

**Carers are people who look after family members, relatives, friends or neighbours who cannot manage at home without help.**

**This might be because of a disability or an illness or because they are older and frail. It might be because they have a baby or a child who has a disability or illness.**

**If you are a carer, the care you give might range from doing the shopping once a week to 24-hour nursing care.**

**This booklet is designed to provide information, which will help you obtain your maximum welfare benefit entitlement, and to let you know where you can obtain more detailed information in Surrey.**

**The information in this booklet has been compiled by the staff at Surrey Welfare Rights Unit and is correct at October 2018**

# Contents

Carer's Allowance .....	4
Do You Qualify? .....	4
How to claim.....	5
Weekly Benefit Entitlement .....	6
Carer's Allowance – rules of entitlement.....	6
Carer's Allowance – Overlapping Benefits .....	10
How does your Carer's Allowance affect other Benefits?.....	11
Carers and Universal Credit.....	12
Changes of Circumstance .....	14
Caring and Working.....	15
Backdating .....	16
Civil Penalties.....	16
Overpayments .....	16
Fraud.....	17
Who to notify.....	17
Revisions and Appeals.....	17
Taking a break from caring.....	18
What happens to your benefits when you have a break from caring?.....	18
What happens if the person you care for dies? .....	19
What happens when the person I care for goes into residential care permanently? .....	21
How do I get paid Carer's Allowance for the weeks I am caring if it is not every week?.....	21
What benefits could I claim when I am no longer caring? .....	22
Universal Credit .....	22
Carer's right to a State Retirement Pension.....	23
Am I getting any protection for my State Retirement Pension when I am a Carer?.....	24
What happens to Carer's Allowance when you reach state retirement age? .....	25
How do I qualify for full State Retirement Pension? .....	25
How can I get a State Pension statement?.....	27
Council Tax.....	28
Council Tax liability and Carers.....	28
Council Tax Support.....	30
Help to pay your rent .....	31

Universal Credit Rent Support and Housing Benefit .....	31
Help to pay the mortgage.....	33
Housing Costs with a means-tested benefit.....	33
Benefit Cap .....	34
NHS Health Benefits .....	34
What are the Health costs which I may be exempt from, or receive a reduction? .....	34
Care Act 2014 .....	36
Carer’s right to an assessment .....	36
Acting on behalf of another person .....	37
Appointees .....	37
Agents.....	37
Power of Attorney .....	37
Receivership .....	39
Protecting Vulnerable Adults - safeguarding.....	39
SURREY CITIZENS ADVICE OFFICES .....	41
SURREY CARERS SUPPORT SERVICES.....	42
OTHER ORGANISATIONS.....	42

# **Carer's Allowance**

## **Do You Qualify?**

Are you aged over 16? **YES**

Do you pass the UK residence and presence test? **YES**

Are you spending at least 35 hours a week caring for one person?  
**YES**

Is the person you care for in receipt of Attendance Allowance, middle or higher rate care component of Disability Living Allowance, standard or enhanced daily living component of Personal Independence Payment or Constant Attendance Allowance? **YES**

If you are studying, you are in education that is under 21 hours per week? **YES**

You are not earning more than £120 per week? **YES**

There is no-one else receiving Carer's Allowance for looking after the same person that you care for? **YES**

**If you have answered YES to all these questions you are entitled to claim Carer's Allowance.**

## How to claim

There are several ways of making a claim for Carer's Allowance. You can claim:

- online: <https://www.gov.uk/carers-allowance>
- by printing off and filling in the [DS700 form](#) or the [DS700SP form](#) if you get a State Pension, and sending it to  
The Carer's Allowance Unit  
Mail Opening Site A  
Wolverhampton  
WV98 2AB

You can also get a printed form by contacting the Carer's Allowance Unit  
[cau.customer-services@dwp.gsi.gov.uk](mailto:cau.customer-services@dwp.gsi.gov.uk)

Telephone: 0800 731 0297

Textphone: 0800 731 0317

Monday to Thursday, 8:30am to 5pm

Friday, 8:30am to 4:30pm

If the person you are claiming for is still waiting for their Disability Living Allowance (DLA), Personal Independence Payment (PIP) or Attendance Allowance (AA) decision then still make a claim to maximise your payment period. If you were actually entitled to Carer's Allowance (CA) before you claimed, it can be backdated for up to three months from the date you claimed.

You can get help with form filling from the agencies listed at the back of this booklet. Always ask if they do home visits if it is difficult for you to take time off from caring. Your benefit is paid directly into a bank or building society or Post Office account.

## Weekly Benefit Entitlement

From April 2018

£64.60

### Carer's Allowance – rules of entitlement

#### Age

- You must be at least 16 when you claim Carer's Allowance (CA).

#### UK residence and presence test

- You must be physically present, and ordinarily resident, in Great Britain to claim CA, and have been present for at least 104 weeks in the last 156 weeks on the date you make a claim.
- There are special rules about claiming if your right to reside in Great Britain is subject to any limitation or condition. If you are unsure about whether you may be affected, please seek advice from a local Citizens Advice office or one of the other advice agencies listed at the end of this booklet.

#### Caring for someone for at least 35 hours per week

- You do not need to be related to the person for whom you care, nor do you have to live with them.
- CA is paid on a weekly basis and, during each week, you must be caring for someone for at least 35 hours. The CA "week" runs from Sunday through to Saturday, and it is within this "week" that the 35 hours must be counted. You cannot average the hours from one week with another.

**Example:** Rachel spends the following time caring for Neelam:

- |          |                    |          |
|----------|--------------------|----------|
| • Week 1 | Sunday to Saturday | 30 hours |
| • Week 2 | Sunday to Saturday | 39 hours |
| • Week 3 | Sunday to Saturday | 34 hours |
| • Week 4 | Sunday to Saturday | 38 hours |

*She is only able to claim CA for weeks 2 and 4. She cannot average the hours to make 35 hours in each in week.*

- You must care for **one** person for at least 35 hours – if you care for more than one person, you cannot add the hours together to make a total of 35 hours. However, you do not have to spend some time every day caring for someone as long as the total hours in each CA week is 35.

**Example:** Helen looks after her neighbour during the day from Monday to Friday while the neighbour's daughter is at work. The daughter looks after her mother at weekends and at night. Helen can claim CA if she spends at least 35 hours caring for her neighbour.

- The care must be “regular and substantial” but this is not defined. Time spent getting ready for a disabled person to visit, or clearing up after they have gone, can count towards the 35 hours if it is directly related to the disabled person.

**Example:** Rashid is severely disabled and comes home each weekend. He is on a special diet and is also incontinent. He can have angry outbursts and objects have to be removed before his visit to ensure his safety. The time spent by his mother, Seema, buying and cooking his special food, making the house safe, and washing his laundry, can count towards the 35 hours.

Seema spends 3 hours on Friday getting things ready for Rashid. She collects him at 6 pm on Friday afternoon, and takes him back on Monday morning. Seema spends Monday morning clearing up. These additional hours count towards the 35 hours.

## **Caring for someone in receipt of a qualifying disability benefit**

The person for whom you care **must** be receiving one of the following benefits:

- Attendance Allowance at either the Higher Rate of £85.60 or the Lower Rate £57.30
- Care component of Disability Living Allowance at either the Higher Rate of £85.60 or the Middle Rate of £57.30
- Daily Living component of Personal Independence Payment at either the Enhanced Rate of £85.60 or the Standard Rate of £57.30.
- Constant Attendance Allowance of £69.90 per week or more, paid as part of a war or industrial disablement pension.

The lower rate of the DLA care component, or the mobility component of either DLA or PIP **do not** count as qualifying benefits for CA.

