

Blind and Partially Sighted Young People and Students in Full-time or Part-time Education 2009/2010

This fact sheet tells you how to claim the benefits that young severely sight impaired (blind) and sight impaired (partially sighted) people in full-time education and students on full-time and part-time courses could receive. It is also useful for those individuals and organisations which support young people.

Basic rules

You should consider claiming these benefits if:

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

You are considered to be 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)
- Employment and Support Allowance



Action for blind people

- Housing Benefit and/or Council Tax Benefit

Other financial support to claim

- Education Maintenance Allowance (EMA)
- Loans, Grants and Bursaries
- Disabled Students' Allowance (DSA)

Affects 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 receive 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 appointee 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 Employment and Support Allowance, Housing Benefit and Council Tax Benefit. This means you can get DLA in addition to Employment and Support Allowance.

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 - £37.30 per week, or middle rate care and low mobility - £65.75 per week.

See our **Disability Living Allowance** fact sheets for more details.

Employment and Support Allowance (ESA)

Employment and Support Allowance is a new benefit which replaced Incapacity Benefit and Income Support on the grounds of incapacity for work from 27 October 2008.

Existing Incapacity Benefit and Income Support claimants

If you were already in receipt of Incapacity Benefit or Income Support on the grounds of incapacity for work prior to Employment and Support Allowance being

introduced, you will be able to remain on that benefit for the time being. However, during 2009 Incapacity Benefit and Income Support claimants under 25 will become subject to mandatory Work-Focused Interviews and the Work Capability Assessment (see below).

There are two types of Employment and Support Allowance, contribution-based and income-related. To qualify for either type, you must satisfy the following basic conditions:

- be aged 16 or over and under pension age
- be resident in Great Britain and not subject to immigration control
- not be entitled to Income Support or Jobseeker's Allowance (JSA)
- have 'limited capability for work' - see The Work Capability Assessment section below.

Contribution-based Employment and Support Allowance in Youth

Ordinarily, in addition to meeting the above basic requirements, you must also satisfy the national insurance contribution conditions in order to qualify for contributory Employment and Support Allowance. To satisfy these conditions you generally must have been working for at least two years before you claim, which obviously makes it difficult for many young people to qualify. There is therefore a version of contributory Employment and Support Allowance, called Employment and Support Allowance in Youth which you can qualify for, regardless of your national insurance record, as long as you:

- are aged under 20; **and**
- have had 'limited capability for work' for 196 days (28 weeks) - these can be days prior to your 16th birthday; **and**
- are not on a full-time course (exceptions shown in the following section 'Employment and Support Allowance and full-time education').

Claiming under age 25

The age limit for claiming Employment and Support Allowance in Youth can be extended to under 25 if:

- you were on a course of education or training for at least three 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 Employment and Support Allowance in Youth as long as you do so within two years of the end of your course. You should claim before your 25th birthday and you must have had limited capability for work for at least 196 days (28 weeks).

Full-time education

For Employment and Support Allowance, '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 9 of the Employment and Support Allowance Regulations 2008**. 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**.

The amount of Employment and Support Allowance in Youth

13-week Assessment Phase – During this phase you will be paid Employment and Support Allowance at the basic rate, which for under 25 year-olds is £50.95 per week.

Note

Once the assessment phase has ended the basic rate is increased to £64.30.

The main phase

During the main phase you will be paid your basic rate plus either:

£25.50 - **the work related activity component** (if you are placed in the work-related activity group); or

£30.85 - **the support component** (if you are placed in the support group).

For more information on the work-related activity and support groups and the qualifying conditions, please see our **Employment and Support Allowance** fact sheet.

Income-related Employment and Support Allowance

You can claim Income-related Employment and Support Allowance regardless of whether you are in full-time education or not, providing that in addition to meeting the basic conditions outlined above, you are also in receipt of DLA. You must also pass the means-test (see below).

The amount of income-related Employment and Support Allowance

The rules on applicable amounts, income and capital are set out in the **Employment and Support Allowance Regulations 2008**. The calculation is as follows:

Step 1: work out your applicable amount

Your applicable amount will be made up of the following:

- personal allowance
- premiums (if applicable)
- work-related or support component (after 13 weeks)
- housing costs (if applicable)

Personal allowance

This is payable from day one of your claim, and is the same as for contributory Employment and Support Allowance, i.e. £50.95 for the first 13 weeks, then £64.30 thereafter.

Premiums

You may qualify for the following:

Severe disability premium (worth £52.85 per week) - if you are getting the middle or higher rate of the care component of DLA, no-one claims Carer's Allowance for looking after you and you count as 'living alone'.

Enhanced disability premium (worth £13.40 per week) - if you are entitled to the support component and/or you are getting the higher rate of the care component of DLA.

The rules regarding entitlement to the severe disability premium are complicated. For more information on this and the other premiums please see our **Employment and Support Allowance** fact sheet.

Components

These are the same as for contributory Employment and Support Allowance. They are only payable after completion of the 13-week assessment phase:

£25.50 – work-related activity component; **or**
£30.85 – support component.

Housing Costs

If you have a mortgage, you can apply for help with the interest. This will be included in your ESA applicable amount, but will be paid direct to your lender. You can also apply for help with other housing costs such as loans for repairs and improvements.

The rules on what loans are eligible, and how the assistance is calculated, are complicated, so you should seek further advice.

Step 2: work out your income and capital

Capital

If you have capital over £16,000 you cannot qualify for income-related Employment and Support Allowance. Any capital under £6,000 is ignored in the means-test. If you have capital between £6,000 and £16,000, for every £250 over £6,000 you are treated as having £1 of income. This is known as 'tariff income'. If you are one of a couple, your partner's capital will also be taken into account.

