

MWR Solicitors

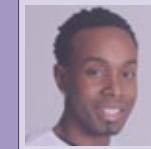
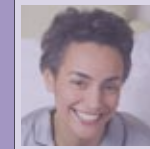
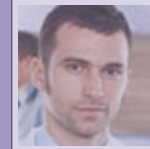
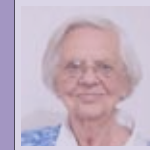
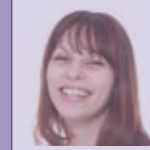
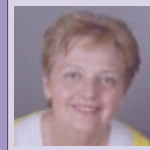
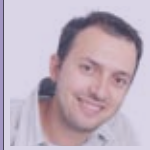
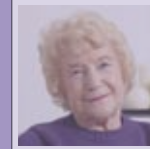
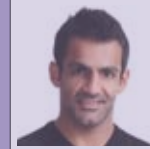
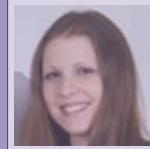
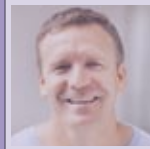
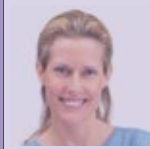
A legal guide



BENEFITS:



A guide to what you can claim



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INTRODUCTION

You may be entitled to certain benefits from the Department for Work and Pensions (DWP) and/or Inland Revenue depending on your individual circumstances.

You must claim straight away for a benefit that you think you may be entitled to or you may lose the benefit altogether.

We have briefly outlined a summary for your guidance.

All figures are correct as of April 2010.

Please note, the list in this booklet is not exhaustive. Further details can be obtained from your local Social Security Office, Job Centre Plus or Benefit Enquiry Line on 0800 882200 Textphone 0800 243355.

BENEFITS IN RELATION TO SICKNESS, ILL HEALTH OR INJURY

Statutory Sick Pay

This is paid by your employer up to a maximum of 28 weeks if you are unable to work because of sickness.

How is it assessed or calculated?

You must be sick for 4 days in a row and must be earning at least £95.00 on average.

Standard rate (per week)	£79.15
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Further Information

Employees – Contact your local social security office or Jobcentre Plus

Employers – Contact HM Revenue and Customs (Inland Revenue) or call Employers Helpline on 08457 143 143

Incapacity Benefit

This is paid if your Statutory Sick Pay (SSP) has ended or if you cannot get SSP

You must be incapable of work due to sickness/disability for at least 4 days in a row.

You need to have paid National Insurance contributions.

How is it assessed or calculated?

There are three different rates. The amount you get would depend on your individual circumstances. The figures below are useful as a guide **only** and are based on weekly amounts.

Under State Pension Age

Short term lower rate	£67.75
Short term higher rate	£80.15
Long term basic	£89.80

Over State Pension Age

Short term lower rate	£86.20
Short term higher rate	£89.80

Incapacity Age addition

Available if you are on long term incapacity Benefit and were under the age of 45 on the day you became unable to work.

Lower rate	£6.55
Higher rate	£15.65

Further Information

Contact your local social security office or Jobcentre Plus or Benefit Enquiry Line on 0800 88 22 00 or Textphone – 0800 24 33 55

Reduced Earnings Allowance

This is available if you can no longer earn as much because of an accident /disease caused by work.

How is it assessed / calculated?

This benefit applies if you are unable to do work with similar pay because of an accident or disease caused by work

The illness or disability must have occurred before 1 October 1990.

The amount you get is dependant on your individual circumstances. The figure below is useful as a guide **only**.

