

Blind and Partially Sighted Young People and Students in Full-time or Part-time Education 2008/2009

This fact sheet tells you how to claim the benefits that young people in full-time education and students on full-time and part-time courses could receive. It is also useful for those that support them.

Basic rules

You should consider claiming the benefits in this fact sheet if:

- you are aged 16 to 18; **and**
- you are in full-time 'non advanced' education; **or**
- you have been incapable of work since before the age of 20, or 25 if you have been in education or training; **or**
- you are in higher education

Please note, you are in 'non-advanced' education if you are either at school or Further Education College and you are studying for GCSEs, GCE A Levels, BTEC Nationals, GNVQs level 3 and below, or their equivalents.

Benefits to claim

- Disability Living Allowance (DLA)
- Incapacity Benefit
- Income Support
- Housing Benefit and/or Council Tax Benefit



Action for blind people

Other financial support to claim

- Education Maintenance Allowance
- Loans, Grants and Bursaries
- Disabled Students' Allowance

Effects on parents' benefits and tax credits

If you are blind or partially sighted, you can claim social security benefits in your own right once you reach the age of 16. This means that your parent(s) or guardian will stop claiming benefits such as Child Benefit for you. Most families will be considerably better off if a young disabled person makes an independent claim for benefits at 16. However, if your parent(s) or guardian gets any benefits or Tax Credits, they may be worse off.

You therefore need to get advice before you make your own claims for benefits, to ensure that your family as a whole does not end up worse off.

Disability Living Allowance (DLA)

Your parent(s) or guardian may already be receiving this benefit for you. Once you are 16, you have to claim it for yourself, unless you nominate someone to act as your agent in order to collect benefit payments for you. DLA is a useful benefit because you get it as well as any other income. It never reduces other benefits and sometimes increases Income Support, Housing Benefit and Council Tax Benefit. This means you can get DLA in addition to both Incapacity Benefit and Income Support.

You receive DLA because of the difficulties you have getting around, and/or with your personal care, as a result of your sight problems. Many blind and partially sighted people get both the care and mobility components of DLA. We find blind and partially sighted people commonly get low rate care and low rate mobility - £35.50 per week, or middle rate care and low mobility - £62.60 per week.

See our '**Disability Living Allowance**' fact sheet for more details.

Incapacity Benefit

Your parent(s) or guardian cannot claim Incapacity Benefit for you, so you have to claim it yourself. This is called Incapacity Benefit in Youth and applies to the age of 19. To qualify you need to show:

- you are incapable of work; **and**
- you have been incapable of work for 196 days (28 weeks) - these can be the days prior to your 16th birthday; **and**

- you are not on a full-time course (exceptions shown in the following section 'Incapacity Benefit and full-time education').

The rates for this benefit are:

- £63.75 per week for the first 28 weeks of your claim; **then**
- £75.40 per week for the next 24 weeks; **then**
- £102.25 per week after 52 weeks claiming.

'Incapacity for work' has a technical meaning for benefit purposes. It does not literally mean you can never work. If you have never worked, your capacity for work will be assessed through the 'personal capability assessment'. If you are registered blind you are exempt from this test. If you are partially sighted, or not registered at all, you have to complete an incapacity questionnaire (IB50). If you find it difficult to read large print over a sustained period of time then you should be treated as incapable of work.

For more details about the incapacity test you should see our '**Incapacity Benefit**' fact sheet.

Incapacity Benefit and full-time education

Incapacity Benefit is not normally paid to people aged 16-19 in full-time education. For Incapacity Benefit, 'full-time' means 21 hours or more. Breaks, free periods, private study or homework do not count towards the 21 hours. So, if you attend classes or supervised study of less than 21 hours a week, you can qualify, irrespective of whether the education is specially designed for disabled people or not.