Income

This includes earnings, tariff income from capital, child maintenance, student loans and earnings replacement benefits (contributory Employment and Support Allowance and JSA, Carer's Allowance, etc.). It does not include means-tested benefits such as Housing Benefit and Council Tax Benefit, nor does it include DLA. If you are one of a couple, your partner's income will also be taken into account.

Step 3: subtract your income from your applicable amount

The difference by which your applicable amount exceeds your income will be the amount of income-related Employment and Support Allowance that is payable to you.

If your income exceeds your applicable amount then you will not be entitled to income-related Employment and Support Allowance. However, if your income exceeds your applicable amount during the assessment phase only, but does not once your support or work-related activity component has been added, then your claim will be treated as 'made from the date' that the relevant component would be payable. This is referred to as 'an advance award'.

Entitlement to both Income-related and Contributory Employment and Support Allowance amounts

If you are eligible for both elements you will receive an amount equal to the greater of the two. If the greater amount is the contributory element this will make up the whole of the ESA amount paid. If the greater amount is the income-related element you will be paid the contributory ESA, topped up with income-related ESA.

Example:

Tanya is 17 years old and attends college for 19 hours a week. She is registered severely sight impaired (blind) but also has additional health problems and claims DLA at the higher rate of the care component and the lower rate of the mobility component.

As her hours of learning are less than 21 a week she is able to claim Employment and Support Allowance in Youth of £89.80 per week (personal allowance of £64.30 plus work-related activity component of £25.50).

She can also claim income-related Employment and Support Allowance because she is in receipt of DLA. Her applicable amount is £103.20 per week (personal allowance of £64.30 plus work-related activity component of £25.50, plus enhanced disability premium of £13.40, which she gets because she is in receipt of the higher care component of DLA).

Her applicable amount (£103.20) minus her income (£89.80) equals £13.40. Tanya is entitled to Income-related Employment and Support Allowance of £13.40 a week. Her total weekly Employment and Support Allowance is therefore her Employment and Support Allowance in Youth (£89.80) plus her income-related element (£13.40) which equals £103.20 per week.

The Work Capability Assessment (WCA)

All claims for Employment and Support Allowance begin with a 13-week 'assessment phase'. During this phase you will be required to undergo the Work Capability Assessment (WCA). The WCA is made up of three parts:

- **Assessment of Limited Capability for Work (ALCW)** which determines whether you are entitled to Employment and Support Allowance. It is based on evidence that you give in a medical questionnaire called an ESA50, plus a statement of medical evidence provided by your doctor and a medical examination.
- **Assessment of Limited Capability for Work-Related Activity (ALCWRA)** which determines whether you go into the Work-related Activity Group or the Support Group.
- **Work-focused Health-related Assessment** which assesses the affect of your disability on the types of work-related tasks that you can do and any help that you might need.

Although the WCA is an assessment of your capability for work, your educational course could be treated as part of the steps that you would need to take to be able to look for work. For more details about the WCA you should see our **Employment and Support Allowance** fact sheet.

Employment and Support Allowance and other benefits

If you are in receipt of Income-related Employment and Support Allowance you are automatically 'passported' to other entitlements including:

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

For more information see our fact sheets '**Housing and Council Tax Benefit**', '**Health Benefits**' and '**Community Care Grants**'.

Education Maintenance Allowance (EMA)

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

To qualify 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. However, any maintenance paid by a parent or guardian 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 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 Education Maintenance Allowance 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 Education Maintenance Allowance helpline on **0800 121 8989** or visit **www.ema.direct.gov.uk**. Application forms can also be obtained 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 (four 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, your Employment and Support Allowance may be reduced 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 all of your Employment and Support Allowance for holidays and half terms.

The rules about benefits in residential schools and colleges 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 or over and in full-time/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 LEA 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 (DSA)

You may be able to claim this allowance 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 LEA or the institution providing 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.

Employment and Support Allowance or Income Support

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

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

- in receipt of DLA; **and**
- your course started at least three months before your 20th birthday; **and**
- you have had limited capability for work for 28 weeks.

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

Income Support

If you are a part-time student, studying for less than 16 hours per week, or a full-time student, you will be able to claim Income Support during term time and vacations if you are:

- a lone parent with a child under 12 years of age; or
- a carer.

You can find out more about Income Support by visiting www.direct.gov.uk

Your student loan, grant or bursary will be treated as income for Income Support purposes. Payments for tuition fees and the Disabled Students' Allowance are ignored in the calculation of Income Support.

Jobseeker's Allowance (JSA)

Some students on a full-time or part-time course, who do not qualify for Employment and Support Allowance, can claim JSA under certain circumstances.

Part-time students are entitled to JSA if the time that they spend studying is outside of the times during which they must be available for work if they are offered a job.

If you are on a full-time course you can claim JSA during the summer vacation as long as you have a partner who is also a student and you have a dependent child. It is also possible to claim JSA for an agreed break from your studies if you are ill or you have to care for someone.

Housing Benefit

Housing Benefit is help with rent for people who are on means-tested benefits or a low income. You can claim Housing Benefit throughout the year while studying a full-time course if:

- you receive Income Support, Income-related Employment and Support Allowance or Income-based Jobseeker's Allowance as a full-time student; or
- you are a lone parent; 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 one of a couple and your partner is not a student, or your partner is also a student and you have a dependent child.

Student loans, grants and bursaries are treated as income for the purpose of calculating Housing Benefit.

From April 2008 Local Housing Allowance replaced 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 sheets.

Incapacity Benefit

Existing Incapacity Benefit claimants can continue to be paid during term time as well as vacations and the amount of benefit is 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.

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) may also be able to advise you further on **0800 328 5050** or visit www.skill.org.uk. Or, you can contact Action for Blind People's Welfare Rights Service:

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

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

You can 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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Action for blind people