolk Disability Resource Centre  
4 Bunting Road  
Moreton Hall  
BURY ST EDMUNDS  
Phone: 01284 748800