If the person for whom you care does not receive Attendance Allowance (AA), Personal Independence Payment (PIP) or Disability Living Allowance (DLA), they may be eligible to make a claim for:

- AA                   if they have reached state pension age
- DLA                 if they are under 16
- PIP                 if they are aged between 16 and state pension age

Forms for AA can be obtained by phoning the Attendance Allowance helpline on 0800 731 0122; DLA forms can be obtained from the DLA Helpline on 0800 121 4600; for general information about PIP phone 0800 121 4433; for PIP claims, phone 0800 917 2222.

The basic qualifying condition for these benefits is that a person must be so disabled that s/he needs attention or supervision from another person (DLA and AA) or help participating in everyday life (PIP). The help must be needed more often than not on a weekly basis, so four days out of seven. The help must be with daily living activities such as getting in and out of bed, washing, dressing, eating, getting to and from the toilet, getting in and out of a chair, understanding verbal or written communication, and other such “hands on” care. **Help needed with shopping, cleaning, gardening or other “household” tasks usually does not count.** However, if the *person* needs close personal contact from another person to enable *them* to perform a household task *themselves* this contact can sometimes count.

## **Personal Independence Payment (PIP)**

Claimants of working age who want to make a claim for a disability benefit now claim PIP. DLA claimants whose claims are due for renewal or who notify of a change in their circumstances, and young people reaching age 16 will be invited to make a PIP claim instead of having their DLA renewed or reviewed. If a PIP claim is not made DLA will stop anyway. Most DLA claimants will be invited by DWP to claim PIP at some point. PIP is non-means-tested and has two components, Daily Living and Mobility. Both components each have two rates, “standard” and “enhanced” and awards are determined by a points-based assessment around specific activities.



Either rate of Daily Living award

- is a qualifying benefit for Carer's Allowance;
- is a qualifying benefit for the Severe Disability Premium **if** the disabled person lives alone (or is treated as living alone) and no one is receiving CA for looking after them.

Most claimants will be invited to a face-to-face medical as part of the PIP process.

Children will continue to claim and receive DLA up until their 16<sup>th</sup> birthday.

### **Full time education**

You (the Carer) must not be in full time education, full time education is defined as more than 21 hours per week of supervised study e.g. attending lessons or seminars. It does not include study at home or meal breaks.

### **Earnings and work**

There is no limit on the number of *hours* a Carer may work and claim CA, but there is a limit on the *earnings* from work, either as an employed person or from self-employment. If you earn more than £120 per week after allowable expenses, you will not be eligible to claim CA for the following week. The level of the earnings will affect Carers who balance periods of caring and work, for instance claiming CA for a child who is home for school holidays.

*What counts as earnings?*

- Wages
- Any bonus or commission including tips
- Holiday pay
- Pay in lieu of notice
- Maternity and sick pay
- Allowances for attending meetings as a local councillor.

Allowable expenses:

- National Insurance contributions
- Income tax
- Half of any contribution towards an occupational or personal pension
- Expenses incurred "wholly and exclusively" in connection with your work e.g. travel expenses *during* your work. Fares or travel expenses *to and from work* are not allowable expenses.

- A maximum deduction of 50% of the care costs for the disabled person or a child under 16 when the Carer is unable to care for them because they are working. The care costs must not be paid to a close relative (parent, son, daughter, brother, sister or partner) of the carer or disabled person. The paid carer does not need to be registered.

### **There is no one else receiving Carer's Allowance for looking after the same person that you care for**

Carer's Allowance is only paid to one Carer for looking after a disabled person, even if two or more people share the care. If you cannot claim Carer's Allowance (because someone else is already claiming) you may be able to get Carer's Credits to help you meet the National Insurance criteria for State Retirement Pension.

### **Carer's Allowance – Overlapping Benefits**

Carer's Allowance is known as an “earnings replacement benefit” and is intended to compensate you because you are caring for someone and therefore cannot work full-time. **Usually you cannot receive more than one “earnings replacement benefit” at a time. Always seek advice if you are unsure what the rules allow.**

You cannot usually receive more than one of the following:

- Carer's Allowance
- Contribution-based or new style Jobseekers Allowance
- Contribution-based or new style Employment and Support Allowance
- Maternity Allowance
- State Retirement Pension
- Widow's Pension
- Bereavement Allowance
- Widowed Parent's Allowance

Where there is entitlement to more than one of these earning replacement benefits then the following rules apply:

- If you are in receipt of a contributory benefit such as State Retirement Pension, then this can be topped up by any balance of non-contributory benefit that is due:

### **Example**

*Jane, 65, looks after her brother; he is 63 years old and in receipt of PIP daily living. Jane is in receipt of a small Retirement Pension of £24.60 per week based on her own contributions (known as Category A), which were insufficient to give her a full pension. She can claim Carer's Allowance and the £24.60 is topped up by £40.00 Carer's allowance giving the total of £64.60 per week (the normal weekly rate of CA).*

Benefits you can receive which do not affect Carer's Allowance are:

- Personal Independence Payment
- Attendance Allowance
- Industrial Injuries Benefits and Reduced Earnings Allowance
- Child Benefit
- Child Tax Credit
- Guardian's Allowance
- Bereavement Support Payment
- Disability Living Allowance

## **How does your Carer's Allowance affect other Benefits?**

If you are claiming

- Income-based Jobseeker's Allowance
- Income-related Employment and Support Allowance
- Income Support
- Pension Credit
- Housing Benefit

**and** are receiving Carer's Allowance (*or would be if it were not overlapping with another benefit*), you will be entitled to the Carer Premium (Carer's Addition when paid as part of Pension Credit) worth £36.00 each week, this will be included in the calculation of your means-tested benefits.

If Carer's Allowance is in payment it is taken into account as income for means-tested benefits, so you will be better off each week by £36.00.

However, if the person **you are caring for** lives alone or only with other people in receipt of a qualifying benefit, and is receiving any of the means-tested benefits above, they will no longer qualify for the **Severe Disability Premium, (Severe Disability Addition when paid as part of Pension Credit)**, currently worth £64.30 a week, while you are in receipt of Carer's Allowance.

### **Note**

The Severe Disability Premium or Addition may seem a greater financial benefit than the Carer Premium, but it is paid to the disabled person, not the Carer. You must consider your own individual circumstances and seek expert advice before deciding whether or not to claim Carer's Allowance. If you do not claim Carer's Allowance, you will have to look at whether or not you might need National Insurance credits or whether you will have to be available for work in order to qualify for another benefit.

## **Carers and Universal Credit**

Universal Credit (UC) is a means-tested benefit for working age people, it is replacing Income Support, income-based Jobseekers Allowance, income-related Employment and Support Allowance, Housing Benefit, Child Tax Credit and Working Tax Credit. Most new claims made by someone who is working age for one of these six benefits after Autumn 2018 will instead be a claim for Universal Credit.

UC is paid once every calendar month, in arrears. Each adult in a claim for UC has to agree a Claimant Commitment. Carers who meet the conditions for Carer's Allowance will not be required to look for work or attend work-focussed interviews, but they still have to have an agreed Claimant Commitment in place. If a Carer works and does not receive payments of CA, as long as they meet all the other Carer's Allowance criteria, they won't have to meet any claimant commitment conditions even if they earn over the CA earnings limit; (see Earnings and Work section). A partner in your UC claim will have to meet their own claimant commitment conditions.

