



National Assembly for **Wales**
Cynulliad Cenedlaethol **Cymru**

Benefits and Services for Disabled People

This paper provides briefing on specific benefits that are available to disabled people and carers.

It also gives information on benefits that disabled people may claim depending on their individual circumstances, for example, if they are a lone parent, working part time or are on a low income.

Annexes A - F highlight some of the other services that are available to disabled people and carers from social services departments, local authorities and voluntary organisations.

March 2006



Benefits and Services for Disabled People

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Executive Summary

This paper provides information on some of the benefits and services that are available to disabled people and carers. It is not meant to be a full and authoritative statement on every benefit that may be claimed but should be used as a guide to the type of help that is available.

It concentrates on the state benefits that can be claimed specifically by disabled people, for example, Attendance Allowance and Disability Living Allowance and benefits that can be claimed by carers, for example, Carers Allowance.

It also provides details of other benefits that are available to, but not exclusively for disabled people and carers, for example, Income Support, Housing Benefit and Tax Credits.

Information is also given on the help that is available to people who are looking after children with special needs and for disabled people who are looking for, starting or returning to work.

Annexes A - F provide a brief overview of other help that is available to disabled people and carers. Some of the services that are available from local authorities and voluntary organisations are highlighted and cover such areas as transport, housing and education and where appropriate, information is given on schemes that are available in Wales. Again this is not a complete list of what is available, but is meant to be a brief guide about the type of help that can be obtained.

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Benefits and Services for Disabled People and Carers

1 Benefits for Disabled People and Carers

The provision of state benefits is not a devolved area and benefits throughout the UK are administered by the Department for Work and Pensions.

The Disability and Carers Service (DCS), part of the Department for Work and Pensions, is responsible for a range of benefits for people who are sick or disabled. The DCS supports disabled people and carers, whether or not they are able to work. The Service is responsible for providing a system of Disability Benefits, and for all disability civil rights issues.

A selection of some of the benefits aimed specifically at disabled people are listed below while the full list of benefits available is shown on the Department for Work and Pensions web-site¹. The full list includes benefits that may be available to disabled people based on individual circumstances.

1.1 Attendance Allowance

Attendance Allowance (AA)² is paid to people who need help to look after themselves. It is paid at different rates depending on whether care is needed during the day, during the night, or both. AA is payable even if no one is actually giving the care needed.

A claim can be made if a person:

- ◆ Becomes ill or disabled on or after their 65th birthday, or are claiming on or after their 65th birthday, **and**
- ◆ Has needed help for at least six months.

The following points should also be considered:

- ◆ There are some extra rules for people that have recently come from abroad or returned from abroad;
- ◆ AA is paid at different rates depending on the effect of the disability;
- ◆ There are special rules for people with a terminal illness to help them get benefit quickly and easily for care;
- ◆ AA may not be payable if a person is in hospital or residential care;
- ◆ Savings do not affect AA;
- ◆ Other money coming in does not usually affect AA;
- ◆ AA is usually ignored as income for working out Income Support and Jobseekers Allowance;
- ◆ AA gives automatic entitlement to a tax-free £10 Christmas bonus each year.

Table 1 overleaf gives the weekly rates of Attendance Allowance payable depending on the type of help that is needed from April 2003:

¹ Department for Work and Pensions web-site: <http://www.dwp.gov.uk/>

² Further information can be found at: http://www.dwp.gov.uk/lifeevent/benefits/attendance_allowance.asp

Table 1: Weekly rates of Attendance Allowance each year from April 2005

	April 2005	April 2006
Higher rate	£60.60	£62.25
Lower rate	£40.55	£41.65

Source: Department for Work and Pensions

1.2 Disability Living Allowance

Disability Living Allowance (DLA)³ must be claimed before reaching age 65 and is paid if someone needs help for personal care and mobility. It is also paid for children aged 3 or over who have severe difficulty walking, or children aged 5 or over who need help getting around (see part 6.1). It is paid at different rates depending on circumstances. DLA can be paid even if no one is actually giving the care needed.

A person may qualify if they have needed help for 3 months and is likely to need it for at least another 6 months.

The following should also be considered:

- ◆ DLA is paid at different rates depending on the affects of the disability;
- ◆ There are special rules for people with a terminal illness to help them get benefit for care quickly and easily;
- ◆ If DLA is in payment at age 65, it can continue as long as help is still needed;
- ◆ DLA may not be paid to hospital or care home patients;
- ◆ Savings do not affect DLA;
- ◆ Other money coming in does not usually affect DLA;
- ◆ DLA is usually ignored as income for working out Income Support and Jobseeker's Allowance.

Table 2 below gives the amounts of DLA payable depending on the type of care that is needed from April 2003:

Table 2: Weekly Disability Allowance Rates each year from April 2005

Weekly rates	April 2005	April 2006
Care component		
Higher rate	£60.60	£62.25
Middle rate	£40.55	£41.65
Lower rate	£16.05	£16.50
Mobility component		
Higher rate	£42.30	£43.45
Lower rate	£16.05	£16.50

Source: Department for Work and Pensions

³ Further information can be found at: http://www.dwp.gov.uk/lifeevent/benefits/disability_liv_allowance.asp

1.3 Vaccine Damage Payment Scheme

Vaccine Damage Payment Scheme is a one-off tax free payment of £100,000 for anyone severely disabled as a result of a vaccination against certain diseases.