Maximum £57.44 a week

Further Information

Contact your local social security office or Jobcentre Plus or Benefit Enquiry Line on 0800 88 22 00 or Textphone – 0800 24 33 55

Industrial Injuries Disablement Benefit

This is for people who are disabled as a result of an accident at work

It is not paid if you were self-employed when the accident happened

The amount you get depends on how serious your disability is. The figures shown below are useful as a **guide** only

Further Information

Contact your local social security office or Jobcentre Plus or Benefit Enquiry Line on 0800 88 22 00 or Textphone – 0800 24 33 55

Industrial Injuries Disablement Benefit (Disease and Deafness)

This is for people who are disabled by a disease or deafness caused by work

If you have a certain disease you may also be able to get a payment under the [Pneumoconiosis etc \(Workers Compensation\) Act 1979](#).

E.g. a disease caused by working with asbestos, Asthma, Chronic bronchitis, Deafness, Pneumoconiosis (including silicosis and asbestosis), Tenosynovitis, or Vibration white finger.

How is it assessed or calculated?

The figures shown below are weekly payments and are useful as a guide **only** and vary depending on the level of disability and your individual circumstances.

Disablement Benefit

Disablement	Aged 18+	Aged under 18 with no dependants
100%	£143.60	£88.75
90%	£129.24	£79.25
80%	£114.88	£70.44
70%	£100.52	£61.64
60%	£86.16	£52.83
50%	£71.80	£44.03

40%	£57.44	£35.22
30%	£43.08	£26.42
20%	£28.72	£17.61

Further information

Contact your local social security office or Jobcentre Plus or Benefit Enquiry Line on 0800 88 22 00 or Textphone – 0800 24 33 55

Pneumoconiosis Etc. (Workers Compensation) Act 1979

This benefit provides a one-off lump sum compensation for sufferers (or their dependants if they have died) of certain dust-related diseases. The sufferer must be unable to claim damages from the employers who caused the disease, because they have ceased trading.

Diseases include:

- Diffuse Mesothelioma
- Pneumoconiosis (which includes Silicosis, Asbestosis, Kaolinosis)
- Diffuse Pleural Thickening
- Primary Carcinoma of the Lung (only if accompanied by asbestosis or diffuse pleural thickening)
- Byssinosis

Further Information

Contact free phone 0800 279 2322

War Disablement Pension

You may apply if you were serving for Her Majesty's armed forces and were injured or disabled through serving.

The amount paid is dependant on the extent of the disability and the entitlement is worked out as a percentage.

How is it assessed or calculated?

If disablement 20% or more, a pension is payable by the War Pensioners Welfare Service.

If under 20% a lump sum called a Gratuity is paid.

If your disablement is noise induced hearing loss and your disablement is less than 20%, there is no lump sum or Gratuity payable by the service.

Further Information

Contact the Veterans Agency for Free on 0800 169 22 77 or Text phone on 0800 169 3458

Help with Health Costs

If you are on low income you may be entitled to free NHS prescriptions, free NHS dental treatment, free NHS sight tests and more.

Further information

To make a claim obtain form HC1 from your local jobcentre or social security office, or contact NHS Direct on 0845 46 47

DISABILITY AND CARERS BENEFITS

Disability Living Allowance (DLA)

This is paid if you need help for 3 months because of a severe physical or mental illness or disability, and you are likely to need it for at least another 6 months.

You may also claim for a child under 16 who suffers from a severe physical and mental illness or disability and requires help and looking after than other children of the same age.

How is it assessed or calculated?

You must claim before the age of 65.

The amount you get will depend on your level of disability and are paid at different rates. The figures below are weekly amounts and useful as a guide **only**.

Care Component

Highest rate	£70.35
Middle rate	£47.10
Lowest rate	£18.65

Mobility – Paid to help you get around

Highest rate	£49.10
Lower rate	£18.65

Further Information

Contact your local social security office for a claim form.

Attendance Allowance (AA)

This is paid if you need help to look after yourself, or if you become ill or disabled on or after your 65th birthday.

It is paid at different rates depending on when you need care. I.e. day/night.

How is it assessed or calculated?

The amount depends on your individual circumstances and level of disability. It is paid at two different rates. The figures supplied below are weekly amounts and are useful as a guide **only**.

Higher rate	£70.35
Lower rate	£47.10

Further information

Contact your local social security office for a claim form.

