

Disability Law Service

Fighting injustice for disabled people

Carer's Allowance: An Overview

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What is Carer's Allowance?

Carer's Allowance is a benefit for people who spend at least 35 hours a week caring for a disabled person. The benefit is intended to help those who provide regular care for a disabled person. As such, it is available to anyone regardless of whom they provide care for, the fact they work (with some conditions) or the fact that the carer is themselves disabled and receiving care.

Eligibility

To qualify for Carer's Allowance (CA), you must meet the following conditions:

1. You regularly spend at least 35 hours a week caring for a severely disabled person. A severely disabled person is someone who receives one of the following qualifying benefits:

- Personal Independence Payment (PIP) daily living component;
- Disability Living Allowance (DLA) care component, at the middle or higher rate;
- Constant Attendance Allowance at or above the normal maximum rate with an Industrial Injuries Disablement Benefit;
- Constant Attendance Allowance at the basic (full day) rate with a War Disablement Pension; **or**
- Armed Forces Independence Payment.

Note: You are allowed to be related to the person being cared for, and it does not matter if you live with them or not. Additionally, more than one person from a residence can claim CA; but each claim has to have a different person that is being cared for.

2. You are aged 16 or over;

3. You are not currently in full time education (this mean 21 hours of tuition and possibly homework);
4. You have resided in England, Scotland or Wales for at least 2 of the last 3 years;
5. You normally live in England, Scotland or Wales; or you live abroad as a member of the armed forces; **and**
6. You earn no more than £123 per week net after Income Tax and National Insurance deductions.

How Much Will You Receive?

The current (2017/18) rate for Carer's Allowance is £66.15 a week.

How to Claim?

To claim Carer's Allowance you will need to complete an application form. You can do this online or by post:

- To apply online, please click [here](#).
- To apply by post, you will need to download and complete a claim form [here](#). This will either be claim form **DS700**; or **DS700(SP)** if you receive a state pension.

You can also get a claim form by calling 0800 731 0297 (textphone: 0800 731 0317).

Overlapping Benefits Rule

If you receive any of the following benefits you can still receive Carer's Allowance, but you will not receive the full amount. However, if you receive more than £64.60 of any of the following benefits, then you will not receive any amount of CA.

This is because the following benefits are described as overlapping benefits which are meant to top you up to a set income:

- State Pension.
- Maternity Allowance.
- Incapacity Benefit.
- Contribution Related Employment and Support Allowance.
- Contribution Based Jobseeker's Allowance.
- Widowed Parent's Allowance.
- Widow's Pension.
- Widowed Mothers Allowance.
- Bereavement Benefit.
- State training Allowance.
- Severe Disablement Allowance.

Please Note: If you are entitled to CA, but are not currently receiving it due to the above overlapping benefits rule, that does not necessarily mean you will not receive any benefit at all. You will instead be classified as having an 'Underlying Entitlement' which could enable you to qualify for other benefits.

'Underlying Entitlement': What Could You Get?

You may be able to qualify for other means-tested benefits. This means you may be able to receive a 'Carer's Premium' (or 'Carer's Element in Universal Credit) if you are already in receipt of Income Support, Universal Credit, income based Jobseeker's Allowance, Housing Benefit, Council Tax Benefit and income based

Employment and Support Allowance. You may also be entitled to an extra amount in your Pension Credit.

There are also other advantages for carers who are under pension age. You can gain assistance with National Insurance contribution credits which can help towards satisfying contribution conditions for contribution related Employment and Support Allowance and contribution based Jobseekers Allowance. There is also the possibility of a yearly £10 Christmas bonus.

Overlapping benefits example – Jack and his father

Jack is 60 years old and cares for his father who receives low rate Attendance Allowance. Jack has no savings and his total income consists of the State Retirement Pension of £95.25 and Pension Credit of £34.75.

Jack applies for Carer's Allowance (CA). Unfortunately, although he satisfies its conditions, CA cannot be paid because his retirement pension is higher than the current level of CA (£64.60). But because he has an underlying entitlement to CA, he will now qualify for a 'Carer's Addition' of £36 to his Pension Credit. Jack's total income will increase from £130 to £166.

More so, because CA cannot be paid, Jack's father can receive, or continue to receive, the Severe Disability Premium.

What Happens if You Also Receive a Means Tested Benefit?

For clarity, we will concentrate on the following benefits:

- Pension Credit;
- Income support;
- Universal Credit;
- Income-related Employment and Support Allowance (ESA);
- Income based Jobseeker's Allowance (JSA);
- Housing benefit (HB); **and**
- Council tax benefit.