As with the six legacy benefits above, if you are entitled to CA (but you don't have to make a claim) or would be entitled apart from your earnings being above the CA earnings limit (£120pw), then your UC calculation will have an additional Carers Element included which is £156.45 per calendar month. This means that the Carer Element is included in the UC maximum

amount even if you cannot receive Carer's Allowance because you are earning too much.

### **Claiming CA and Universal Credit**

Under the legacy benefit system, a claim for Carer's Allowance can affect the benefits of the person you are caring for if they receive a Severe Disability Premium (or addition) with their means-tested benefits.

If you are in receipt of Universal Credit and your Universal Credit entitlement includes a Carer element the person you care for will not be entitled to the Severe Disability Premium/Addition as part of their legacy means-tested benefits. This is the case even if you aren't actually being paid Carer's Allowance.

UC does not have a severe disability element so a claim for CA does not affect the cared for persons UC **but**

**Note:** If the person you are caring for has a Universal Credit award including transitional protection of the severe disability premium/addition the situation may be more complicated, seek further advice.

**Note 2:** If you are entitled to or in receipt of only a small amount of Universal Credit, for example less than £50 per week, and you are thinking about claiming Carer's Allowance seek advice before you do this. For some claimants, CA may float you off UC and you may lose passported benefits such as free school meals. Ask one of the Advice Agencies at the end of this booklet.

### **Further Points**

- Two elements are included in the UC calculation where both you and your partner satisfy the conditions for Carer's Allowance eg: you are each caring for a different disabled child
- If you are not claiming a means-tested benefit because your income is too high, the addition of the Carer Premium/Addition/element into your applicable amount may now bring you into entitlement. Always check.
- With legacy benefits if you stop getting, or stop being treated as getting, Carer's Allowance, your entitlement to the Carer Premium/Addition continues for a further 8 weeks. With UC, if you

stop caring because the person you care for dies then you can continue to receive the Carer Element for that assessment period and the next two assessment periods.

## **Severe Disability Premium and Carer premium for couples**

If you are in receipt of one or more of the legacy benefits, and you are a couple, and you both receive a qualifying disability benefit then ask one of the advice agencies at the end of this booklet for a benefit check. This group of claimants can be the most financially disadvantaged if they move onto UC. There may be additional premiums or additions you may be entitled to but the rules are complex and advice on this is strongly recommended before making any claim for UC.

## **Changes of Circumstance**

Whether you are acting on behalf of another person as their appointee or you are claiming a benefit yourself, you must:

- claim within the time limits **and**
- give as much information as possible to enable benefit to be correctly decided **and**
- notify the Department of Work and Pensions (or whichever statutory agency is paying you benefit) of any change of circumstance, which might affect your benefits or the benefits of the person you are acting for. If you are unsure what changes should be reported, seek advice.

## Caring and Working

### Universal Credit

Carers may still be able to get UC if they work. Net earnings will be taken into account in the calculation. Net earnings are gross earning minus income tax, national insurance and 100% of pension contribution.

Recognised Carers do not have to work and there is no minimum number of hours that need to be worked as part of a Claimant Commitment. Ask an advice agency for a benefit check.

### Working Tax Credit.

Universal Credit replaces Tax Credits from Autumn 2018. However, if you are in receipt of Child Tax Credit you may be able to claim Working Tax Credit even after UC has arrived. There is a minimum number of hours that a worker has to be engaged in paid work in order to qualify for Working Tax Credit; this is either 16, 24 or 30 hours. Others who may qualify for Working Tax Credit working for 16 hours a week are those workers who are aged 60 or over or who qualify for the disability element as part of their award.

Lone parent households have to be engaged in at least 16 hours work.

Couple households with dependent children have to be in work for at least 24 hours a week. These hours can be worked by one person or shared between the couple as long as one of them is working at least 16 hours.

Exceptions to the 24 hour rule apply in a couple household with dependent children where one person is working 16 hours and the other person is either

- **entitled to Carer's Allowance;** or
- **incapacitated and in receipt of certain benefits;** or
- **an inpatient in hospital;** or
- **in prison**

Where none of the above apply the criteria to meet for a Working Tax Credit award is that the claimant has to be over 25 years of age and is working a minimum of 30 hours a week.

Tax Credit claims can only be backdated for one month and changes of circumstances which increase the level of an award will only be paid for a one month past period.

An initial Working Tax Credit award is made on the basis of your (and your partner's) previous tax year income and circumstances at the date of claim. If the current tax year income or your personal circumstances change the award can be amended during the tax year.

## **Backdating**

Backdating of benefits is difficult and restricted to very short periods, usually for either one or three months. In some cases you have to show good cause reasons for the late claim. The usual restrictions on backdating are lifted when an award of a qualifying benefit (such as AA, DLA or PIP) gives an entitlement to an additional premium or benefit.

## **Civil Penalties**

This could apply to you if you fail to take reasonable care of your claim and knowingly let a change of circumstances result in an overpayment of more than £65. These penalties can be given by either the DWP or the Housing Benefit teams within local councils, although local councils have to actively apply to the DWP for permission to implement penalties.

The decision maker must be satisfied that you have negligently made an incorrect statement or representation, or have negligently provided the wrong information or evidence and have not attempted to correct the error.

Civil penalties cannot apply if you have been charged with an offence or cautioned about the overpayment. The decision to impose a civil penalty is an appealable decision

## **Overpayments**

If you misrepresent or fail to disclose any facts affecting your benefit, the law allows any overpayment of benefit to be recovered from you.

You may have correctly told the Department of Work and Pensions (DWP) about a change of circumstances and they did not act on this information. If an overpayment of benefit has been caused by a DWP error, it may not be a recoverable overpayment.



If the DWP decides that there has been a recoverable overpayment, you should seek advice as soon as you can. The time limit for requesting a revision or an appeal is one month from the date of the decision.

The Decision Maker at the DWP deals with a revision of your claim; a First-tier Tribunal hears your appeal.

Even if your appeal is unsuccessful the Secretary of State for Work and Pensions has a final discretion to waive recovery of the overpayment depending on the circumstances and if recovery would cause hardship.

## **Fraud**

If the agency that pays your benefit considers that you deliberately and dishonestly misrepresented the facts or failed to disclose, you could be accused of fraud and prosecuted for a criminal offence in the Magistrates or Crown Court. In this case, you must seek legal advice urgently.

## **Who to notify**

You, or anyone acting on your behalf, should notify all the relevant offices that pay your benefits of any changes that could affect the payments. This disclosure does not have to be in writing.

Your award letter should contain the addresses of the agencies you are dealing with, e.g., the Disability Benefits Unit or the Carer's Allowance Unit. Alternatively, contact your local advice agency for the relevant addresses. If you telephone, make a note of the date and the name of the person you are speaking to and what you told them.

## **Revisions**

### **What to notify - examples**

- Deterioration or improvement in the condition of someone claiming DLA, PIP or AA.
- Changes in your family, for example a young person leaving school, someone moving in to look after you, a marriage or cohabitation, the birth of a new baby, or a child of the family moving in or out.
- The increase, loss or reduction of any other benefit.
- For means-tested benefits, any changes to income or capital.
- Changes in earnings and working hours.
- Time spent in hospital, residential care or on a short-term break.

## **How to appeal benefit decisions**

All benefit awards made by DWP and HMRC are subject to a **mandatory reconsideration** process before you are able to appeal directly to Her Majesty's Courts and Tribunal Service on an SSCS1 form (DWP) or SSCS5 form (HMRC). An appeal will not be accepted unless you include a copy of the **mandatory reconsideration notice** with your appeal request.

If there has been a change to the care or mobility needs of the person you care for, they can ask for their DLA/AA/PIP decision to be looked at again.

