

Brethertons BIG FAQs Series

Basic Information Gathering and Frequently Asked Questions on....

Benefits

Questions around what State Benefits '(Benefits)' you may be entitled to, and how those Benefits may potentially affect your claim after suffering life changing injuries are really important to ask, as you may find that you need to rely on Benefits that you have never previously needed.

Who can claim Benefits?

In theory, anyone can claim Benefits, if they fit the criteria for that particular benefit. Whether or not you can claim Benefits will depend on several different factors and will be determined by what your individual needs and circumstances are. Some Benefits are means tested and will only be granted if your income and savings are below a certain level. Some can be awarded regardless of means.

What Benefits can be claimed?

This will depend on individual circumstances. Some Benefits are designed as income replacement benefits if you have a low or no income; others are designed to assist with the cost of care.

The main benefits are:

- Universal Credit (UC) – this is designed to supplement income for those who are under state pension age and are on a low income. It is means tested. Both savings and earnings are considered. If you have more than £16,000 in savings, you will not be eligible for UC.
- Job Seekers Allowance (JSA) – this is a benefit which can be claimed if you are under state pension age, are not working or are working less than 16 hours a week. Savings are not considered, but income is. It is only paid for a 6-month period, and you must have paid at least 2 years national insurance contributions.
- Personal Independence Payment (PIP) - if you are between 16 and state pension age, are unable to work due to an injury or illness and have additional care needs then you can claim PIP. There are different rates depending on how much care you need and how mobile you are. It is not means tested.
- Disability Living Allowance (DLA) – is for children under 16 who have additional care needs (adults are covered by PIP). As with PIP there are different rates, and it is not means tested.
- Attendance Allowance (AA) is for people over state pension age who have additional care needs. Again, there are different rates, and it is not means tested.

- Carers Allowance (CA) can be claimed by someone who carries out caring duties, not by the person who needs the care. There are several requirements which must be met before CA is payable, and it can affect the entitlement to benefits of the person who is being cared for, so care must be taken when applying.

Depending on your circumstances, there are several other Benefits which may be claimed if you are entitled to the benefits above, such as Pension Credit, Council Tax Support, Housing Benefit and Support with Mortgage Interest. If your accident or injury happened whilst you were at work, you may also be entitled to Industrial Injuries Disablement Benefit.

Why are benefits important?

Benefits are important because they can help ensure that you have additional funds to assist with day to day living, in what is likely to be a difficult period of your life. If you have lost all or part of your income or need additional care after an accident or injury, then financial issues will only add to the pressures which have been placed upon you and your family. Ensuring that you are claiming the Benefits to which you are entitled can help take some of that financial pressure away.

Where can I read more?

There are resources online which give more detailed information about the different Benefits which may be available, for example:

[Browse: Benefits - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
<https://www.citizensadvice.org.uk/benefits>

You may also find that your local Citizens Advice Bureau or Jobcentre Plus may have leaflets available.

When can I apply?

When you can apply for Benefits will depend again on your individual circumstances, but it is better to apply or at least get some advice about what Benefits you may be entitled to as soon as possible, as many Benefits will not get backdated. Most seriously injured patients are assisted in applying for Benefits to which they may be entitled to in the hospital setting.

How will Benefits affect my case?

Applying for Benefits will not in itself affect how your case is run on a day-to-day basis. However, there are certain factors which need to be considered.

The first is that if you receive means tested benefits then you need to be aware that receipt of an interim or final payment of compensation can affect your entitlement to means tested Benefits. To preserve an entitlement to means tested Benefits where compensation is received, it is advisable to consider whether a Personal Injury Trust may be appropriate to you.

The second thing to be aware of is that if you do receive Benefits during the case, then it is likely that some if not all, of these will have to be deducted from your compensation by the Defendant before it is paid to you and repaid to the Department for Work and Pensions. This is because as part of your case you would usually claim compensation from the other side for

care costs or loss of earnings, and if you received benefits in addition to the compensation for these, then you would in effect be receiving the money twice.

If you require any further assistance or advice about your entitlement to benefits, then Brethertons has an arrangement with a charitable organisation who can assist where you or your family need support navigating the Benefits system after life changing injury.



If you would like any more information or have any questions, please contact Jon Rees.

jonrees@brethertons.co.uk

01788 557617