If you attend classes for more than 21 hours, then you may still qualify if the extra hours or classes would not be suitable for someone of the same age and sex who does not have a physical or mental disability. This is set out in **Regulation 17 of the Social Security (Incapacity Benefit) Regulations 1994**. In order to assess what hours count, you need to look at both what is taught and how it is taught. You should ignore any time spent learning to read or write Braille, or any extra teaching hours required on account of your disability.

Attending a 'specialist' school or college

If you are taught entirely through specially adapted teaching methods (e.g. you are in a 'specialist' school or college), you do not need to add the 'suitable hours' exactly. The whole of your course should be treated as 'unsuitable' for a fully sighted person. This was established in law as a result of a **Social Security Commissioners' decision R(S)2/97**.

Claiming Incapacity Benefit under age 20 or 25

If you have been incapable of work since before the age of 20, or 25 if you have been in education or training, you will not have to satisfy the National Insurance contribution conditions in order to claim Incapacity Benefit.

Claiming under age 20

If you are 19 or 20 you should be able to claim Incapacity Benefit even if you are in full-time education, unless you claim under the age exception for people under the age of 25 (see the section below on 'Claiming under age 25'). You must have been continuously incapable of work for 196 days (28 weeks) when you claim Incapacity Benefit in order to qualify.

Claiming under age 25

The age limit for claiming Incapacity Benefit in Youth can be extended to under 25 if:

- you were on a course of education or training for at least 3 months before your 20th birthday; **and**
- the course was either:
- full-time or part-time education at any level from secondary school to postgraduate study; **or**
- vocational or work-based training.

Once you have completed your education or training you can still claim Incapacity Benefit in Youth as long as you do so within 2 years of the end of your course. You should claim before your 25th birthday and you must have been continuously incapable of work for at least 196 days (28 weeks).

Changes to Incapacity Benefit

In October 2008 Incapacity Benefit will be replaced with a new benefit called Employment and Support Allowance (ESA). Young disabled people under the age of 20 or 25 will be able to apply for this benefit but the test for incapacity for work will be different to that used for Incapacity Benefit. For more information on ESA see our '**Incapacity Benefit**' fact sheet.

Income Support

Income Support is a means-tested benefit, therefore the amount you get is affected by your income and any savings that you have. For example, if you have savings of more than £6,000 'tariff income' will be included in the calculation for Income Support.

Normally most 16-18 year olds in full-time 'non-advanced' education cannot get

Income Support. However, if you are blind or partially sighted, you should be able to qualify on the grounds that you are 'severely handicapped'. This rule is in **Regulation 13(2)(b) of the Income Support (General) Regulations 1987**. You have to show that, as a result of your disability, you are unlikely to get a job within the next 12 months even if you are available for work. You should get your doctor to write a letter confirming this. If you satisfy this condition, you do not have to prove you are available for, or incapable of work. It also means that you do not have to show that you attend less than 21 hours of lessons per week. You will also not have to prove that you are incapable of work if you are eligible for the 'disability premium', because you are claiming DLA or long-term Incapacity Benefit or you are registered blind.

If you are registered blind, or getting DLA or long-term Incapacity Benefit, your Income Support is worked out in the following way:

- personal allowance £47.95
- **plus** disability premium £25.85
- **equals** applicable amount £73.80

Your 'applicable amount' is the minimum amount the Government believes you need to live on. This figure is reduced if you receive certain types of income but the DLA you get is ignored.

So, if you get Incapacity Benefit, then your Income Support is reduced by the amount of Incapacity Benefit you get.

For example, if you get £63.75 Incapacity Benefit the calculation is as follows:

- applicable amount £73.80
- **minus** income
(Incapacity Benefit) £63.75
- **equals** Income Support
payable £10.05

Income Support and other benefits

If you qualify for Income Support you might also be able to get access to a number of other benefits/entitlements. These include:

- free prescriptions;
- free sight tests and vouchers for glasses;
- free dental treatment;
- Community Care Grants from the Social Fund;
- Housing Benefit and Council Tax Benefit.