If the change is an improvement in their condition they have a duty to notify this to the Disability and Carers Service. If they have experienced a deterioration in their illness or disability then they can ask for a review of their award (known as a supersession). The whole award can be looked at again so further supporting evidence to show the deterioration will be required. Notifying of a change in needs for a working age DLA claimant will result in a new claim for PIP needing to be made. Seek advice from your local Citizens Advice office as decision makers can reduce the level of an award and/or the time for which the award will run.

## **Taking a break from caring**

### **What happens to your benefits when you have a break from caring?**

The Carer's Allowance rules allow breaks in care of up to a maximum of 12 weeks within a 26-week period without affecting Carer's Allowance. Of those 12 weeks, up to 4 weeks can be for a temporary break in caring such as having a holiday or the person you care for taking a break in residential care. The remaining 8 weeks allow the Carer or the disabled person to receive medical or other treatment as an in-patient in hospital. While you are entitled to CA (or would be apart from your earnings are too high) the Carers Element should still be included in your UC maximum amount.

### **What happens if you, or the person you care for, go into hospital?**

If you, the Carer, go into hospital, your entitlement to Carer's Allowance will stop after 12 weeks. It may stop sooner if you have been in hospital, or had a previous break in caring within the last 26 weeks.

If the person you are caring for is over age 18 and they go into hospital their entitlement to PIP or AA will stop after 28 days and entitlement to Carer's Allowance will also stop at this time. Carer's Allowance may stop sooner if the person cared for had a previous hospital stay within 28 days of the new admission as these periods in hospital will be linked to form a continuous inpatient period.

If you care for someone under 18 their DLA or PIP can continue to be paid whilst they are in hospital as long as they meet the other qualifying conditions. The usual 12-week time off from caring rule applies unless you are still providing care to the child/young person in hospital, in which case your Carer's Allowance/means-tested Carer additions can also continue.

You **must** report changes immediately in writing to the Carer's Allowance Unit. It is also important that the AA, PIP or DLA Unit is told that the disabled person/child is in hospital, otherwise the authorities may decide that any benefit paid after these periods must be paid back. It is a good idea to keep a copy of your letter.

If the person cared-for is in hospital and they are in receipt of benefits then those agencies should also be informed of their admission.

### **What happens if the person you care for takes a break in residential care?**

If you are away from caring the 28 day rule applies.

If you have had more than 28 days away from caring in the past 26 weeks (six months) you are not entitled to Carer's Allowance for any week you are not caring for the disabled person for at least **35** hours (see Carer's Allowance rules of entitlement). However, odd days or weekends only are unlikely to affect your benefit as a weekend straddles two different weeks.

### **What happens if the person you care for dies?**

Entitlement to Carer's Allowance and the means-tested Carer premiums/additions/elements are extended for eight weeks after the death of the person being cared for. The eight weeks will run from the Sunday following the date of death or from the date of death if that was a Sunday. Entitlement for the full 8 weeks is subject to other rules; for example, if the Carer starts gainful employment or full-time education, entitlement will end. Also, payment of certain other benefits, for example, Employment and Support Allowance, can reduce or stop payment of Carer's Allowance. Widows and widowers may wish to check with an

advice agency to see if they would be entitled to bereavement benefits if their spouse or civil partner has died.

For Universal Credit, the Carer element remains part of the maximum amount for the remainder of the assessment period when the death occurred, and for the next two assessment periods (ie: calendar months).

### **What happens if my disabled child is at boarding school?**

If your child is away at boarding school and the cost is being met, or could be met, by the local authority, you will not be able to receive Carer's Allowance once your child has spent 28 days away from home. Two or more periods separated by 28 days or less will be linked together towards the 28-day limit. However, if your child comes home every weekend, and you care for him/her for 35 hours each week it may be possible to continue to receive your Carer's Allowance. If your child comes home less frequently, or only during the school holidays, you can ask for your Carer's Allowance to be reinstated during any week that you look after him/her for at least 35 hours. You will need to notify DLA/PIP that payment of the qualifying benefit also needs to be reinstated for the days at home.

#### ***Example:***

*Jamie is aged 11 and goes to a boarding school in Somerset. The arrangement is that he will come home every third weekend and during the school holidays. He starts at school on 6 September. Jamie's mum, Lesley, receives Carer's Allowance as Jamie is in receipt of DLA Middle Rate Care Component. Jamie's first weekend home is Friday 24 September and he will return to school on Monday morning 27 September. Jamie has been at school for 20 days, as the day he started and the day he comes home are not counted as days he is at school for benefit purposes.*

*Jamie next comes home on Friday 15 October for half term and returns to school on Monday 25 October.*

*Jamie's right to be paid DLA care stops on 4 October as he has been in publicly funded accommodation on 4 October for 28 days. Lesley's right to receive Carer's Allowance stops the same week. Lesley can ask for Jamie's DLA to be paid between 15 October and Monday 25 October inclusive. She is therefore able to receive Carer's Allowance for 3 weeks so long as she has cared for Jamie for 35 hours during each of the weeks he is at home – she can count preparing for him to come home and*

*clearing up afterwards in the 35 hours. If Jamie comes home at Christmas for at least 28 days this linking rule will be broken and a new 28 day period can start again.*

## **What happens when the person I care for goes into residential care permanently?**

When the person you have been caring for goes into residential care permanently you will lose your carer's benefits apart from the benefit run-on described above. If the person returns home temporarily you may receive benefits during the time they are with you, pro-rata. It is important to notify the change of circumstances to the relevant agencies as soon as possible.

It is a good idea to seek advice from one of the agencies listed at the end of the booklet and to look at the information in the next section "What happens when I am no longer caring?"

## **How do I get paid Carer's Allowance for the weeks I am caring if it is not every week?**

You need to write to the Carer's Allowance Unit, Mail Handling Site A, Wolverhampton, WV98 2AB, telephone 0800 731 0297 stating your National Insurance number. Ask them to send you Form DS700. It is helpful if you tell them in your letter the date and weeks you wish to be paid Carer's Allowance.



## What benefits could I claim when I am no longer caring?

This depends on your particular circumstances. If you have reached state pension age you may be entitled to **State Retirement Pension**. If you have reached state retirement age for women you may also be entitled to **Pension Credit** if you have low or no other income.

From October or November (depending where in Surrey you live) all working age claimants in Surrey will have to claim UC if they need means-tested financial support.

### Universal Credit

Universal Credit is a means-tested benefit for people on a low income who are in or out of work. It replaces Income Support, income-based JSA, income-related ESA, Housing Benefit, Child and Working Tax Credits.

It will be possible to make a new Universal Credit claim in Surrey from autumn 2018; Carers making a new claim for financial support will claim Universal Credit instead of Income Support to top-up Carers Allowance. Universal Credit payments will include rent support and support for any dependent children.

Existing benefit claimants will **not** have to make a new Universal Credit claim until they are invited to do so unless their circumstances change. Existing benefit claimants are not expected to be required to be moved onto UC (managed migration) until July 2019 at the earliest.

If your caring role has ended it will depend on the reason why it has stopped as this may affect your Universal Credit. If you have stopped your caring role because you have become ill or disabled then Universal Credit can assess your Limited Capability for Work. If you are not unwell you may be asked to look for work, attend work-focussed interviews and undertake work related activities.

### New-Style Employment and Support Allowance

If you are unwell and have given up your caring duties because of your own condition, you may be able to claim new-style Employment and Support Allowance (ESA). This used to be called contribution-based ESA and you

will be entitled to claim if you have sufficient NI contributions. It is not means-tested. You will need to have a fit note signed by a doctor or medical practitioner. If you are undertaking any paid work then seek advice as this work would have to be within the Permitted Work rules.