It may be payable if a disability was caused by vaccination against any of these diseases:

- ◆ Diphtheria
- ◆ Tetanus
- ◆ Pertussis (Whooping cough)
- ◆ Poliomyelitis
- ◆ Measles
- ◆ Mumps
- ◆ Rubella (German measles)
- ◆ Tuberculosis (TB)
- ◆ Haemophilus Influenzae type b (HIB)
- ◆ Meningococcal group C (Meningitis C)
- ◆ Smallpox (up to 1st August 1971)
- ◆ A combined vaccination against a number of the diseases listed. For example, DTP (diphtheria, tetanus and pertussis) or MMR (measles, mumps and rubella) or if:
- ◆ the disabled person is thought to be severely disabled because their mother was vaccinated against one of the diseases in the list while she was pregnant **or**
- ◆ they have been in close physical contact with someone who has been vaccinated against poliomyelitis with vaccine that was given orally.

An individual's degree of disablement is calculated on a scale of 0-100 with those scoring 60 or more, being categorised as severely disabled. Total loss of sight or hearing is usually counted as 100 per cent.

Children must be two years old or more before a claim can be made. The vaccination must have been made before the person's 18th birthday unless it was against poliomyelitis, rubella (German measles) or Meningococcal Group C, or during an outbreak of the disease in the UK or the Isle of Man.

2 Help with Health Costs

Automatic entitlement for help with health costs (NHS prescription and dental charges, optical and hospital travel costs) is based on age or medical grounds or by being in receipt of one of the exempting benefits or tax credits.

People who have to pay NHS charges may be able to get help under the NHS Low Income Scheme. The amount of help is based on a comparison between a person's income and requirements at the time that a claim is made or a charge was paid.

No help is available if a person has capital in excess of the limit £8,000 (£12,000 if the applicant and / or their partner is aged 60 or more or £20,000 for people who live permanently in a residential care home or nursing home).

Information about the scheme can be found from the Department of Health⁴ and information specific to Wales can be found from the National Assembly for Wales⁵.

3 Sick and unable to work

3.1 Incapacity Benefit

Incapacity Benefit⁶ is paid if Statutory Sick Pay (SSP) has ended or SSP is not payable. It is not paid to anyone who was over state pension age when they became sick. The following conditions must also be satisfied:

- ◆ It is paid when a certain amount of National Insurance (NI) contributions have been paid, and
- ◆ It is only payable for periods of incapacity from work because of sickness or disability; for at least 4 days in a row including weekends and Bank Holidays, or
- ◆ The claimant has been incapable of work for 28 weeks, and
- ◆ Is aged 16 or over but under 20.

Table 3 below provides the weekly rates of Incapacity Benefit payable from April 2003:

Table 3: Weekly Incapacity Benefit from April 2005

Weekly rates	April 2005	April 2006
Under state pension age		
Short-term lower rate	£57.65	£59.20
Short-term higher rate	£68.20	£70.05
Long-term basic rate	£76.45	£78.50
Over state pension age(a)		
Short-term lower rate	£73.35	£75.35
Short-term higher rate	£76.45	£78.50
Incapacity Age Addition		
Lower rate	£8.05	£8.25
Higher rate	£16.05	£16.50

Source: Department for Work and Pensions

(a) Incapacity Benefit can only be paid to people over state pension if the first day of sickness fell before their 60th (women) or 65th (men) birthday. It is not payable at the long term rate as Retirement Pension must be claimed at this stage.

3.1.1 Employment and Support Allowance

Under new proposals introduced by the UK Government in January 2006, a new Employment and Support Allowance will replace Incapacity benefit and Income Support paid on the grounds of incapacity for new claimants.⁷

⁴ Department of Health, *Basics about help with NHS charges*:
http://www.dh.gov.uk/PolicyAndGuidance/MedicinesPharmacyAndIndustry/Prescriptions/NHSCosts/NHSCostsArticle/fs/en?CONTENT_ID=4049391&chk=qoqspx

⁵ National Assembly for Wales, *HC11W Are you entitled to help with health costs*, September 2004:
<http://www.wales.gov.uk/subihealth/content/forms/hc11w-e.pdf>

⁶ Department for Work and Pensions, *Incapacity Benefit*, April 2005:
http://www.jobcentreplus.gov.uk/JCP/Customers/WorkingAgeBenefits/Dev_008025.xml.html

⁷ Department for Work and Pensions, *A new deal for welfare: Empowering people to work*, January 2006, Cm 6730:
<http://www.dwp.gov.uk/aboutus/welfarereform/>

It will be paid to most people who undertake work related interviews and participate in work related activities. Those claimants with the most severe health conditions or disabilities will be paid without these conditions. The reforms will also consider working with employers to simplify the calculating and administration of Statutory Sick Pay.

3.2 Statutory Sick Pay

SSP is paid to employees who are unable to work because of sickness. SSP is paid by employers for up to a maximum of 28 weeks. SSP is not paid for a specific illness or treatment but to all employees who are incapable for work and who satisfy the conditions for payment.

The employee must have worked for an employer under a contract of service. Even if the employee becomes sick on the first day of work with a new employer and became sick part way through the day they may be entitled to SSP.

To get SSP an employee must be:

- ◆ Aged between 16 or over and under 65;
- ◆ Sick for at least 4 or more days in a row (including weekends and bank holidays). This is known as a Period of Incapacity for Work;
- ◆ Earn before tax and National Insurance an average of £79 a week. This is called the Lower Earnings Limit for National Insurance Contributions (NIC).

Earnings are averaged over an 8 week period before the employee's sickness began. This period may vary slightly depending on whether they were paid weekly or monthly paid, or at other intervals. HM Revenue and Customs offices⁸ or employers should be contacted for further information

4 Illness or disability caused at work

4.1 Industrial Injuries Disablement Benefit

Industrial Injuries Disablement Benefit⁹ is payable to people who are disabled as a result of an accident, disease or deafness at work. It is not for people who were self-employed when the accident happened. The amount payable is dependent on an assessment made at a medical examination. Sufferers of certain diseases may also be able to get a payment under the *Pneumoconiosis (Workers Compensation) Act 1979*.