Help for Carers

This helps with adapting a home for a disabled person, respite care or other support. Respite care is help looking after the person you care for while you have a break.

Further information

Contact your social services department.

Carers Allowance

This is a taxable benefit for carers.

How is it assessed or calculated?

To claim, you must spend at least 35 hours a week caring. E.g. for a relative, friend, neighbour.

You cannot get this benefit if you are in full time education (21 hours a week)

You must not earn more than £95.00 a week.

It can be paid to more than one person in a household.

The amount you get will depend on your individual circumstances. The figure below is a weekly amount and is useful as a guide **only**.

Carers Allowance	£53.10
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Further Information

Contact your local social security office for a claim form or call 01253 856 123.

People with speech / Hearing difficulties should dial 01772 899 489 or write to:

CA Unit, Palatine House, Lancaster Road, Preston PR1 1NS.

JOB SEEKERS BENEFITS

Income Support

This applies to people from age 16-59.

How is it assessed or calculated?

Any savings will affect how much you will get. Usually savings of £16000 will mean you cannot get this benefit.

You must be on a low income.

The amount you get will depend on your individual circumstances. The figures below are weekly payments and useful as a guide **only**.

Personal allowances for single people:

aged 16-17	£50.95
or depending on their circumstances	£50.95
aged 18-24	£50.95
aged 25 plus	£64.30

Personal allowances for couples:

aged 18 plus	£100.95
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Where one or both partners are aged under 18, their personal allowance will be calculated based on their specific circumstances.

Personal allowances for lone parents:

aged 16-17	£50.95
or depending on their circumstances	£50.95
aged 18 or over	£64.30

Personal allowances for dependent children:

from birth to the day before 20th birthday	£56.11
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Premiums:

Family	£17.30
Family (one lone parent rate for people with preserved rights)	£17.30
Disabled child	£51.24
Carer	£29.50

Severe disability - paid for each adult who qualifies	£52.85
Pensioner	£97.50 (couple)
Enhanced pensioner - aged 75-79	£97.50 (couple)
Higher pensioner	£97.50 (couple)
Disability	£27.50 (single)
	£39.15 (couple)
Enhanced disability premium	£13.40 (single)
	£19.30 (couple)
	£20.65 (child)

Reduction in benefit for strikers £34.50

Housing costs - deductions for non-dependants

18 plus in paid work and not receiving pension credit:

(gross weekly income)	£382.00 and over	£47.75
	£306.00 - £381.99	£43.50
	£231.00 - £305.99	£38.20
	£178.00 - £230.99	£23.35
	£120.00 - £177.99	£17.00
	Income less than £120.00	£7.40
	Other cases	£7.40

Further Information

Contact your local social security office, Jobcentre Plus / Jobcentre.

Job Seekers Allowance

You must not be working, or working less than 16 hours a week.

It is paid if you are capable of working, are available for work and if you are actively seeking work.

To get the benefit, you will need to discuss your availability for work and your efforts in finding a job - usually every two weeks.

How is it assessed or calculated?

You must have paid National Insurance contributions.

Any savings you have will affect how much you get.

Your individual circumstances will affect how much you will be entitled to. The figures below are weekly payments and useful as a guide **only**.

Contribution-based

Aged under 18	£50.95
Aged 18 - 24	£50.95
Aged 25 or over	£64.30

Income-based Personal allowances

Single people	aged under 18	£50.95
	aged 18 - 24	£50.95
	aged 25 or over	£64.30
Couple	both aged under 18	£50.95
	both aged under 18, one disabled	£50.95
	both under 18 with one	£76.90
	one aged under 18, one 18 - 24	£50.95
	one aged under 18, one over 25	£64.30
	both aged 18 or over	£100.95
Lone parents	aged under 18	£50.95
	aged 18 or over	£64.30
Dependent Children	from birth to first Monday in September following 16th birthday	£56.11
	from first Monday in September following 16th birthday	£56.11

Further Information

Contact your local social security office, Jobcentre Plus / Job centre.