There is an initial 13 week assessment period when you will be paid £73.10 per week if you are 25 or over, £57.90 if you are under 25 years of age. At the end of this 13 week period you will usually be invited to attend a medical assessment to determine if you have limited capability for work, the "Work Capability Assessment". The first decision is made as to whether or not you have limited capability for work and qualify for ongoing ESA payments. A second decision is made about whether or not you should be expected to carry out work-related activity whilst receiving benefit. A local Citizens Advice office can tell you more about ESA.

If you receive new-style ESA, this will count as income if you also claim Universal Credit.

### **New-Style Jobseeker's Allowance**

Jobseeker's Allowance is available for those people who are working less than 16 hours a week and who are available for and actively looking for work. If you have stopped your caring role and are now looking for work you may be able to claim new-style Jobseeker's Allowance (JSA) depending on your NI record. It is not means-tested but does count as income if you also claim Universal Credit.

### **Carer's right to a State Retirement Pension**

The rules on entitlement and National Insurance contributions/credits changed for those people who reached retirement age on or after 6 April 2016.

A client's state pension age depends on when s/he was born. State pension age is:-

- 65 for a man born before 6 December 1953
- 60 for a woman born before 6 April 1950
- between 60 and 65 for a woman born on or after 6 April 1950 but before 6 December 1953.

Pension age for both men and women will be 65 in November 2018. From December 2018 the state pension age for both men and women will start to increase to reach 66 by October 2020. You can find out your exact pension age by contacting one of the advice agencies at the end of this booklet or via the website [www.gov.uk/calculate-state-pension](http://www.gov.uk/calculate-state-pension)

## **Am I getting any protection for my State Retirement Pension when I am a Carer?**

If you are receiving Carer's Allowance you receive National Insurance credits which may help towards your entitlement to a pension and other benefits including new style JSA, new style ESA and Bereavement Benefits.

Unless you are also working and paying National Insurance contributions it is necessary to have 52 credits in each complete tax year in order to have a full year's contribution record for benefit purposes. For each week you are receiving Carer's Allowance you are getting one credit. Therefore if you don't receive Carer's Allowance for each week of a full tax year you will not receive 52 credits. However, you may be able to pay voluntary contributions (Class 3) for any missing weeks. A UC award also provides Class 3 Credits.

***Example:** Jamila gave up work last March to look after her son Ilias who had a serious car accident which has left him brain-injured. Jamila claims Carer's Allowance on 15 May and doesn't think she will return to work for a long time. She will receive about 47 credits during this tax year – 5 credits short of the required amount. She will probably get a letter from the Contributions Agency at some stage "inviting" her to pay an amount of voluntary contributions to meet this shortfall. If she pays this amount she would have a full contribution record for this tax year.*

*If Jamila claims UC at some point, to top-up her Carer's Allowance income, she will get NI credits for any week she does not receive CA, for example if her son goes to a residential school.*



## What if I don't receive Carer's Allowance?

Carers who are not entitled to be paid Carer's Allowance and who are not paying national insurance or receiving a NI credit with another benefit claim may be able to receive **Carer's Credits**. The criteria are:

- You care for someone for at least 20 hours per week, **and**
- they receive Attendance Allowance, **or**
  - they receive DLA care component at middle or higher rate, **or**
  - they receive the daily living component of PIP; **or**
  - they receive Constant Attendance Allowance, **or**
  - the need for care has been certified. This means that the need for 20 hours of care per week has been confirmed by a health professional and accepted by the DWP without a qualifying benefit being in payment.

The Carer's Credit counts towards meeting the criteria for State Retirement Pension.

## What happens to Carer's Allowance when you reach state retirement age?

Carers over retirement age are eligible to claim and receive Carer's Allowance, but may find that it "overlaps" with their State Retirement Pension (see section on State Retirement Pensions). It is likely that there are two main groups of Carers over retirement age who can benefit from claiming Carer's Allowance. They are:

- Carers who are in receipt of a small state pension who may be able to "top-up" their pension to the level of Carer's Allowance.
- Carers in receipt of means-tested benefits (Pension Credit, Council Tax Support or Housing Benefit) who will be able to claim a Carer Premium as part of their means-tested benefit claims (see section on Carer Premium).

## How do I qualify for full State Retirement Pension?

If you reached State Pension age **before April 2016** the qualifying conditions for a full State Pension were that you had either paid or been credited with National Insurance for a total of 30 years. If you had paid or been credited for less than the required 30 years, your entitlement is

1/30<sup>th</sup> of State Pension for each complete year. There is no minimum number of years to receive some payment.

If you reach State Pension age on or **after 6 April 2016** you will claim new State Pension.

- Claimants need 35 qualifying years to get the full amount of new State Pension, although NI paid before this date will affect the amount paid – see below.
- You will need at least 10 ‘qualifying years’ on your National Insurance record to get **any** State Pension. These can be from before or after 6 April 2016, and they don’t have to be 10 consecutive years. Those people who have between 10 and 35 years contributions will be paid new State Pension pro-rata. (There are complicated rules for women who paid reduced rate NI who may not need the full 10 years – seek advice)
- Under new State Pension, how much you get will usually be based on **your own** National Insurance record only.

You can request a personalised statement of what you can expect to receive under the new State Pension based on your work history and National Insurance contributions or credits to date, see later in this booklet.

### **How is the new State Pension calculated?**

Your starting amount will be the higher of either:

- the amount you would have got under the old State Pension rules (which includes basic State Pension and Additional State Pension. Additional State Pension could be SERPS or State Second Pension)
- the amount you would get if the new State Pension had been in place at the start of your working life.

Your starting amount will include a deduction if you were contracted out of the Additional State Pension. You may have been contracted out because you were in a certain type of workplace, personal or stakeholder pension. You can get more State Pension by adding more qualifying years to your National Insurance record after 5 April 2016. You can do this until you reach the full new State Pension amount or reach State Pension age - whichever is first. Seek advice as this is a complex area.

## What happens to the National Insurance years before the Carer's Credit?

Up until 6 April 2010 you may have had your contribution record protected for State Retirement Pension and Bereavement Benefits by receiving Home Responsibilities Protection (HRP). You can find out more about HRP at the [www.gov.uk](http://www.gov.uk) website.

## How can I get a State Pension statement?

If you live in the UK you can get a State Pension statement:

- by phone
  - if you're within 30 days of reaching State Pension age or you have reached State Pension age contact the Pension Service on 0800 731 7898.
  - if you do not reach state pension age within 30 days call the Future Pension Centre on 0800 731 1275
- online by visiting the website [www.gov.uk/state-pension-statement](http://www.gov.uk/state-pension-statement). To use the online service you must be at least four months away from reaching your State Pension age.

If you have speech or hearing difficulties you can contact using Textphone 0800 731 0176 or you can write to The Pension Service 9, Mail Handling Site A, Wolverhampton, WV98 1LU.

The **Pensions Advisory Service** is available for general advice or guidance on all pension issues covering state, company, personal and stakeholder schemes. They are an independent voluntary organisation that is grant-aided by the DWP. They can provide free information, advice and guidance on state, company, personal, stakeholder and occupational pensions. They can also help any member of the public who has a problem, complaint or dispute with their occupational or private pension arrangement.

The helpline is open from 9am to 5pm – Monday to Friday.

Pensions Helpline **0800 011 3797**

Pensions Helpline for Self Employed **0345 602 7021**

You can contact them via email from their website;

<http://www.pensionsadvisoryservice.org.uk/online-enquiry>

or by writing to: The Pensions Advisory Service, 11 Belgrave Road, London, SW1V 1RB

# Council Tax

## Council Tax liability and Carers

If you live alone, the standard 25% single person reduction applies to your Council Tax liability. Certain adults can be disregarded which could mean there would be entitlement to discounts.