Table 4 should be used as a guide only for calculating Industrial Injuries Disablement Benefit as each case is assessed on an individual basis.

⁸ HM Revenue and Customs: <http://www.hmrc.gov.uk/individuals/fqcat-sickpay.shtml>

⁹ Department for Work and Pensions, Jobcentre Plus, Industrial Injuries Disablement Benefit (Accidents), April 2005: http://www.jobcentreplus.gov.uk/JCP/Customers/WorkingAgeBenefits/Dev_008433.xml.html
Department for Work and Pensions, Jobcentre Plus, Industrial Injuries Disablement Benefit (Diseases and Deafness), April 2005: http://www.jobcentreplus.gov.uk/JCP/Customers/WorkingAgeBenefits/Dev_008554.xml.html



Table 4: Weekly Industrial Injuries Disablement Pension from April 2005

Disablement	April 2005		April 2006	
	Aged 18 or over	Aged under 18	Aged 18 or over	Aged under 18
100%	£123.80	£75.85	£127.10	£77.90
90%	£111.42	£68.27	£114.39	£70.11
80%	£99.04	£60.68	£101.68	£62.32
70%	£86.66	£53.10	£88.97	£54.53
60%	£74.28	£45.51	£76.26	£46.74
50%	£61.90	£37.93	£63.55	£38.95
40%	£49.52	£30.34	£50.84	£31.16
30%	£37.14	£22.76	£38.13	£23.37
20%	£24.76	£15.17	£25.42	£15.58

Source: Department for Work and Pensions

5 War Pensions

5.1 War Disablement Pension

The Veterans Agency administers War Disablement Pension as well as providing information and advice to all war veterans.

A War Disablement Pension¹⁰ is not payable to anyone still serving in HM Armed Forces.

It may be payable if a person has been:

- ◆ Injured or disabled through serving in Her Majesty's (HM) Armed Forces, including the Ulster Defence Regiment, now known as the Royal Irish Regiment, the Home Guard and nursing and auxiliary services;
- ◆ A civil defence volunteer (CDV) disabled through serving as a CDV;
- ◆ A civilian disabled as a result of enemy action in the 1939 to 1945 war;
- ◆ A merchant seaman, a member of the naval auxiliary services or a coastguard, and they were disabled because of an injury received or a disease suffered because of conditions during a war or because they were a prisoner-of-war; or
- ◆ A member of the Polish Forces under British Command who served in the 1939-1945 war, or in the Polish Resettlement Forces and they were injured or disabled through this service.

The amount of money payable is dependent on the extent of the disablement, i.e., any physical or mental injury or damage, or loss of physical or mental capacity. Conditions are defined as:

- ◆ A wound;
- ◆ An injury;
- ◆ A disease.

¹⁰ Ministry of Defence, Veterans Agency, *Claiming a War Pension*, October 2004:
http://www.veteransagency.mod.uk/claiming_wp/eligible_wardisable.htm

The information provided by the applicant and advice from medical advisers is used to assess the disablement.

If disablement is assessed at 20% or more, a pension is payable.

If disablement is assessed at less than 20%, then a lump sum (gratuity) is normally paid. The amount depends on the extent of the disablement and how long the person is likely to be disabled.

6 Children with special needs

6.1 Disability Living Allowance

A claim for Disability Living Allowance (DLA)¹¹ for a child with a severe physical or mental illness or disability can be made if they need much more help or looking after than other children of the same age because of their illness or disability.

To claim, a child must be:

- ◆ aged 3 months or over and generally needs extra help or looking after;
- ◆ aged 3 or over and has severe difficulty walking;
- ◆ aged 5 years or over and needs extra help getting around out of doors.

On 9 April 2001 the law changed to allow children aged 3 and 4 to qualify for the higher rate of the mobility component of DLA. Until then, children had to be 5 years old before they could qualify for this component worth £38.65 per week.

The parent/guardian of any child already receiving one of the rates of the care component of DLA should be contacted automatically by the DWP to invite a claim for the higher rate mobility component.

DLA can be claimed before the child is aged 3 months, but DLA will not be paid before the child reaches age 3 months unless they are terminally ill.

6.2 Free milk

Anyone who has a child with a physical or mental disability may be able to get free milk for them.¹²

If the child is aged 5 or over and under 16 and cannot attend school because of a physical or mental disability then a claim for free milk can be made on form FW20 which is available from:

Milk Tokens
Room B120D
Warbreck House
Warbreck Hill Road
Blackpool

¹¹ Department for Work and Pensions, *Disability Living Allowance (DLA) for a child under 16*, June 2005:
http://www.dwp.gov.uk/lifeevent/benefits/disability_liv_allowance2.asp

¹² Further information can be found at:
<http://www.jobcentreplus.gov.uk/cms.asp?Page=/Home/Customers/WorkingAgeBenefits/489#0>

Lancs
FY2 0YE

No other benefit needs to be in payment to qualify for free milk for disabled children.

7 Help for carers

7.1 Carers Allowance

Carer's Allowance (CA)¹³ (formerly Invalid Care Allowance) is paid to people who spend at least 35 hours a week caring for someone who is severely disabled. Any benefits a carer already receives may increase or decrease. Certain benefits for the person being looked after may also change.

The carer must be:

- ◆ Aged 16 or over, **and**
- ◆ Spending at least 35 hours a week looking after someone who is getting or waiting to hear about the following: Attendance Allowance; Disability Living Allowance at the middle or highest rate for personal care; Industrial Injuries Disablement Benefit Constant Attendance Allowance at the normal maximum rate or above or War Pensions Constant Attendance Allowance at the basic (full day) rate or above;
- ◆ Prior to 28 October 2002 carers aged 65 or over did not qualify. Claims can be made prior to this, but entitlement will only commence from 28 October 2002.

