

Claiming benefits

Advice on claiming and dealing with benefit problems

Where do I claim benefits?

What sort of benefits are there?

What if my claim for benefits is refused?



The Legal Services Commission manages the Community Legal Service and Community Legal Service Fund (legal aid). To find out more about us, visit www.legalservices.gov.uk

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0845 345 4 345

www.communitylegaladvice.org.uk

See page 10 for useful phone numbers and website addresses

A free and confidential advice service paid for by Legal Aid

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The Community Legal Service

This guide has been produced by the Community Legal Service (CLS), an organisation that has been set up by the government to help you find the right legal information and solve your problems.

The CLS provides leaflets on a range of subjects, and can help you find people and organisations that can help you with your legal problems.

To find out more about how the CLS can help, call us or visit our website.

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How can benefits help me?

Benefits are there to help people when they are short of money. This could be, for example, if you:

- are looking for work
- are ill or disabled
- have retired, or
- are pregnant.

There are also benefits for people who have a low income, even if they don't fit into any of these groups.

Most people in the UK will be entitled to claim some kind of benefit at some time in their life, but many people miss out because they don't know what they can claim.

This leaflet looks at some common questions and concerns people have about benefits. To find out where to get more information and advice, see the section 'Where can I get help and advice?' on page 10.

What sorts of benefit can I claim?

There are many different types of benefit, depending on how and why you need help with money. The main types of benefit help you if:

- you have a low income
- you are unemployed and looking for work
- you can't work because, for example, you are ill or you spend a lot of your time caring for someone
- you have important expenses that you can't afford, such as for a funeral, or to buy items because you are pregnant
- you're pregnant or adopting a child, or you have children
- you have a disability
- you have a low income because you spend a lot of your time caring for someone
- you're retired, or have reached retirement age
- you have had an accident at work, or suffer from a disease caused by your work
- your husband, wife or civil partner has died.

Different benefits are paid in different ways.

They can be:

- paid as a regular amount of money (for example, State Pension, Jobseeker's Allowance or Disability Living Allowance)
- a one-off payment (for example, Bereavement Payment)

- a loan (for example, from the Social Fund), or
- to help reduce your rent or Council Tax bill.

Will I be able to get benefits?

To be entitled to benefits, you must fit into one of the groups of people already mentioned, and you must meet certain terms and conditions.

- Many benefits are 'means-tested'. This means that how much benefit you get (or whether you can get any at all), will depend on how much money you, and possibly your partner have. This includes earnings, investments and any property you own other than the house you live in.
- Some benefits are 'contributory' – this means that what you get will depend on how much in National Insurance (NI) you have paid.
- If you've come from another country to live here, there are certain benefits you may not be able to claim, depending on your immigration status and your circumstances.

The conditions for claiming benefits can be complicated and are different for different benefits. You can check with the organisation that pays the benefit to see whether you may qualify for it. But in many cases, you will have to apply for the benefit and provide information about yourself, your family and your circumstances before the organisation can tell you whether you will be able to get the benefit.

What can I get if I'm pregnant?

There are several benefits you may be entitled to if you're pregnant.

- If you are employed, your employer must pay you Statutory Maternity Pay (SMP), as long as you have been in your job for a certain period, and been earning enough to pay National Insurance contributions.
- If you cannot get SMP, you may be able to get Maternity Allowance (MA).
- If you cannot get SMP or MA, you may be able to claim Incapacity Benefit or Income Support if you have a low income. You may also be able to receive a one-off payment called a Sure Start Maternity Grant. For information about how these work, and how to apply for them, contact **Jobcentre Plus** on **0800 055 6688**. Alternatively, visit the government's DirectGov website www.direct.gov.uk

If you are not sure what benefit you would be entitled to, and how to claim, get help from one of the organisations listed in 'Where can I get help and advice?' on page 10.

What can I get if I'm ill and can't work?

If you become ill and are off work, your employer will pay you Statutory Sick Pay for up to 28 weeks. This is a fixed amount, set by the government every year, but you may receive extra money if you have an employment contract that sets out a level of sick pay higher than this.

If you are still unable to work after 28 weeks, you should be able to claim Employment and Support Allowance. As with Statutory Sick Pay, you may also receive money from your employer, depending on what your employment contract says.

If you're self-employed, you can't receive Statutory Sick Pay, but you may be able to claim Employment and Support Allowance, however long you have been ill and unable to work.

There are other benefits available to people in particular circumstances, including:

- Industrial Injuries Disablement Benefit, if you were hurt or made ill at work
- Disability Living Allowance, if you are disabled, and
- war pension, or money from the Armed Forces Compensation Scheme, if you were injured or made ill while serving in the armed forces.

If you need help working out what you should be getting, seek advice from one of the organisations listed on page 10.

Where do I claim benefits?

Different government agencies deal with different benefits. Here are the main ones:

- Jobcentre Plus deals with most benefits for people who are of working age.
- The Pension, Disability and Carers Service deals with the State Pension, State Pension Credit, benefits for disabled people and people who are carers.
- Her Majesty's Revenue and Customs (HMRC) deals with tax credits and Child Benefit.
- Your local authority (council) deals with Housing Benefit and Council Tax Benefit.
- The Service Personnel and Veterans Agency deals with benefits for servicemen and women and veterans.

You can contact these agencies to make a claim, or to get information about making a claim. However, if you don't know where to start, or you have a more complicated problem or question, see 'Where can I get help and advice?' on page 10.