A Carer is disregarded for Council Tax purposes if s/he is providing care or support (or both) to another person:

- on behalf of an official or charitable body, **or**
- is employed by the person being cared for to provide care and support and was introduced by a charitable body, **or**
- is caring for someone in receipt of certain benefits.

This section provides information on the last category i.e. for Carers who are unpaid and not employed.

## Caring for someone in receipt of certain benefits

The Carer must:

- be resident in the same dwelling as the person being cared for **and**
- be providing care for at least 35 hours per week on average **and**
- not be the partner of the person being cared for or, if the person needing care is under 18, not be the child's parent **and**
- be caring for someone entitled to
  - either rate AA; **or**
  - higher or middle rate care component of DLA; **or**
  - either rate of the daily living component of PIP; **or**
  - an Armed Forces Independence Payment; **or**
  - an increase in Constant Attendance Allowance under the Industrial Injuries or War Pensions Scheme; **or**
  - the highest rate of Constant Attendance Allowance payable on top of full rate disablement benefit paid for an industrial injury.

More than one person living in the dwelling can count as a Carer. If you have other people living with you then check with an advice agency to see if they are also “invisible” for Council Tax purposes.

### **Example**

*Phoebe lives with her Mum and her two brothers who are still at school. Phoebe has just left college. She is 20 and gets PIP at the standard rate for both Daily Living and Mobility. Her Mum gets sent a new Council Tax bill at the full rate as Phoebe is no longer disregarded as a student. Mum completes the Council’s Carer discount form and a revised 75% bill is issued as Phoebe is the sole liable person for council tax.*

## **Severely mentally impaired**

If you live with the person you care for, or if they live with you, they may be “invisible” for Council Tax purposes on the grounds of severe mental impairment. They have to suffer from “*a severe impairment of intelligence and social functioning (however caused) which appears to be permanent*”, **and** be in receipt of one of the following: the Daily Living component of PIP; middle or higher rate care component of DLA; AA; Employment and Support Allowance; a disability premium or would have been entitled had they claimed before the age of 65. You need to obtain a certificate of confirmation from a registered medical practitioner.

If your home is considered to only have one resident living in it, then the Council Tax bill will be reduced by 25%. If your home is considered to have no residents (because everyone is “invisible”) then your bill will be reduced by 50%.

## **If you live away from home because you are caring**

If there is no-one living in your home which was your sole or main residence and you are living elsewhere in order to care for someone who needs it because of old age, disability, illness, alcohol or drug dependence or mental illness your former home is exempt from Council Tax with no time limit.

If you now live in the home of the person you care for as your main residence, your presence may affect their Council Tax liability.

## **Disability Reduction Scheme**

You can get a reduction on your Council tax bill if you or someone living in your house is “*substantially and permanently disabled*” and one of the following applies:

- You have a second bathroom or kitchen needed by that person
- You have a room (not a bathroom or kitchen) that is needed by and predominantly used by that person
- Your home has enough space for that person and their wheelchair to be used indoors.

If this scheme applies, your Council Tax bill will be reduced by one band, unless your home is Band A, when your bill will be reduced by 1/6th.

These discounts reduce your Council Tax liability irrespective of your means. If you think that you are entitled, notify your Borough or District Council and ask them to backdate the discount to when you were first entitled. There is no limit to the backdating of a discount.

## **Council Tax Support**

Council Tax Support replaced Council Tax Benefit; the Government stated that people over pension age had to be protected up to their previous entitlement. In Surrey the 11 district and borough councils have each designed their own scheme for people of working age.

Council Tax Support is separate from the Council Tax discount scheme see above. It is a means-tested support to help low income households pay their Council Tax.

If Council Tax liability has been reduced by any of the discounts you may still be entitled to claim Council Tax Support to help with the costs of the remaining payment. If your local Council Tax Support scheme does not provide sufficient financial support then you can ask for a Discretionary Payment to top-up the shortfall. Seek advice about claiming.

## Help to pay your rent

### Universal Credit Rent Support and Housing Benefit

If you are liable to pay rent you can claim Rent Support as part of a claim for Universal Credit (UC). How much you receive will depend not only on what income you have but also whether you have a social housing landlord or a private sector landlord and how many bedrooms you have.

If you are still in the legacy benefit system or if you are a Carer over pension age who rents you may already be receiving Housing Benefit to help you pay your rent. If you are over pension age you can also make a new claim for Housing Benefit to help with rent payments.

The Rent Support and Housing Benefit rules help households where a non-resident Carer needs to sometimes stay overnight. The Local Housing Allowance, which is the banding of allowable rent in the local private sector, is restricted according to the prescribed needs of your household. Similarly, social housing sector tenants could be penalised by the 14% or 25% under-occupancy charge (bedroom tax) if they are considered to have spare bedrooms. Where there is a proven need for a non-resident carer to stay overnight to care for a disabled claimant or a claimant with a long-term health need (whether they are an adult or a child) then the bedroom “count” can be increased by one bedroom size.

Need will be proven by the receipt of Attendance Allowance or middle or higher rate of DLA care component or the daily living component of PIP. If the UC or HB claimant is not in receipt of the relevant rate then evidence of the requirement and proof that night care is needed will be required. In addition, the requirement will only be considered to have been met if the disabled person reasonable requires, and has in fact arranged, that one or more people who do not occupy as their home the dwelling to which the claim or award for HB relates should:

- Be engaged in providing overnight care for the person;
- Regularly stay overnight at the dwelling for that purpose; and
- Be provided with the use of a bedroom in that dwelling additional to those used by the persons who occupy the dwelling at their home.

Also the rules allow a bedroom for a disabled child who normally would be expected to share (because they were under 10 or the same sex as a second child under 16). This applies to both social or private rented sector households. In addition, couples who are unable to share a bedroom

because of disability can now have a second bedroom used by one of the couple included in the calculation.

## **Claiming and backdating**

If you are claiming Rent Support as part of a UC claim then you will need to provide the relevant information to the DWP. If you are claiming Housing Benefit then you need to contact your local borough or district council to make a claim. Unless, as the result of an award of a qualifying benefit, the maximum backdating of UC or HB is one month for working age claimants.

## **Backdating following the award of a qualifying benefit**

A qualifying benefit could be, for example, PIP, Attendance Allowance, or Carer's Allowance these are benefits that can trigger extra elements or premiums payable with UC or Housing Benefit. You may be entitled to Housing Benefit for the first time, or an increase in an existing award. However, it may be weeks or months after making a claim for the qualifying benefit that you get the decision.

If the award triggers an increase in an existing UC or Housing Benefit claim, you can have the increase in benefit backdated to the date of claim of the qualifying benefit.

If the award of the qualifying benefit means you become entitled to UC or Housing Benefit for the first time, you cannot have automatic backdating of benefit to the start date of the qualifying benefit.

You should make a claim for UC or Housing Benefit at the time of the other claim for the qualifying benefit and ask the DWP or local council to "stockpile" your claim, that is, delay making a decision until you hear about the qualifying benefit. The local council should not refuse to accept a claim in these circumstances. If they do, seek advice. If the DWP or local authority go ahead and make a decision and refuse you benefit you can ask for an anytime revision once the qualifying benefit has been decided. You should seek advice if this happens.

## **Discretionary Housing Payments**

Each local council has a cash limited budget available to top up your benefit to help you pay your rent. This is a discretionary fund and has to be applied for separately from UC Rent Support or Housing Benefit.