The rules for benefits mean that individual circumstances may affect the amount payable. The amounts shown in Table 10 below therefore should only be used as a guide.

Table 10: Weekly Carer's Allowance from April 2005

Weekly rates	April 2005	April 2006
Personal benefit	£45.70	£46.95

Source: Department for Work and Pensions

8 Other benefits for disabled people and carers

The following are a selection of other benefits that may be claimed by, but are not exclusively for disabled people and carers. They are based on individual circumstances.

8.1 Council Tax Benefit

Council Tax Benefit¹⁴ is paid by local councils to help pay council tax. It is payable to people who are responsible for paying council tax and are on a low income.

Anyone can make a claim for Council Tax Benefit if they are responsible for paying council tax and are on a low income.

The following points should also be considered:

¹³ Department for Work and Pensions, Carer's Allowance (CA), April 2005:
http://www.dwp.gov.uk/lifeevent/benefits/carers_allowance.asp

¹⁴ Department for Work and Pensions, Council Tax Benefit, June 2005:
http://www.dwp.gov.uk/lifeevent/benefits/council_tax_benefit.asp#top



- ◆ There are some extra rules for people who have recently come from abroad or returned from abroad;
- ◆ Savings over £16,000 usually mean Council Tax Benefit is not payable;
- ◆ Savings over £3,000 (£6,000 for people and/or their partners are aged 60 or over) affect how much Council Tax Benefit is payable;
- ◆ A full-time student will not usually have to pay council tax;
- ◆ If a person's partner is a student they may be able to get Council Tax Benefit;
- ◆ Most asylum seekers and people who are sponsored to be in the UK cannot get Council Tax Benefit.

To work out how much Council Tax Benefit is, the council will look at the following:

- ◆ The amount of money going into a household, for example, earnings, some benefits, tax credits and occupational pensions;
- ◆ Savings;
- ◆ Different circumstances, for example age, the ages and size of any family, whether any family members are disabled, and whether anyone else living in the household could help with the rent.

The council will also look at whether:

- ◆ The amount of rent is reasonable for a particular home;
- ◆ The home is a reasonable size for the claimant and their family;
- ◆ The amount of rent is reasonable for the area.

There are also special rules for students.

The rates used to work out Council Tax Benefit are the same as the allowances and premiums that make up Income Support (see Part 8.3). These amounts should only be used as a guide as the rules for benefits mean that individual circumstances might affect the amount payable.

8.2 Housing Benefit

Housing Benefit¹⁵ can be claimed by anyone who is on a low income and is responsible for paying rent.

The qualifying conditions and circumstances that local councils consider when calculating the amount of Housing Benefit payable are the same as those covered in part 8.1 on Council Tax Benefit.

8.2.1 Local Housing Allowance

The UK Government announced in its green paper on welfare reform in January 2006¹⁶ the introduction of a new housing benefit system. Local Housing Allowance is currently being piloted for private sector tenants in 18 areas across Great Britain, including Conwy and Pembrokeshire in Wales. The new allowance bases housing support payments on a system of standard maximum allowances, varying according to the size of the household and location of the property. Benefit will be paid to the tenant rather than the landlord in most cases.

¹⁵ Department for Work and Pensions, Housing Benefit, September 2005:
http://www.dwp.gov.uk/lifeevent/benefits/housing_benefit.asp#top

¹⁶ Department for Work and Pensions, *A new deal for welfare: Empowering people to work*, January 2006, Cm 6730:
<http://www.dwp.gov.uk/aboutus/welfarereform/>

8.3 Income Support

Income Support¹⁷ is for people on a low income.

The following conditions are considered when processing a claim to Income Support:

- ◆ The applicant must be aged between 16 and 59;
- ◆ The applicant must be on a low income, and not working, or working on average less than 16 hours a week and a partner works on average less than 24 hours a week;
- ◆ Savings over £3,000 usually affect how much income support is payable;
- ◆ Extra money may be available towards certain housing costs;
- ◆ Extra money for a family is usually available;
- ◆ Income Support may be payable if a claimant or their partner is not working because of parental or paternity leave;
- ◆ Claimants are required to go to a meeting with a Personal Adviser if benefit is still in payment after 26 weeks;
- ◆ Pregnant women and children under age 5 are entitled to free milk and vitamins;
- ◆ If a person is sick and **not** getting Statutory Sick Pay (SSP) they must claim Incapacity Benefit as well as Income Support;
- ◆ There are extra rules for people that have recently come from abroad.

Table 11 below should only be used as a guide to calculate Income Support as individual circumstances can affect the amount payable:

Table 11: Weekly Income Support rates from April 2005

Weekly rates	April 2005	April 2006
Personal allowances:		
Single under 18	£33.85	£34.60
Single under 18 - higher	£44.50	£45.50
Single aged 18-24	£44.50	£45.50
Single aged 25 or over	£56.20	£57.45
Lone Parent aged under 18	£33.85	£34.60
Lone Parent under 18 - higher	£44.50	£45.50
Lone Parent aged 18 or over	£56.20	£57.45
Couple both 18 or over	£88.15	£90.10
Personal allowances for dependent children:		
From birth to September following 16 th birthday	£43.88	£45.58
From September following 16 th birthday to day before 19 th birthday	£43.88	£45.58
Premiums:		
Family	£16.10	£16.25
Family (lone parent rate)	£16.10	£16.25
Bereavement	£25.85	£26.80
Disabled child	£43.89	£45.08
Carer	£25.80	£26.35
Disability		
-single	£23.95	£24.50
-couple	£34.20	£34.95

¹⁷ Department for Work and Pensions, Jobcentre Plus, Income Support, January 2006:
<http://www.jobcentreplus.gov.uk/JCP/Customers/WorkingAgeBenefits/Incomesupport/index.html>



Pensioner (only payable if one partner is still under aged 60)	£78.90	£83.95
Enhanced Pensioner (only payable if one partner is still under aged 60)	£78.90	£83.95
Higher Pensioner (only payable if one partner is still under aged 60)	£78.90	£83.95

Source: Department for Work and Pensions

8.4 Tax Credits

From April 2003 two new tax credits, Child Tax Credit and Working Tax Credit, were introduced to replace Working Families' Tax Credit, Disabled Person's Tax Credit and the Children's Tax Credit.