FAMILY BENEFITS

Tax Credits

These benefits are operated by the HM Revenue and Customs (Inland Revenue) and are paid to those *in work* who **apply** for them. There are two types:

Working Tax Credit (WTC)

For low paid workers.

- You must be employed / self employed (either on your own or in a partnership).
- Married & unmarried couples & singles may apply
- Couples must make a joint application and cannot apply as a single person
- Aged 16 or over and usually reside in the UK.

Child Tax Credit (CTC)

Available for families with children who have an income of no more than £58,175.00pa or £66,350.00 if there is a child under the age of one.

How are they assessed / calculated?

WTC is made up from the following elements (2008/09):

1. A basic adult element (£1890 p.a.)
2. Disability element (£2530 p.a.)
3. Lone parent/couple element (£1860 p.a.)
4. 30 hour element (£775 p.a.)
5. Severe disability element (£1095 p.a.)
6. 50 plus element (£1300 p.a. for 16-29 hours per week, £1935 p.a. for 30 or more hours per week)
7. Child care element, for one child (£175 per week)
8. Child care element is paid to help households who are working and have to spend money on child care for 2 or more children (£300 per week)

9. Percentage of eligible child care costs covered 80%

CTC is made up from the following elements:

1. Family element - one per family (£545 p.a)
2. Family element baby addition – payable to any family with responsibility for a child. It is paid at a higher rate to families with at least one child under the age of 1. This is known as the baby element (£545 p.a)
3. Child element – payable for each child for whom you are responsible. (£2235 p.a.)
4. Disabled child element (£2670 p.a)
5. Severely disabled child element (£1095 p.a)

For both WTC and CTC the elements that apply to you would be combined to give you a maximum entitlement figure. If your gross income is below the threshold figure (WTC £6420 and £16,040 for CTC) then you will receive the maximum entitlement. If the gross income exceeds the threshold figure, the entitlement is reduced by 39% of the excess.

Further Information

Contact your nearest HM Revenue and Customs Office

Guardian's Allowance

This is for people bringing up a child or children because one or both of their parents has died OR

- You don't know where the surviving parent is
- The child's parents were divorced (terms apply)
- The surviving parent is in prison with at least another two years to serve OR is detained in hospital by order of the Court.

How is it assessed or calculated?

You must be in receipt of Child Benefit for the child or children.

You do not need to be the child's legal guardian.

Weekly payment of £14.10 per child.

This payment will be made with child benefit payments.

Child Maintenance Bonus

This is for people who receive child maintenance and lose benefit when they start work.

This applies in situations where child maintenance was calculated before 03/03/03.

A payment of up to £5.00 per week up to a maximum payment of £1,000.00. The amount that will be paid will depend on individual circumstances.

From 27 October 2008, parents with care can choose to leave the CSA and make their own arrangements for child maintenance with the other parent of their child.

Further information

Contact your local social security office or call Child Support Agency's National Enquiry service on 08457 133 133.

Statutory Maternity Pay

This provides you with an income to help you to take time off at and around the birth of your baby.

It is paid by your employer, up to a maximum of 39 weeks and will be subject to Tax and National Insurance.

It is not available unless you are employed.

How is it assessed or calculated?

You must be employed by your employer for a period of 26 weeks up to the 15th week before your baby is due.

You must have been earning £90.00 a week before tax

SMP is classed as earnings and tax and NI will be deducted from it.

If your average earnings are £90.00 a week (gross) or more, SMP is paid as follows:

First 6 weeks - 90% of your average weekly earnings

Remaining 33 weeks - £123.06 or 90% of your average weekly earnings if it is less than £123.06.

Further Information

Contact your local social security office.

Maternity Allowance

This provides you with an income to help you take time off work for the birth of your baby and is paid up to a maximum of 39 weeks. It is available to the self employed, and those employees not eligible for statutory maternity pay.

How is it assessed or calculated?