You can only claim Housing Benefit or Council Tax Benefit if you are liable to pay rent or Council Tax yourself (see our '**Housing Benefit and Council Tax Benefit**' **fact sheet** for more information about these benefits). If you are under 18 you are not liable to pay Council Tax.

Education Maintenance Allowance

Young people who remain in education or training after 16 may be able to claim an Education Maintenance Allowance (EMA), to help towards expenses such as books, travel and equipment.

To qualify for an EMA you must:

- be 16-18 years old; **and**
- be starting a LSC-funded e2e programme, full-time further education course at college or school or becoming a Programme Led Apprentice; **and**
- your annual household income must be below the EMA threshold of £30,810.

The income of the adults living in your household, usually your parent(s) or guardian, will be taken into account when assessing your application for an EMA. However, any maintenance paid by a parent not living with you, will not be included in the calculation. Also, any other benefits that the members of your household, including yourself, receive will not be affected by your EMA award and neither will any money that you earn through part-time work.

Household income that is assessed when you make an application for an EMA includes:

- income earned as an employee;
- gross profits earned from self-employment;
- income from taxable benefits such as Incapacity Benefit or Carer's Allowance;
- any other income, for example, interest on savings or investments.

An EMA award will be for £10, £20 or £30 a week depending on your household income. You can also earn bonuses for meeting targets that are agreed with your teacher, tutor or provider, at the start of the course or training programme.

To obtain an application form you can call the EMA helpline on 0800 121 8989 or visit www.direct.gov.uk/ema. Application forms can also be picked up from schools and colleges.

Residential schools and colleges

If you are at a residential school or college, the following benefits may be affected:

- DLA care component may be withdrawn after 28 days (4 weeks) if you are in residential accommodation that is partly or fully financed through 'public funds'. It should however, be paid for weekends, holidays and half terms spent at home.
- If your Local Education Authority (LEA) supports your place in a residential school or college, then you may not be eligible for Income Support during term time. This is because the Department for Work and Pensions (DWP) may treat the LEA contribution as a 'notional income' which fully meets your daily needs. However, you should still get Income Support for holidays and half terms.

The rules about benefits in residential schools are quite complex. You should seek advice if you are refused any of the benefits mentioned in this fact sheet.

Financing higher education courses

Blind and partially sighted full-time and part-time students may be able to claim help towards the cost of their studies and any support or equipment they need. The following sections look at the financial help and benefits available to students under the age of 20 and on an advanced course, and those who are 20 and over and in full-time or part-time advanced or non-advanced education.

Loans, Grants and Bursaries

Financial support for students in higher education is available through tuition fee loans, means-tested loans for living expenses, supplementary grants for full-time students with dependent children or adult dependents and institutional bursaries. You can obtain more details about these from your Local Education Authority and the institution where you intend to study. There may also be partial financial support available from charities and trusts. Details of these can be found in your local library.

Disabled Students' Allowance

You may be able to claim a Disabled Students' Allowance (DSA) to cover any additional disability-related study costs. DSAs are non means-tested and they can be used to cover the cost of travel, specialist equipment, non-medical helpers and general or other expenditure. When you apply for a DSA you will be required to undergo a needs assessment to identify the extra disability-related study needs that you have.

Although DSAs are not means-tested there is a maximum amount that you can receive for each type of support that you need. It is possible to have a DSA for more than one undergraduate course but the amount of a second award may be reduced by the previous award and you can only get support for one designated programme of study at a time, whether full or part-time.

You are eligible to apply for a DSA if you attend a full-time or part-time higher education programme of study. Eligible programmes include:

- a Bachelor's degree (BA, BSc, BEd, BEng, BMus, LLB and BMed);
- a Diploma of Higher Education (DipHE);
- a Higher National Diploma (HND) or Higher National Certificate (HNC);
- a postgraduate course.