What information do I have to provide when I claim benefits?

Exactly what information you have to provide when you claim benefit is different for different benefits. But for many types, you will have to provide a lot of information about yourself, your family and your finances.

You may also have to provide some proof that you qualify for the benefit. You must give your National Insurance number, and you may have to prove your identity to show that the number belongs to you. Depending on the benefit, you may also have to attend an interview about work and training as part of your claim.

When you first start your claim, the benefits organisation you call or visit will tell you what they need from you.

Changes in benefits for people who are ill

Employment and Support Allowance is a new benefit, introduced in November 2008, that replaces Income Support and Incapacity Benefit for people who can't work because of illness. If you started claiming those benefits before November 2008, you'll continue to claim them.

What if I've had my benefit claim refused?

It can be upsetting and worrying if you claimed a benefit but have been told you can't receive it, especially if you're short of money. But you don't have to accept the decision straight away.

If you don't think your claim should have been refused, there are two steps you can take:

- write to the office that has dealt with your claim and ask it to look at the decision again, or
- appeal to an appeal tribunal, which will look at your claim separately from the agency.

But you must take action quickly – you normally only have a month from receiving the decision to ask the agency to look at a decision again, or to appeal.

You'll probably need some expert advice first, to help you make the best case and give you the best chance of persuading the office to change its decision. Specialist benefits advisers at **Community Legal Advice** or **Citizens Advice** are the best people to help with this. See page 10 for how to contact them.

What if I've been paid too much?

If you are paid too much benefit, you may be asked to repay it. This can happen if you don't tell the agency that pays your benefits about a change in your circumstances or if you give them wrong information – even by mistake.

And if you lie about your circumstances, you may be investigated for fraud, and may be prosecuted or fined.

In some cases, you may be paid too much because the office dealing with your claim makes a mistake. If this happens, you may be able to persuade the agency that you shouldn't have to repay the extra you were paid. But an important exception to this is tax credits – you are expected to check how much you are paid, and tell the Tax Credit Office if there is a mistake.

If you think you shouldn't have to repay a tax credit overpayment, tell the Tax Credit Office, which will give you a special form to fill in, explaining why. If the Tax Credit Office doesn't accept your reasons, you can ask to repay the money at a lower rate.

If you're told to repay tax credit or any other benefit, and you think it is wrong, or you can't afford the repayments, get expert help from **Community Legal Advice** or **Citizens Advice**.

Where can I get help and advice?

Community Legal Advice

If you have a low income and qualify for legal aid, you can call us for free independent advice about benefits and tax credits. We can also help you if you have debt, education, employment or housing problems

If you do not qualify for legal aid, or if you have another type of problem, we can put you in touch with other organisations, helplines or local advice services that can help. We can also direct you to other legal information resources.

How to contact us

You can speak to our advisers in several ways:

- Call us on **0845 345 4 345** from 9am to 6:30pm Monday to Friday. Calls cost no more than 4p per minute from a BT landline. Calls from mobiles usually cost more. Worried about the cost? Ask an adviser to call you back.
- Request a callback through our website, at www.communitylegaladvice.org.uk
- Text 'legalaid' and your name to 80010 and we'll call you back within 24 hours.

Help on the internet

If you have internet access, our website www.communitylegaladvice.org.uk has lots of help, including:

- our online directory of advisers, organised by areas of law
- more information about legal aid and who can get it
- online factsheets and leaflets that you can download, on lots of topics, and
- links to specialist organisations, charities and support groups in your area.

Citizens Advice

Citizens Advice can give you free, confidential and independent advice about how to claim benefits and how to deal with benefits problems.

- You can speak to someone in person at your nearest citizens advice bureau. It is listed in the phone book, or you can check the Citizens Advice website, at www.citizensadvice.org.uk
- Citizens Advice has a website with advice and information about benefits, at www.adviceguide.org.uk/index/life/benefits.htm

Can I get legal aid?

If you need help with the costs of legal advice, you can apply for legal aid. Whether you will get it will depend on:

- the type of legal problem you have
- your disposable (spare) income and how much disposable capital (money, property, belongings) you have, and
- whether there is a reasonable chance of winning your case and whether it is worth the time and money needed to win.

There is an online calculator on our website, at www.communitylegaladvice.org.uk/en/legalaid/calculator where you can see whether you could be financially eligible for legal aid.

What if I think I am eligible?

If you think you could be eligible for legal aid, you should speak to a legal adviser who can deal with legal aid cases. You can search our directory to find an adviser in your area, at the 'Find a legal adviser' section of our website www.communitylegaladvice.org.uk, or call our helpline 0845 345 4 345.

Help for other problems

This leaflet is one of a series of free leaflets produced by Community Legal Advice giving easy-to-read advice on a range of problem areas. The leaflets in this series are:

- C1 Dealing With Rent Problems
- C2 Domestic Abuse
- C3 Fair Treatment at Work: your rights if you are disabled
- C4 Your Rights At Work
- C5 Dealing with Debt
- C6 Losing Your Home
- C7 Claiming Benefits
- C8 Problems With School
- C9 Mental Health Laws

We'll be producing more leaflets in this series over the coming year. You can order any of these leaflets free by:

- phoning **0845 3000 343**, or
- emailing LSCleaflets@ecgroup.co.uk.

All of these leaflets are also available in Welsh, Braille and Audio.