You must be employed / self employed for a period of 26 weeks in the 66 weeks up to when the baby is due and earned an average of £30.00 a week.

Standard weekly rate is paid or £123.06 or 90% of your weekly wage if less than £123.06.

Further Information

Contact your local social security office

Statutory Paternity Pay

This provides husbands, partners and civil partners with an income allowing them to take time off work when their partner gives birth or adopts a child.

Either one or two week paternity leave can be taken. However, odd sporadic days will not be permitted. Leave must be taken after the baby is born / adopted and within 8 weeks of this event.

How is it assessed or calculated?

You must be one of the following in order to receive Paternity Pay:-

- Biological father of the child
- Adopter of the child
- Mother's/adopter's husband, partner or civil partner
- OR have or expect to have responsibility for the child's upbringing.

You must have worked for the same employer for at least 26 weeks by the 15th week before the child is born/adopted and you must earn an average of at least £90.00 a week (before tax).

Statutory Paternity pay is classed as earning and therefore tax and NI will be deducted accordingly.

If your average earnings are at least £90.00 a week gross, Statutory Paternity Pay will be paid as follows:-

Either £123.06 per week

OR 90% of your average weekly earnings.

You will be paid whichever is the lower of these amounts

Further Information

Contact your local social security office

Child Benefit

This is a benefit for those who are bringing up children

How is it assessed or calculated?

You must be bringing up a child who is:

Under age of 16

Under 19 and studying full time to A Level, AVCE or equivalent.

16 /17 years of age and has left school and has registered for training / work with a careers agency / Connexion service.

The benefit rates are listed below and are weekly payments:

Eldest Child from January 2009	£20.00
Each other child from January 2009	£13.20

Further Information

Contact your local social security office, Jobcentre plus, Job centre.

Lone Parents Benefit Run On

This is an extra 2 week benefit in addition to your income support or Job Seekers Allowance.

How is it assessed or calculated?

This benefit applies if you have been on Income Support or income-based Jobseeker's Allowance for at least 26 weeks and have been a lone parent for those 26 weeks.

You must have started work on/before 24th October 2004 and work 16 hours a week or more.

The amount you will get depends on your individual circumstances.

Further Information

Contact your local Jobcentre Plus, Jobcentre or social security office

Free milk, infant formula, vitamins, fruit and vegetables

This applies if you are pregnant or are responsible for at least one child under the age of four years old and you are in receipt of one of the following benefits:-

- Income support
- Job Seekers Allowance
- Child tax credit and your family income is less than £15,575.00 pa

How is it assessed or calculated?

Vouchers are given to the value of £3.10 each which can be spent on milk, infant formula, vitamins, fruit or vegetables.

Pregnant women and children over the age of one but under the age of 4 will be given one voucher per week.

Children under the age of one will be given two vouchers per week

Further info

Contact NHS Direct (England & Wales) on 0845 4647

Vaccine Payment

This is a one off payment that you can claim if you are severely disabled as a result of vaccination against certain diseases, e.g. Diphtheria, mumps, measles etc.

How is it assessed or calculated?

Children must be 2 years of age before claiming

Vaccination must be before a person's 18 birthday and must be given in UK or Isle of Man.

Disablement is calculated as a percentage. To claim you must be 60% disabled or more.

Single payment £120,000 tax free

This entitlement may affect other benefits and entitlements.

Further Information

Contact your social security office, Jobcentre plus / Jobcentre for a claim form or:
The Vaccine Damage Payments Unit, Palantine House, Lancaster Road, Preston PR1 1HB
Tel: 01772 899 944

FINANCIAL ASSISTANCE BENEFITS

Housing Benefit

This is applicable if you are on a low income and are paying rent.

How is it assessed or calculated?

It is paid by your local council and is calculated according to your individual circumstances.

Factors such as income, savings, benefits, age, family size etc are taken into account.

Further Information

Contact your local social security office for a claim form.

Council Tax Benefit

This is paid by local councils as a rebate on your council tax bill if you are on low income.

