

Macmillan helpline 0808 808 00 00 (Mon-Fri 9am-8pm) if you, or someone you love has cancer, we're here to help for questions about health, finances or just to chat. www.macmillan.org.uk and In Your Area information about Herefordshire cancer support groups.

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Macmillan Welfare Benefits

Jacqui Gardner
Macmillan Welfare Benefits Caseworker

Some key activities of a Macmillan Welfare Benefits Caseworker for people who are affected by cancer

- Identify potential benefit entitlement
- Help people to make a claim
- Assist people to challenge benefit decisions
- Identify grant eligibility

The most common benefits that I deal with

Employment and Support Allowance (ESA)
Personal Independence Payment (PIP)
Attendance Allowance (AA)

ESA

- Two types of ESA
- Contribution Related ESA
- Income Related ESA

Rules that apply to both Income Related and Contribution Related ESA

- You must have limited capability for work
- Claim can be backdated for up to three months
- You cannot be entitled to Statutory Sick Pay (SSP)
- You must not be engaged in any work unless previously agreed with the DWP under “permitted work” rules
- You must be between 16 and State Pension age

Income Related ESA

- Income and savings are taken into account
- If you live with a partner your joint income and savings will count
- The lower capital limit is £6,000
- The upper capital limit is £16,000
- If your capital is more than £16,000 you will not be eligible to claim
- You are entitled to help with NHS costs and will receive your maximum entitlement to Housing Benefit and Council Tax Reduction (rent and council tax may not be paid in full)
- You cannot receive Income Support or Income Related Jobseekers Allowance at the same time as ESA

Contribution Related ESA

- You must have paid enough National Insurance in the last two complete tax years or:
- Qualified for Incapacity Benefit and moved to ESA by the DWP or:
- Qualified for ESA in youth and remain entitled
- This is a taxable benefit
- Contribution Based ESA doesn't depend on income or savings
- It is time limited to 365 days unless you qualify for the Support Group
- You can maintain a live claim after 365 days to receive National Insurance credits
- If you have a live claim and your health deteriorates and you are placed in the Support Group you will start to be paid again

ESA Work Capability Assessment (WCA)

- Assessment period lasts for 13 weeks from date of claim
- There are special rules for people with six month prognosis and have a DS1500. They are automatically placed in the Support Group without having to complete assessment period and WCA
- You will be asked to complete a questionnaire (ESA50)
- You will normally have a face to face assessment with a healthcare professional
- You may be placed in the Work Related Activity Group (WRAG) or Support Group or:
- You may be found fit for work

If you are found fit for work

- You can request a Mandatory Reconsideration (MR)
- The MR request should be made within one month of the decision
- You can claim Jobseekers Allowance whilst MR is being decided
- You should consider limiting your Job Seekers Agreement
- If the MR decision is unchanged, you have the right to appeal and receive the assessment rate of ESA whilst appeal pending

Disability benefits for people over 16 years

- These benefits are to help with extra costs of having an illness or disability
- Personal Independence Payment (PIP)
- Attendance Allowance (AA)
- These benefits are not means tested or National Insurance dependent
- Neither PIP or AA can be backdated
- If someone looks after you they may be eligible to receive Carers Allowance
- Hospital admissions/discharges should be reported to DWP
- Special rules apply for people with a 6 month prognosis (DS1500 form from a medical professional required)
- Under special rules your claim is fast tracked to the higher rate of AA/daily living component of PIP and you do not have to satisfy the AA/daily living conditions

PIP

- For people over 16 and under 65 years
- Two components
- Help with daily living activities
- Help with mobility
- You must have needed help with daily living activities and/or mobility for three months before PIP can be paid and be expected to have needs for a further nine months after PIP goes into payment (But can be claimed in advance)
- You will normally have a face to face assessment conducted by a health professional
- If you disagree with a PIP decision you can request a mandatory reconsideration
- If you disagree with the mandatory reconsideration decision you can go to appeal

Attendance Allowance (AA)

- For People over 65 years
- No mobility component
- For people who have attention or supervision needs
- You must have had these needs for six months before AA can be paid (But can be claimed in advance)
- You do not normally have a face to face assessment
- If you disagree with a decision you can apply for a mandatory reconsideration within one month of the decision
- If you disagree with the MR decision you can appeal within one month of the MR decision.

Mandatory Reconsiderations and Appeals

- You must request a mandatory reconsideration and receive a decision before you can go to appeal
- You should request a MR within one month of the date on the benefit decision letter
- A large number of mandatory reconsiderations will remain unchanged
- You should appeal within one month of the date on the MR decision letter

Appeal

- You will need to complete a form SSCS1 and show grounds for appeal
- You will need to send a copy of the MR decision with the SSCS1
- You can request an oral or paper hearing
- Hearings are held at the Justice Centre (Magistrates Court)
- You can take a companion or official representative to the hearing
- Statistics show that it is better to attend if possible
- If your appeal is not upheld; you can go to the Upper Tribunal, but only if you can show that there has been an error in law

Introduction of Universal Credit

- Universal Credit (UC) full service in Herefordshire is planned for June
- Instead of claiming Income Related ESA, Income Support, Housing Benefit, Tax Credits and Income Related Job Seekers Allowance you will claim UC and people with existing claims will gradually be migrated from existing benefits to UC
- If you currently receive more benefit entitlement than you would on UC, your rate of benefit will be protected (transitional protection), when you are transferred
- You can still claim Contribution Related JSA and ESA separately
- UC will be paid monthly and claims will be made on line

Some basic benefit advisories

- Always report changes in circumstances promptly
- Seek advice from a benefits adviser if possible
- Benefits interact and entitlement to one benefit may affect others
- If you become entitled to PIP/AA it is advisable to get a benefits assessment because these benefits often increase the amount of other benefits

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ANY QUESTIONS?