8.4.1 Child Tax Credit

Child Tax Credit is a payment for people with children, whether they are in or out of work. It is payable to people on a low income with responsibility for at least one child.

The amount of Child Tax Credit payable will depend on individual circumstances and the amount of income. Couples' incomes are treated jointly and are added together when the claim is assessed. Savings do not affect entitlement directly, but any interest from savings is counted as income and will affect the amount of Child Tax Credit due. Some income is not taken into account when Child Tax Credit is being worked out. Child Benefit, maintenance payments and Maternity Allowance are disregarded together with most Statutory Maternity Pay and Statutory Paternity Pay.

The first element of Child Tax Credit is a family element, which is paid to any family with responsibility for one or more children. There are extra amounts for children who are disabled and these are paid on top of the child element. For children that are registered blind or entitled to Disability Living Allowance, a disabled child element is also payable.

Further information about Child Tax Credit and how it is calculated can be found in the Inland Revenue leaflet *Child Tax and Working Tax Credit: A Guide*¹⁸

8.4.2 Working Tax Credit

Working Tax Credit is a payment to top up the earnings of low paid working people (whether employed or self-employed), including those who do not have children.

In most cases, the employer pays it alongside wages or salary, although it is paid directly to the self-employed by the Inland Revenue. The 'childcare element' of Working Tax Credit is paid directly to the main carer of the child or children along with Child Tax Credit.

Working Tax Credit contains several elements, including additional amounts for

- ◆ working people with a disability;
- ◆ people with a severe disability and;
- ◆ the costs of registered or approved childcare.

The minimum amount of work needed to qualify for Working Tax Credit is at least 16 hours a week.

¹⁸ HM Revenue and Customs, *WTC2 Child Tax and Working Tax Credit: A Guide*: <http://www.hmrc.gov.uk/pdfs/wtc2.pdf>

For people who are part of a couple with children, the minimum amount of hours that must be worked per week is 30 (with one partner working at least 16 hours per week). Childless couples cannot add their hours together to qualify for the 30 hour element.

The disabled worker element is usually paid to anyone working at least 16 hours a week and has a physical or mental disability which puts them at a disadvantage in getting a job.

A Disabled People and Employment

Disability Discrimination Act

Under the Disability Discrimination Act (DDA), anyone with a disability has a right to fair employment - including people in firms with fewer than 15 members of staff. The law protects people from the point of interview. If someone believes they were turned down because a prospective employer decided a wheelchair user would pose problems, then that counts as discrimination.

Employers must make reasonable adjustments to ensure people can do their job, such as supplying equipment which improves access to computers.

The Act also covers conditions beyond the physically obvious signs of disability.

Jobcentre Plus

Jobcentre Plus¹⁹ provides specialist services for disabled people including:

Disability Employment Advisors

Disability Employment Advisers (DEAs) provide specialist support to people who are recently disabled, or those whose disability or health condition has deteriorated and who need employment advice. They provide support to disabled people who are having difficulty in getting a job because of their disability and also to employed people who are concerned about losing their job because of a disability.

Access to Work

Access to Work (AtW) Advisers have specialist knowledge of the Access to Work programme which provides support to disabled people and their employers to help overcome work related obstacles resulting from a disability.

New Deal for Disabled People

Anyone receiving one or more of the following benefits may benefit from the voluntary New Deal for Disabled People:

- ◆ Incapacity Benefit
- ◆ Severe Disablement Allowance
- ◆ Income Support including a disability premium
- ◆ Income Support because Incapacity Benefit has stopped and an appeal against the decision has been made
- ◆ Pension Credit
- ◆ National Insurance credits because of incapacity

¹⁹ Department for Work and Pensions, Jobcentre Plus, Help for Disabled People:
<http://www.jobcentreplus.gov.uk/cms.asp?Page=/Home/Customers/HelpForDisabledPeople>

- ◆ Disability Living Allowance
- ◆ Housing Benefit with a disability premium
- ◆ Council Tax Benefit
- ◆ War Pension with an Unemployability Supplement
- ◆ Industrial Injuries Disablement Benefit with an Unemployability Supplement
- ◆ A benefit equivalent to Incapacity Benefit from an EU member country.

New Deal for Disabled People is a voluntary programme delivered through a network of Job Brokers who have been chosen by Jobcentre Plus because they are deemed to have experience of working with people with health conditions or disabilities.

A Job Broker aims to understand the situation of the disabled person and give advice about the local labour market and appropriate routes into employment. They will also help to identify training needs, help with the process of applying for jobs and offer support through the first six months of employment.

The following are some examples of support for employment available to disabled people and employers.

Shaw Trust

Shaw Trust²⁰ is a national charity that provides training and work opportunities for people who are disadvantaged in the workplace due to disability, ill health or other social circumstances.

Remploy

Remploy²¹ finds jobs for disabled people in major organisations, as well as its own manufacturing and service businesses. The company employs 5,700 disabled people in 83 factories and its managed services division. Increasingly, it is focusing on finding disabled people jobs with other employers.