How is it assessed or calculated?

It is paid by your local council and is calculated according to your individual circumstances.

Factors such as income, savings, benefits, age, family size etc are taken into account.

Further Information

Contact your social security office, Jobcentre Plus, Jobcentre.

BENEFITS PAYABLE AS THE RESULT OF A DEATH

Bereavement Payment

This is based on your spouse/civil partner's NI contributions and is single payment

How is it assessed or calculated?

You must be the widow/widower of a spouse/civil partner who has paid National Insurance contributions.

Single payment	£2000
THIS IS A TAX FREE PAYMENT	

Further Information

Contact your social security office for a claim form.

Bereavement Allowance

This is based on your late Husband/Wife/Civil Partner's NI contributions.

How is it assessed or calculated?

The amount is based on your age when you were widowed or when any Widowed Parent's Allowance ends. You must not be bringing up children and must be under state pension age.

Bereavement allowance

Your age at the death of your partner	Maximum weekly rate you could receive
45 years old	£28.58
46 years old	£35.24
47 years old	£41.91
48 years old	£48.58
49 years old	£55.25
50 years old	£61.91
51 years old	£68.58
52 years old	£95.25
53 years old	£81.92
54 years old	£88.58
55 years old - state pension age	£95.25

Further Information

Contact your social security office for a claim form.

Widowed Parent's Allowance

This can be claimed if you are bringing up a child under the age of 19 or expecting a child and your husband, wife or civil partner dies.

How is it assessed or calculated?

Your husband, wife or civil partner must have paid National Insurance Contributions. An exception to this rule is made where the deceased has died as a result of their work.

You cannot claim this benefit if you have divorced your partner or you are living with another partner as if you were husband, wife or civil partner

You could receive up to a maximum of £95.25 per week

Other benefits may be affected by claiming this.

Further Information

Contact your local Job Centre Plus / Job Centre

Funeral Payment

Eligibility for this payment depends on your personal circumstances and not those of the person who has died.

It is a single payment.

How is it assessed or calculated?

You must be on low income and in receipt of benefits such as Income Support, JSA, Pension Credit, Tax Credits etc.

The payment will pay for specified items and / services.

In order to claim this benefit, you must fall into one of the following categories:-

- Partner of the deceased when they died
- Parent of a deceased child, or have responsibility for the deceased child
- Close relative or close friend of the deceased and you can show that it is reasonable for you to accept responsibility for the funeral costs

Further Information

Contact your social security office, Jobcentre Plus, Jobcentre

OTHERS

Pension Credit

This is an entitlement for those aged 60 or above living in Great Britain. Standard minimum guarantee:

Single	£130.00
Couple	£198.45

Additional amount for severe disability:

Single	£52.85
Couple (one qualifies)	£52.85
Couple (both qualify)	£105.70
Additional amount for carers	£29.50

Savings credit:

Threshold - single	£96.00
Threshold - couple	£153.40
Maximum - single	£20.40
Maximum - couple	£27.03

Further Information

Call Pension Credit Helpline for Free on 0800 99 1234

Community Care Grants

These grants are applicable to people who move out of institutional care or a care home.

They help people live independently in the community and ease pressure on families.

They cover a range of personal circumstances, needs and expenses.

The amount you get will depend on your individual circumstances and will be calculated accordingly.

Further information

Contact your social services department

Employment and Support Allowance

Replaces incapacity benefit and income support, paid because of an illness or disability, from 27 October 2008.

If you already receive Incapacity Benefit, you will continue to receive it.

Weekly rate during assessment phase

This is paid for the first 13 weeks while a decision is made on your capability for work.

Age of Claimant:	Weekly amount:
single person aged under 25	upto £50.95
single person aged 25 and over	upto £64.30

Weekly rate during the main phase

This starts from week 14 of your claim if the assessment finds that your illness/disability does limit your ability to work.

Type of group:	Weekly amount:
single person in the work related activity group	upto £89.80
single person in the support group	upto £95.15

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