## Help to pay the mortgage

### Housing Costs with a means-tested benefit

From April 2018 any DWP help you receive for mortgage interest will be in the form of a loan. This is a significant change to the previous help with mortgage interest scheme. The new scheme not only applies to Universal Credit but also to new-style JSA, new-style ESA, Income Support and Pension Credit. A debt will accrue in a separate loan account.

Before agreeing to the loan claimants must take third party advice, arranged by the DWP, about the loan agreement and alternative options that might exist.

Interest is charged from the first payment and on a compound basis. The interest charged is based on the Office of Budget Responsibility's forecast of the gilt rate.

The secured debt, with accumulated interest, is repayable in three ways:

- Death of claimant. For couple claims this also includes the death of the partner;
- Sale or transfer of the property, but not if the property is transferring to a partner or spouse following death;
- Repayment of the support for mortgage interest loan itself at any time. The minimum repayment amount is £100.

The loan is subject to the standard mortgage interest rate, a maximum eligible loan amount and 9 assessment period (9 calendar months) waiting period for working age claimants; there is no waiting period for those of retirement age.

The rules are very complex and your local Citizens Advice office can provide further information but not financial advice. Seek expert help if you have a mortgage and need help with repaying the loan.

## **Benefit Cap**

The benefit cap is the maximum amount of benefit a non-working household can receive. It only applies to working-age households. Households where the claimant is entitled to Carer's Allowance will be exempt from the Benefit Cap, as are households where there is an ESA claimant who is in the Support Group, or a claimant or their dependent child/young person, is in receipt of PIP/DLA/AA. The Benefit Cap does not apply to working age households who are not in receipt of Housing Benefit or households not in receipt of Universal Credit.

The caps are currently set at £258pw or £1116pcm for single person households and £385pw or £1666pcm for couples and households with dependent children. Where the total benefit entitlement exceeds the cap the amount of Housing Benefit due to be paid will be reduced to keep benefits within the appropriate cap.

## **NHS Health Benefits**

Some people are exempt from NHS charges. This includes anyone getting Income Support, income-based JSA, income-based ESA, Pension Credit (Guarantee Credit) and some people who get Working Tax Credit, Child Tax Credit or Universal Credit. Your award letter should tell you more. You can also get a full or partial reduction of charges if you have "low income" and have savings below £16,000. If you are entitled under the low income scheme you have to apply using an HC1 form which you can get at hospital, Jobcentre Plus offices or by calling 0300 330 1343. The low income calculation can be explained to you by any of the agencies set out at the end of this booklet.

### **What are the Health costs which I may be exempt from, or receive a reduction?**

NHS prescriptions

NHS dental treatment and dentures

Sight tests and glasses

Wigs and fabric supports

Free milk and vitamins

Travel costs to and from hospital where you receive treatment.

## **Travel costs – What can you claim for?**

A person qualifies if they are attending a health service for NHS treatment, or a disablement services centre. It does not matter that the hospital may be private as long as you are receiving free, NHS treatment. Payment should be claimed at the hospital where you receive treatment.

You are expected to use the cheapest form of transport available and you can claim for the following:

- normal public transport fares
- estimated petrol costs
- road and toll charges in England may be taken into account when calculating the amount of a person's NHS travel expenses by private car
- a reasonable contribution to a local voluntary car scheme
- taxi fares, but only if there is no alternative for all or part of the journey, or you cannot use public transport because of a disability.

**The travelling costs of a companion, or carer, will also be paid if it is necessary for you to be accompanied on medical grounds.**

## **How to claim at the hospital**

You should ask at the hospital each time you go for treatment. You will be asked to show that you are entitled to have these costs refunded.

Any of the following counts as proof:

- An HC2 certificate
- Award letter showing entitlement to the qualifying benefit
- A letter showing that a person gets any of the above benefits paid directly into a bank, building society or Post Office account
- An HC3 certificate, if you have to pay some of the costs.

## **Can I get a refund if I have already paid my health charges?**

If you have paid a charge you can, in certain circumstances, obtain a refund. Most refunds should be claimed **within 3 months** of paying the charge. Claims may be accepted outside this time if there is a “good cause” for the lateness.

If you think you may be entitled to free prescriptions but do not yet have a certificate, ask the chemist for a form FP57 when you pay the charge (you cannot get the form later).

For reduced cost sight tests, free sight tests or if you have paid for glasses, complete form HC5 (available from Jobcentre Plus) and send it, with your receipt and optical prescription, to the local health authority.

For dental treatment, wigs and fabric supports, get a receipt and then claim on form HC5 (available from Jobcentre Plus or from your dentist).

For travel costs, the same rule applies but you can also obtain an HC5 from the NHS hospital. Send the form back to the hospital where you were treated and they should refund your costs. The form also explains how you can claim your fare if you have been treated in a private hospital because your local NHS hospital sent you there.

## **Care Act 2014**

### **Carer's right to an assessment**

The Care Act 2014 and the Children and Families Act 2014 came into effect in April 2015. These acts strengthen the rights and recognition of Carers in the social care system.

The new rights entitle Carers and the people they care for to an assessment of needs regardless of income. An assessment identifies care and support needs and must provide information and advice about services aimed at meeting those needs.

Any Carer who appears to have needs for support should be offered an assessment by social services whether or not the person cared-for has had a community care or needs assessment. If the Carer has been refused help in the past it may be worth asking again for an assessment as the criteria for getting help are different under the Care Act.

Carers will be entitled to support if they meet the eligibility criteria. The rights to an assessment and possibly services for young carers and the parents of disabled children are provided by the Children and Families Act 2014.

If both the Carer and the cared-for agree, a combined assessment of needs can be undertaken.

If there are shared caring responsibilities by one or more people, including a child under 18, each person can have a Carer's assessment. The Carer does not have to live with the cared-for nor be caring full-time to qualify for a Carer's assessment.

## **Acting on behalf of another person**

### **Appointees**

The Secretary of State can appoint someone to act on behalf of another person for the purpose of claiming a benefit. For example, the mother of a child under 16 will usually be their appointee for claiming Disability Living Allowance. However, the child is the claimant of the DLA and the benefit belongs to them. An application to be the appointee must be made in writing to the DWP. If a 16 year old continues to need an appointee, the appointee will act for all benefits apart from Housing Benefit, for which a separate appointment must be made with the local authority.

### **Agents**

On reaching 16, if the young person is mentally capable, they make their own claim but can still ask someone to be their agent to help with claiming or collecting benefits if they are physically disabled. Elderly or incapacitated people often ask a neighbour or family member to be their agent to collect benefits.

### **Power of Attorney**

A Power of Attorney can be created by anyone who is mentally capable of managing their own affairs but this area of law is complicated and it is important to **take legal advice** first. The person giving the power is the donor. The person receiving it is the attorney. A donor can appoint more than one person as attorney.

This is considered good practice as two or more appointments can be a useful safeguard against fraud or improper acts. "Joint Attorneys" must act together. "Joint and Several Attorneys" are interchangeable but each one's signature or action is equally binding or valid. Granting a power does not deprive the donor of the right to act on his or her own behalf.

## Responsibilities of the Attorney

If paid, the attorney is required to act reasonably. If unpaid, they are required to act reasonably and as if conducting their own affairs. In either case the attorney is required to act in good faith, informing the donor of any conflicts of interest and keeping separate, up to date accounts of the donor's affairs. Solicitors' fees vary for this service.

