

Introduction

Attendance Allowance (AA) is a tax-free benefit paid to people aged 65 or over who are physically or mentally disabled and need help with personal care and supervision to remain safe.

AA is not means tested (so income and savings will not be taken into account). Further, it is not dependent upon the amount of National Insurance contributions made.

Criteria

To qualify for AA, the following conditions must be met:

- The Applicant must be aged 65 or over (if under 65, a claim should be made for Disability Living Allowance);
- The Applicant must not be in hospital or residential care which is paid for by Local Authority Social Services department;
- The Applicant must pass the residence and presence tests which means they must have been present in the UK for the last 26 out of 52 weeks. The Applicant must not be subject to immigration control;
- The Applicant must satisfy one of the disability tests and have satisfied that test over at least a six-month period in the 2 years before the award begins. To satisfy one of the disability tests, the Applicant must be so severely disabled that they require care from another person:

During the day

- Frequent attention throughout the day in connection with their bodily functions (Bodily functions includes eating, sleeping, getting in and out of bed, using the toilet, washing, dressing etc); or
- Continual supervision throughout the day in order to avoid substantial danger to themselves or others.

During the night

- Prolonged or repeated attention from another person in relation to their bodily functions; or
- In order to avoid substantial danger to themselves and others, the Applicant requires

another person to be awake for a prolonged period or at frequent intervals for the purpose of watching over them.

Amount

AA is paid at two rates:

1. Higher rate

- The Applicant ought to qualify for the higher rate if they require the care described above during the day and night.
- The Applicant will be paid £77.45 per week.

2. Lower rate

- The Applicant ought to qualify for lower rate if they require care either during the day or at night. If they meet one of the day conditions or one of the night conditions, they will qualify for the lower rate.
- The Applicant will receive £51.85 per week.

AA is payable each Wednesday. It is normally paid 4 weeks in arrears into the Applicant's bank, building society or Post Office account.

Effect on other Benefits

AA can be paid in addition to most other benefits such as Pension Credit. It is ignored as income for means-tested benefits so does not reduce the amount of Pension Credit, Housing Benefit or Council Tax benefit the Applicant may receive. However, it may be taken into account in the means test for Local Authority services such as care. If the Applicant receives Constant Attendance Allowance with Industrial

Injuries Disablement Benefit, it will overlap with AA and therefore the Applicant will receive whichever is the higher. AA can trigger extra help with means tested benefits therefore the Applicant should contact the Pension Service and Local Authority to inform them that they are receiving AA.

Further Information

To claim

The Benefits Enquiry Line - 0800 88 22 00
www.direct.gov.uk

For help:

Citizens Advice Bureau - www.citizensadvice.org.uk
www.adviceguide.org.uk

Age UK - 0808 800 6565
www.ageuk.org.uk

About Stewarts Law

Stewarts Law is the leading personal injury law firm in the United Kingdom with expertise in claims for compensation following spinal injury, brain injury and other serious injuries. Stewarts Law is ranked number one by the two key independent guides to the legal profession, the Legal 500 and Chambers and Partners.

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Stewarts Law LLP, 2012