In order to qualify for a DSA for part-time study the course must be:

- 50% or more of the full-time equivalent so that it does not last for more than twice as long; and
- at least one year long.

To apply for a DSA you should contact your Local Education Authority or the institution funding your programme of study. If you are studying with the Open University or through distance learning, you need to get in touch with your course provider.

Income Support

If you are studying part-time, usually less than 16 guided hours per week, you will be able to claim Income Support as long as you are eligible under the usual rules. You should seek advice if you are not sure if you qualify for Income Support.

If you are on a full-time course, you will be eligible for Income Support during term time and vacations if you are:

- a lone parent with a child under 16; **or**
- a disabled student; **and**
- your 'applicable amount' includes a disability premium because you are claiming DLA or long-term Incapacity Benefit or you are registered blind; **or**
- your 'applicable amount' includes a severe disability premium because you receive the middle or higher rate of the care component of DLA; **or**
- you have been incapable of work for 28 weeks.

Your student loan, grant or bursary will also be treated as income, regardless of whether you actually receive it. However, note that the 'Disabled Students' Allowance and payments for tuition fees are ignored completely as income for Income Support purposes.

Housing Benefit

You can claim Housing Benefit throughout the year while studying a full-time course if:

- you receive Income Support or income-based Jobseeker's Allowance as a full-time student; **or**
- you are a lone parent; **or**
- you or your partner are aged 60 or over; **or**
- you qualify for a disability premium because you are receiving DLA or long-term Incapacity Benefit or you are registered blind; **or**
- you qualify for the severe disability premium because you are claiming the middle or higher rate care component of DLA; **or**
- you are entitled to Statutory Sick Pay or you have been incapable of work for 28 weeks; **or**
- you are one of a couple and your partner is not a student, or your partner is also a student and you have a dependent child.

As with Income Support, student loans, grants and bursaries are treated as income for the purpose of calculating Housing Benefit, unless you or your partner are aged 60 or over.

From April 2008 Local Housing Allowance will replace Housing Benefit, if you rent a property from a private landlord. See our '**Housing Benefit and Council Tax Benefit**' fact sheet for more information.

Council Tax Benefit

If the only adult residents in your home are students you will not be liable to pay Council Tax, as your home is an exempt dwelling. If you are liable to pay Council Tax and you would be eligible for Housing Benefit as a student, you will also qualify for Council Tax Benefit. Your income is worked out in the same way as for Housing Benefit.

Disability Living Allowance

It is possible to continue or to start to receive DLA while studying in higher education. As DLA is awarded because of the help that you need with personal care and mobility, you may find that your needs increase rather than go down during your course. For more information about DLA see our '**Disability Living Allowance**' fact sheet.

Incapacity Benefit and Severe Disablement Allowance

Incapacity Benefit and Severe Disablement Allowance (SDA) are paid during term time as well as vacations and they are not affected by student loans, grants or bursaries. When you start your studies you should inform your jobcentre plus office. This may cause a review of your claim but it will not necessarily mean that you will lose your Incapacity Benefit or SDA.

Changes to Incapacity Benefit

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Further Information

For further information about the Education Maintenance Allowance and Student Loans you can visit www.direct.gov.uk. To find out more about benefits and other financial support, contact your local advice centre or Citizens Advice Bureau. The National Bureau for Students with Disabilities (Skill) on 0800 328 5050 or at www.skill.org.uk may also be able to advise you further.

Or, you can contact Action's Welfare Rights Service.

Action for Blind People
14 - 16 Verney Road
London SE16 3DZ

National Freephone Helpline:
0800 915 4666
Email: benefit.check@actionforblindpeople.org.uk

You can also find all our fact sheets, briefings and checklists on our website at:
www.actionforblindpeople.org.uk/welfare-rights

This is only a brief guide about the benefits young blind and partially sighted people in full-time education can get. It is not a complete or exhaustive statement of law.

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