## Types of power of attorney

- **General** – a blanket authority where the attorney can sign most legal documents but there is a danger of unlimited scope for irresponsible acts. This power becomes invalid when the donor begins to become mentally incapable of handling their finances.
- **Limited** – this only applies to specific authorised acts, e.g. to enter contracts for buying and selling of property. The wording must be legally watertight.
- **Trustee** – limited to one year for trustees of property, wills or trusts. A solicitor is necessary to create this type of power.
- An **enduring power of attorney** made before 1 October 2007. This can provide authority for an attorney to look after a client's financial affairs both before and after s/he loses the mental capacity to do so her/himself.
- Since 1 October 2007, a **lasting power of attorney**. This can provide authority for an attorney to look after a client's financial affairs both before and after s/he loses the mental capacity to do so her/himself. A donor can make a Lasting Power of Attorney about:
  - decisions about her/his property and other financial affairs
  - decisions about her/his personal welfare, for example, relating to her/his care from social services.

In order for lasting power of attorney to be valid each one has to be registered with the Public Guardianship Office, there is a fee payable for each form. Some donors are exempt from paying these fees.

See the address list at the end of the booklet for contact details of The Office of Public Guardian. Telephone 0300 456 0300 or email [customerservices@publicguardian.gsi.gov.uk](mailto:customerservices@publicguardian.gsi.gov.uk)

## **Receivership**

This is necessary where no power exists or if registration of the enduring power has been rejected. Receivers are appointed by an order of the Court of Protection or via a direction of the Public Trustee, depending on the nature of the estate. The Public Guardianship Office has full details of application procedures, fees and duties in their booklet; see address list. In certain cases it may not be necessary for a receiver to be appointed. This would usually be if the mentally incapacitated person has assets of less than £16,000 and no income other than social security benefits. Such cases can usually be dealt with by making an application to the Public Trustees for directions that will allow for the limited assets to be dealt with.

## **Protecting Vulnerable Adults - safeguarding**

A person may be vulnerable because of age, illness or injury. We all have the right to live a life free from violence, fear and abuse, to be protected from harm and exploitation and to say “No” to things we do not understand. Tell-tale signs of abuse include unexplained injury, withdrawal into themselves, signs of fear or distress, self-neglect and financial exploitation including theft or fraud.

If you suspect that a vulnerable person is being abused in any way don't ignore it. You should phone one of the following contact numbers to report your suspicions and get help and support:

- Surrey Multi Agency Safeguarding Hub (MASH):  
9am to 5pm, Monday to Friday  
Phone: 0300 470 9100  
Email: [ascmash@surreycc.gov.uk](mailto:ascmash@surreycc.gov.uk)
- Surrey County Council Emergency Duty Team  
01483 517898 between 5pm and 9am and at weekends  
Email: [edt.ssd@surreycc.gov.uk](mailto:edt.ssd@surreycc.gov.uk)
- Elder Abuse Response 0808 808 8141  
Free and Confidential , Monday to Friday 9-5pm

- Surrey Police Switchboard 101 or 01483 571 212  
24 hours a day, seven days a week
- Surrey County Council 0300 200 1005  
Monday to Friday 8am-6pm  
Email: [contactcentre.adults@surreycc.gov.uk](mailto:contactcentre.adults@surreycc.gov.uk)

- **In an emergency dial 999**



## SURREY CITIZENS ADVICE OFFICES

The Old Library  
Church Road  
**Addlestone**  
KT15 1RW  
Tel: 01932 827187

Ash Hill Road  
**Ash**  
GU12 5DP  
Tel: 0300 330 9012

The Horseshoe  
**Banstead**  
SM7 2BQ  
Tel: 03444 111 444

Rear of Library  
Knoll Road  
**Camberley**  
GU15 3SY  
Tel: 03444 111 444

First Floor  
Caterham Valley Library  
Stafford Rd  
**Caterham**  
CR3 6JG  
Tel: 03444 111 444

Village Way  
**Cranleigh**  
GU6 8AF  
Tel: 0344 848 7969

Lyons Court  
**Dorking**  
RH4 1AB  
Tel: 03444 111 444

The Old Town Hall  
The Parade  
**Epsom**  
KT18 5AG  
Tel: 0300 330 1164

Harry Fletcher House  
High Street  
**Esher**  
KT10 9RN  
Tel: 01372 464770

Montrose House  
South Street  
**Farnham**  
GU9 7RN  
Tel: 0344 848 7969

New Montrose House  
36 Bridge Street  
**Godalming**  
GU7 1HP  
Tel: 0344 848 7969

15-21 Haydon Place  
**Guildford**  
GU1 4LL  
Tel: 0300 330 9013

Well Lane House  
Well Lane  
High Street  
**Haslemere**  
GU27 2LB  
Tel: 0344 848 7969

The Georgian House  
Swan Mews  
**Leatherhead**  
KT22 8AE  
Tel: 03444 111 444

1<sup>st</sup> Floor  
Library Building  
14 Gresham Road  
**Oxted**  
RH8 0BQ  
Tel: 03444 111 444

24 High Street  
**Redhill**  
RH1 1RH  
Tel: 03444 111 444

Sunbury Library  
The Parade  
Staines Road West  
**Sunbury on Thames**  
TW16 7AB  
Tel: 01932 827187

Elmbridge Community Hub  
The Old School House  
72 High Street  
**Walton on Thames**  
KT12 1BU  
Tel: 0300 330 1179

Provincial House  
26 Commercial Way  
**Woking**  
GU21 6EN  
Tel: 03444 111 444

## SURREY CARERS SUPPORT SERVICES

Adult carer support across Surrey is being provided by Action for Carers via a Carers Information Centre 0303 040 1234 or by SMS 07714 075993 or via email: [carerssupport@actionforcarers.org.uk](mailto:carerssupport@actionforcarers.org.uk) . Amongst other things they are offering advice, information and access to other information to support carers in their caring role.

Surrey Young Carers is available to support **carers who are described as children or young people under the age of 18 who provide regular and on-going care and emotional support to a family member who is physically or mentally ill, disabled or misuses substances**. They seek to help young carers to achieve their best at school, have fun, discover new interests and make new friends.

### **Action for Carers Surrey**

Astolat, Coniers Way, Burpham  
Guildford, GU4 7HL  
Tel: 01483 302748  
Fax: 01483 303958  
[info@actionforcarers.org.uk](mailto:info@actionforcarers.org.uk)

### **Surrey Young Carers**

Astolat, Coniers Way, Burpham,  
Guildford, GU4 7HL  
Tel: 01483 568269  
[syc@actionforcarers.org.uk](mailto:syc@actionforcarers.org.uk)  
[www.surrey-youngcarers.org.uk](http://www.surrey-youngcarers.org.uk)

## OTHER ORGANISATIONS

### **Age UK Surrey**

Rex House  
William Road  
Guildford  
GU1 4QZ  
Tel: 01483 503414  
[enquiries@ageuksurrey.org.uk](mailto:enquiries@ageuksurrey.org.uk)

### **Alzheimer's Society**

Use website to find local services:  
[www.alzheimers.org.uk](http://www.alzheimers.org.uk)  
[surrey@alzheimers.org.uk](mailto:surrey@alzheimers.org.uk)

### **Office of the Public Guardian**

PO Box 16185  
Birmingham  
B2 2WH  
Tel: 0300 456 0300  
[customerservices@publicguardian.gsi.gov.uk](mailto:customerservices@publicguardian.gsi.gov.uk)

### **Carers UK**

20 Great Dover Street  
London  
SE1 4LX  
Tel: 0207 378 4999  
Advice: 0808 808 7777  
[advice@carersuk.org](mailto:advice@carersuk.org)  
[www.carersuk.org](http://www.carersuk.org)