Remploy Interwork works with many UK organisations, helping them promote equality in employment and increase the number of opportunities for disabled people within their businesses.

²⁰ Shaw Trust: <http://www.shaw-trust.org.uk/index.php>

²¹ Remploy: <http://www.remploy.co.uk/>

B Housing for Disabled People in Wales

*Better Homes for people in Wales – A National Housing Strategy for Wales*²² sets out the Assembly Government's policies and plans for helping disabled people access housing. It also states the Assembly Government's commitments to:

- ◆ encourage local authorities to adopt information systems that enable them to identify accessible and adapted properties. The Assembly Government will also work with Housing Organisations Mobility and Exchange Services (HOMES) to overcome barriers for disabled people who wish to move home;
- ◆ consult on information and advice services for disabled people;
- ◆ examine the current funding arrangements for the provision of physical adaptations operating in the private and public sectors.

Below is a summary of these policies and plans.

Welsh Quality Housing Standard

The Welsh Quality Housing Standard²³ has been developed to address, among other key elements, the issue of accessibility to housing. Under the Standard, the accommodation provided within dwellings should, as far as possible, suit the needs of the household.

Lifetime Homes

Under Assembly Government policy and guidance, landlords are expected to consider the flexibility of dwelling exteriors and interiors so that they meet the changing needs of occupants and are suitable for all visitors. Where it is practical and cost effective to do so, landlords should consider incorporating some, or all, of the Lifetime Homes Standards (LHS) into dwellings. The LHS specification comprises of 16 major standards for incorporation into a home in order to increase flexibility, offer tenants choice and improve accessibility.

Lifetime Homes are not aimed specifically at people with disabilities who would require a wheelchair. They are homes that are built to current standards and can be lived in and visited by a wide range of people. They would, therefore, also be suitable for people with a very wide range of disabilities, older people or people having to adapt to different circumstances.

Care and Repair

Care and Repair²⁴ services provide assistance to elderly and disabled people to enable them to carry out improvements to their houses. This often avoids clients going into supervised care and enables them to stay in their own homes. There are 22 Care and Repair agencies throughout Wales as well as a national organisation, Care and Repair

²² National Assembly for Wales, *Better Homes for People in Wales A National Housing Strategy for Wales*, July 2001: <http://www.housing.wales.gov.uk/pdf.asp?a=a2>

²³ National Assembly for Wales, Welsh Quality Housing Standard (WHQS): <http://www.housing.wales.gov.uk/index.asp?task=content&a=e12>

²⁴ National Assembly for Wales, Care and Repair Services in Wales: <http://www.housing.wales.gov.uk/index.asp?task=content&a=w21>



Cymru²⁵. The latter is also responsible for administering the Assembly's Rapid Response Adaptations Programme, which provides small-scale works for elderly and disabled people and is primarily aimed at facilitating their early discharge from hospital.

Disabled Facilities Grant

Disabled Facilities Grants (DFGs) are the only mandatory grants available from local authorities. They help with the cost of adapting disabled people's homes. It is means-tested and individual local authorities should be contacted about their own criteria. Advice on DFGs is available from Care and Repair Cymru.

Supported Housing for Disabled People

Through the Supported Housing Revenue Grant²⁶ scheme the Assembly Government provides funding for 5 projects offering 26 units of accommodation specifically designated to provide accommodation related support for physically disabled people.

²⁵ Care and Repair Cymru: <http://www.careandrepair.org.uk/>

²⁶ National Assembly for Wales, Supporting People: <http://www.housing.wales.gov.uk/index.asp?task=content&a=k1>

C Disabled People and Transport

Transport is not covered by the original *Disability Discrimination Act*, for example, while a train station itself must be accessible, be it through wheelchair ramps, hearing loops or timetables in Braille, the trains themselves do not yet need to be. The *Disability Discrimination Act 2005*, however, amends this to facilitate the accessibility of public transport. For example, all trains, buses and coaches must be accessible by 2020.

Although regulatory powers that impact upon access for disabled people are not devolved to the Assembly, the Sustainable Travel Unit ensures that industry and government commitments to improving disabled access are reflected in making decisions on grant schemes, especially Transport Grant and Local Transport Services Grant.

The legislation requires new rail vehicles to be accessible to disabled persons. However, the UK Government has announced that all passenger rail vehicles must comply with the Rail Vehicle Accessibility Regulations by 2020.

The **Disabled Persons' Transport Advisory Committee**²⁷ (**DPTAC**) is the body that advises the UK Government on access to transport for disabled persons.

In Wales, the **Welsh Transport Forum**²⁸ advises the National Assembly on transport issues. The DPTAC is represented on the Welsh Transport Forum.

Blue Badge Scheme

The Blue Badge Scheme²⁹ provides a national arrangement of parking concessions for people with severe walking difficulties who travel either as drivers or passengers. The Scheme also applies to registered blind people, and people with very severe upper limb disabilities who regularly drive a vehicle but cannot turn a steering wheel by hand. It allows badge holders to park close to their destination, but the national concessions apply only to **on-street** parking. Local authority Social Services departments should be contacted for details of eligibility.

Free Bus Travel

Disabled people in Wales are entitled to the Welsh Assembly Government's free bus pass scheme.

