

## Benefits for Carers - Attendance Allowance

Attendance Allowance is a tax free, non means-tested benefit paid to people over 65 years who are disabled. It is paid to those who need assistance with personal care or those with supervision or watching over needs. There are two rates: high and low rate. High rate is paid to those who have night-time and day-time care/supervision needs. Low rate is paid to those who have day-time care/supervision needs.

For application forms for DLA and AA contact the Benefit Enquiry Line on 0800 882200. A helpline is also available on 08457 123456. For advice on entitlement contact your local Citizens Advice Bureau or other local advice agency.

Attendance Allowance (AA) is paid to people aged 65 and older who are so severely disabled physically or mentally that they need **help with personal care**. Definitions of the care conditions can be found in 'Terminology'.

Your entitlement is based on how much help with personal care you need because of your disability. This is used as a broad indicator of the extra costs arising from your disability. AA may be paid no matter how much money you have, and you do not have to pay tax on it.

If you are living alone or do not have a carer, you can still claim AA. Awards are based on the help you need, not the help you are actually getting.

AA is normally paid to disabled people themselves.

No National Insurance contributions are needed.

### Eligibility

Whether you get AA depends on the answers to two sorts of question. One set of questions is about **where** you live. The other questions are about **care conditions**. See below for details on these questions.

### Where you live

You must normally live in Great Britain (GB) and when you make your claim, you must:

- be in GB, and
- have been in the United Kingdom (UK) or the Isle of Man, Jersey or Guernsey for at least 26 weeks out of the last 12 months.

Time spent living in another EEA country may in some cases be treated as a period in GB for the purposes of the 26-week rule.

In certain other circumstances, you may also be treated as living in GB even though you are not there. This applies to:

- members of HM Armed Forces serving abroad (including their spouse, civil partner, children, stepchildren, parents, step-parents or parents-in-law if they are living with them).
- mariners and airmen working abroad.
- people working on the UK sector of the continental shelf (for example on an oil rig).
- people temporarily abroad, during the first 6 months they are there.
- people temporarily abroad for treatment.

There is an exception to the 26-week rule:

- people who are not expected to live longer than 6 months because of an illness can claim straight away.

Northern Ireland and the Isle of Man have similar schemes to AA; Jersey and Guernsey have slightly different ones. If you live in these areas you should claim the allowance from the relevant department in the area where you live.

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You will not be entitled to AA if your right to stay in the UK is subject to immigration control. You may be entitled if you are:

- an EEA national, or a member of the family of an EEA national
- a national of Algeria, Morocco, San Marino, Tunisia or Turkey and lawfully working in GB or a member of the family of one of these nationals and living with them
- covered by an agreement between the UK and another country on social security
- given refugee status
- given exceptional leave to enter or remain in the UK
- given humanitarian protection or discretionary leave to remain in the UK
- given indefinite leave to remain in the UK and subject to a formal undertaking.

### When you can receive help

To qualify for AA you must have met one or more of the care conditions for at least 6 months.

### Care conditions

The 2 rates and the conditions which apply to them are:

#### Lower:

- for people who need frequent attention with bodily functions throughout the day
- **or** need continual supervision throughout the day to avoid substantial danger to themselves or others
- **or** need prolonged or repeated attention at night in connection with bodily functions]
- **or** need someone to be awake during the night for a prolonged period or at frequent intervals in order to avoid substantial danger to themselves or others
- **or** regularly use a kidney machine at home or in a self-care unit at least twice a week, and this means they need attendance or supervision by another person. If renal dialysis is provided for them as a hospital outpatient under the NHS scheme, and with assistance from hospital staff, this will not normally entitle them to receive AA.

#### Higher:

- for people who satisfy both a day-time and a night-time condition which apply to the lower rate.

The definition of **bodily functions**, together with definitions for other care conditions, can be found in 'Terminology'.

### Special rules for people with a terminal illness

There are special rules to help people who are terminally ill (people who have a progressive disease and are not reasonably expected to live for more than 6 months). The special rules are to make sure people get their benefit as soon as possible. People who are terminally ill can qualify immediately for the higher rate without having to satisfy the 6-month qualifying period. You can make a claim under the special rules for such a person without them knowing or without their permission. You should claim straight away.

### What the care conditions mean

Whether you get AA depends on how your disability affects your need for someone to help you with your personal care, not on the type of disability you may have.