Means-tested benefits can cause a lot of confusion. Many claimants lose out on a benefit entitlement simply because they have claimed the wrong benefit. The issue in a nutshell, is that means-tested benefits are designed to make sure you receive a set (by government) minimum amount of income. If you receive Carer's Allowance (CA), then the DWP will pay a lesser amount of your other means-tested benefits – such as less income support – so that you receive the same amount as before.

You will not lose out entirely, however, as you can be paid a carer's premium/ addition of £36 for each claimant or partner that qualifies.

Note: The person receiving care may yet still lose out on a Severe Disability Premium (below) – which is a part of all the above-named benefits – as it cannot be paid in conjunction with CA.

Severe Disability Premium

A Severe Disability Premium (SDP) is an extra amount of money that can be included in some means-tested benefits. It is intended to help with the costs of a disability. To qualify for SDP, you must:

1. Be in receipt of either of the following:

- Personal Independence Payment (daily living component);
- Disability Living Allowance (care component at middle or higher rate);
- Attendance Allowance (or Constant Attendance Allowance paid with Industrial Injuries Disablement Benefit or War Pension); **or**
- Armed Forces Independence Payment.

2. All of the following also applies to your situation:

- Live alone (i.e. no non-dependent adults living with you, unless they are also in receipt of a qualifying disability benefit or are registered blind);
and
- No one is receiving a Carer's Allowance to care for you.

Severe Disability Premium for Couples

The rules for couples are the same for single people (above).

For a couple to receive SDP, each person must match the above criteria for single persons. As they are both disabled, it does not matter that they live together as each are technically regarded as living alone for the purposes of regulations.

In cases like this, it can be possible for both members of the couple to get both SDP and a Carer's Premium. To qualify for this:

- Both claimants must be in receipt of a qualifying benefit;
- Be in receipt of an overlapping benefit paid at a higher rate than Carer's Allowance (CA);
- Both care for each other; **and**
- CA cannot be paid, but they both have an underlying entitlement.

Means tested benefit example – Fatima

Fatima lives with her sister, Mira, and provides around the clock care for her because she is unable to care for herself as she is severely disabled. Fatima is receiving income support at £73.10 a week. Her sister Mira is receiving Personal Independence Payment (standard rate care component and standard rate mobility component). Fatima makes a claim for CA and is told she is entitled to it as she cares for Mira.

Fatima finds that her Income Support is now being paid at a lower rate because Income Support takes CA into account when calculating the amount of money you need to live on. As such, Fatima will not have any increases in the amount she receives despite the fact she is receiving CA.

However, because she is entitled to CA, she is also entitled to an 'underlying entitlement' and so can receive a Carer's Premium of £36 added to her Income Support. This means Fatima will now receive her Income Support amount of £73.10, and on top of that, she has the £36 premium as well.

Unfortunately, it also means her sister will no longer receive the Severe Disability Premium.

Breaks from Caring

A carer must have received Carer's Allowance (CA) for at least 22 weeks before caring breaks are allowed. However, it can be up to 8 weeks shorter if you or the person you have been caring for has been in hospital.

CA can be paid for up to four weeks if you go on holiday, or have a short term stay in a care home.

CA allows you to take up to 12 weeks of breaks in any 26-week period. This is available if you are admitted into hospital. If the person being cared for is a child aged under 16 and they are admitted into hospital, CA can be paid for up to 12 weeks. However, if the person you care for is aged 18 or over, CA will stop after 28 days (or even before).

Death of the Person Being Cared For

If person being cared for dies, then Carer's Allowance can continue to be paid for a further 8 weeks after their death.

Backdating

The date of the claim will be the date the form is received by the DWP. However, you can request that it be backdated for up to 3 months.

If you claim within three months of the award of a Personal Independence Payment/Disability Living Allowance/Attendance Allowance claim, then the Carer's Allowance (CA) claim is treated as having been made on the first date of payment of that benefit.

If you believe your claim for one of the above benefits will allow you to claim Income Support, then you should also submit your Income Support claim at the same time as your CA claim, as that will allow the benefit to be backdated to the date of the Personal Independence Payment/Disability Living Allowance/Attendance Allowance award.

Legal Disclaimer

Although great care has been taken in the compilation and preparation of this Factsheet to ensure accuracy, DLS cannot accept responsibility for any errors or omissions. All information provided is for education / informative purposes, and is not a substitute for professional advice.

Any links to external websites have been carefully selected, but are provided without any endorsement of the content of those sites.

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