The criteria used to establish whether a person is eligible for free travel on local buses are:

- ◆ Men aged 65 years and over (extended to men aged 60 and over from April 2003) and women aged 60 years and over;

²⁷ Disabled Persons Transport Advisory Committee (DPTAC): <http://www.dptac.gov.uk>

²⁸ National Assembly for Wales, Welsh Transport Forum: <http://www.wales.gov.uk/subitransport/content/welshtransportforum>

²⁹ Department for Transport, Blue Badge Scheme: http://www.dft.gov.uk/stellent/groups/dft_mobility/documents/page/dft_mobility_507582-01.hcsp#P28_618

- ◆ Persons unable to perform any work for which sight is essential;
- ◆ Persons suffering from any disability or injury which, in the opinion of the authority or any of the authorities responsible for administration of the scheme seriously impairs their ability to walk;
- ◆ Companions of those disabled people who require assistance to travel.

The eligible categories of disability are:

- ◆ Blind or partially sighted
- ◆ Profoundly or severely deaf
- ◆ Without speech
- ◆ Disability or injury which affects the ability to walk (local authorities may accept receipt of higher rate mobility component of Disability Living Allowance and war pensioners mobility supplement as evidence of eligibility)
- ◆ Does not have arms or has long-term loss of the use of both arms
- ◆ Learning disability that includes significant impairment of intelligence and social functioning
- ◆ Other disabilities which are likely to cause the driving of vehicles by them to be a source of danger to the public.

Applications for concessionary travel are dealt with on an individual basis by local authorities.

Motability

Motability³⁰ is an independent not-for-profit organisation, which provides vehicles for disabled people.

Motability uses the higher rate mobility component of Disability Living Allowance or War Pensioners Mobility Supplement to provide transport in the following ways:

- ◆ A new car on a three-year contract hire lease.
- ◆ A new or used car on hire purchase, over a term of two to five years.
- ◆ A new or used powered wheelchair, or scooter on hire purchase, over a term of one to three years.

Shopmobility

Shopmobility³¹ is a scheme which lends manual wheelchairs, powered wheelchairs and powered scooters to members of the public with limited mobility to shop and to visit leisure and commercial facilities within the town, city or shopping centre.

Shopmobility is for anyone, young or old, whether their disability is temporary or permanent. It is available for those with injuries, long or short-term disabilities.

³⁰ Motability: <http://www.motability.co.uk/HomePage.asp?nodeid=89618>

³¹ Shopmobility: <http://www.justmobility.co.uk/shop/>

Disabled Persons Railcard

The Disabled Persons Railcard³² allows a disabled person to buy discounted rail tickets. If another adult is travelling with them, they can also travel at the same discounted fare.

To qualify, a disabled person must:

- ◆ be registered as visually impaired, or
- ◆ be registered as deaf, or
- ◆ have epilepsy, or
- ◆ receive Attendance Allowance, or
- ◆ receive Disability Living Allowance (in the Higher Rate for help with getting around, or in the Higher or Middle Rate for help with personal care), or
- ◆ receive Severe Disablement Allowance, or
- ◆ receive War Pensioner's Mobility Supplement, or
- ◆ receive War or Service Disablement Pension for 80% or more disability, or
- ◆ be buying or leasing a vehicle through the 'Motability' scheme.

Children aged from 5 and under 16 may also be eligible for a Disabled Persons Railcard, if they can meet at least one of the required criteria. Although they only need to pay the normal child's fare, an adult can travel with them at the discounted rate of one third off the adult fare.

³² Disabled Person's Railcard: <http://www.disabledpersons-railcard.co.uk/eligibility/eligibility.htm>

D Social Services

Where an Act of Parliament has given a local authority a **duty** to act under certain circumstances it must do so and the service users concerned have a right to receive that service. In other cases Acts of Parliament may say that the council **may** provide services generally for people in its area but allow the council discretion about whether to do so for particular individuals. Such powers do not give users a right to those services.

A local authority's responsibility to provide care and services only arises if a person is assessed under the authority's eligibility criteria as needing the care in question.

Local authorities may make a charge for residential and non-residential services. Some grants and services may also be means tested. Individual authorities should be contacted about their own criteria.

Services a council must provide

Two Acts of Parliament give people who are disabled the right to social services: the *Chronically Sick and Disabled Persons Act 1970*³³ and the *Disabled Persons Act 1986*³⁴.

The *Chronically Sick and Disabled Persons (CSDP) Act 1970* requires councils to make arrangements for the provision of certain services to individual chronically sick and disabled people, who are ordinarily resident in their area whether or not they are in their own home or are a tenant. A council has only to provide services if it is satisfied that they are necessary to meet the needs of the person. The services are:

- ◆ Provision of practical assistance within the home;
- ◆ Provision of disability aids and equipment;
- ◆ Assistance with adaptations to the home;
- ◆ Provision of meals at home or elsewhere;
- ◆ Provision of, or assistance in, getting a telephone or any special equipment necessary to use a telephone;
- ◆ Provision of, or assistance in, taking advantage of educational or recreational facilities both inside and outside the home, including provision of, or assistance with, transport to and from the facilities;
- ◆ Provision of holidays.

Any disabled person can ask for their needs to be assessed under the *Disabled Persons Act 1986* and must be provided with services under the *CSDP Act 1970* if they are needed. Local authorities can also give disabled people Direct Payments (see Annex F) so that they can buy their own care.

A person has the right to services under the *CSDP Act 1970* if they are:

³³ A copy of the *CSDP Act 1970* is available for reference from the Members' Library

³⁴ A copy of the *Disabled Persons Act 1986* is available for reference from the Members' Library



- ◆ Substantially and permanently handicapped;
- ◆ Blind or partially sighted;
- ◆ Deaf or hard of hearing;
- ◆ Mentally ill;
- ◆ Mentally handicapped.

These definitions apply to all age groups. A disabled person does not need to be registered as disabled to get the services provided in the *CSDP Act 1970*. They only have to fit the definition of disability set out as above.

Services a council may provide

Services a council may but does not have a duty to provide are:

- ◆ Social work support and advice;
- ◆ Facilities at centres for social rehabilitation and adjustment to disability;
- ◆ Facilities for occupational activities;
- ◆ Holiday homes;
- ◆ Provision of free or subsidised travel for those who do not qualify for travel concessions where such concessions are available;
- ◆ Assistance in finding suitable accommodation; and
- ◆ Contributions towards the cost of employing a warden on welfare functions or providing warden services in private housing.

E Disabled People and Education

Since September 2003, the *Special Educational Needs and Disability Act (SENDA) 2001*³⁵ has obliged schools and colleges to provide support services such as signing interpretation or other equipment. It could also mean providing students with course notes in alternative formats or ensuring a computer room includes adaptive technology.

By September 2005, educational establishments should have made physical alterations to buildings to improve access. Obligations also go beyond the student and cover parents too. Schools need to take into account a disabled parent's right to attend events, such as school plays and parents-teachers evenings – otherwise a refusal would constitute discrimination.

Disabled Students' Allowances (DSAs)

DSAs³⁶ help with costs incurred, in attending higher education, as a direct result of a disability. DSAs are available to full-time and part-time students with disabilities although part-time students must be studying at least 50% of a full-time course. DSAs are available to both undergraduates and postgraduates. The amount payable does not depend on the income of the disabled person or that of their household. Unlike a student loan, this assistance does not have to be repaid.

³⁵ *Special Educational Needs and Disability Act 2001*: <http://www.opsi.gov.uk/acts/acts2001/20010010.htm>

³⁶ Department for Education and Skills, Help for students with disabilities in 2006: http://www.dfes.gov.uk/studentssupport/students/stu_students_with_d_1.shtml

F Direct Payments

Direct payments are cash payments provided by local authorities to individuals and their carers in lieu of community care services, such as personal care provided at home, day care at a day centre, or equipment to aid independence. Direct payments are designed to provide users of community care services with a greater measure of choice and control over those services than is offered by directly provided services. Direct payments were introduced in 1997 through the *Community Care (Direct Payments) Act 1996*, initially to disabled people aged 18-64. Eligibility has subsequently been extended to young people aged 16-17, those over 65 years and to carers, families with disabled children for children's services and disabled parents for children's services. Since 1 November 2004 local authorities in Wales have been *required* to provide direct payments to all those who are eligible and who wish to receive them.

In order to be eligible for direct payments recipients must be assessed as needing community care services by their local authority. The person receiving the direct payments (a person with parental responsibility in the case of disabled children) must be willing to have direct payments and must be able to manage them, alone or with assistance. Eligibility for direct payments is not conferred on those subject to certain mental health or criminal justice legislation which include elements of compulsion.

Subject to the above criteria, the following groups are eligible to receive direct payments:

- ◆ Adult disabled persons receiving community care services (that is, persons to whom section 29 of the *National Assistance Act 1948* applies)
- ◆ Persons receiving carers services under section 2(1) of the Carers and Disabled Children Act 2000
- ◆ The following persons receiving services under section 17 of the Children Act 1989:
 - ◆ a person with parental responsibility for a disabled child
 - ◆ a disabled person with parental responsibility for a child
 - ◆ a disabled child aged 16 or 17

The community care services that individuals are assessed as needing are converted into a cash sum which the recipient then uses to arrange their own support services. The money must be used to meet the needs identified in the care assessment, although, subject to this, they can be used in any way the user wishes. Recipients of direct payments are accountable for the money and must maintain records for checking by the local authority. Local authorities providing direct payments remain responsible for ensuring the assessed needs of the recipient are met and should monitor the arrangements accordingly.

Direct payments do not have to be used to purchase all the services an individual is assessed as needing, some services can continue to be arranged by social services departments whilst others are purchased using direct payments.

Direct payments cannot be used to pay a close relative living in the same household (except where carers receive a direct payment in their own right), although local authorities can make exceptions to this if they consider this is the best way of providing the necessary services. Direct payments cannot be used to purchase services provided by social services departments, housing authorities, nor for those services which the NHS has a duty to provide. They cannot be used to purchase permanent residential care, but can be used to purchase short stays in residential care of up to 4 weeks in any year.

Recipients of direct payments are liable to pay charges for the services they receive in the same way as those receiving directly provided services. In practice this may result in a reduced direct payment which the recipient is expected to supplement from their own resources.

In many areas a direct payments support scheme provides help to people in receipt of direct payments to undertake the range of tasks associated with managing their direct payments including staff recruitment and management, payment of wages, book-keeping etc. Such support schemes are usually independent of the local authority and are often provided by local disability groups.

Guidance to local authorities on the provision of direct payments is available online from the Welsh Assembly Government website at:

<http://www.wales.gov.uk/subisocialpolicy/content/directpayment/policy-e.pdf>

Further information

- ◆ **Cardiff and the Vale Coalition of Disabled People** provides an information and support service to people using direct payments in Cardiff and the Vale of Glamorgan:
Cowbridge Court
60 Cowbridge Road West
Ely
Cardiff CF5 5BS
Tel: 029 2025 5611
Contact: Colette Morgan

- ◆ The **National Centre for Independent Living** is a UK wide disability organisation that exists to promote independent living for disabled people, including the use of direct payments. It provides information, training and consultancy and contributes to policy development around direct payments. It has a website at:
<http://www.ncil.org.uk/default.asp>

- ◆ **Disability Wales** is the national association of disability groups in Wales and works to promote the interests of disabled people. In 2000 Disability Wales published *Independent Living in Wales: A resource manual for the development of direct payment schemes and independent living support services* which included information and advice on direct payments and on setting up direct payments schemes. It is available from Disability Wales:
Tel: 029 2088 7325
Website: <http://www.dwac.demon.co.uk/index.htm>

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