If you are blind or partially sighted you can claim benefits in your own right once you reach the age of 16, even if you are in full-time education.

This means that your parents will not be able to receive child benefit for you. In general, however, your family will still be better off as a result. There are exceptions to this, particularly where your parents get income support or income-based Jobseeker’s Allowance and you are the only dependant child (see ‘Effects on parents’ benefits’ below).

This fact sheet is intended for young people aged 16-18 who are still in full-time ‘non-advanced’ education. This means that you are either at school or further education college and you are studying for GCSEs, GCE A Levels, BTEC Nationals, advanced GNVQs or their equivalents. The three main benefits which you can claim are Disability Living Allowance (DLA), Severe Disablement Allowance and Income Support. We will now look at these in turn.

Disability Living Allowance
You can qualify for DLA before you are 16, so your parents may already be getting this benefit for you. At 16 you will be able to receive DLA in your own right. The benefit is not means-tested and does not adversely affect your entitlement to any other benefits. This means you can get DLA in addition to both Severe Disablement Allowance and Income Support.
DLA is a benefit paid to people with care needs or mobility problems. Most visually impaired people should qualify for both the care component and the mobility component. You should read our ‘Disability Living Allowance’ fact sheet if you are making a new claim, or if you want to check that you are getting the correct rate of benefit. If you attend a residential school or college your DLA may be affected (see below).

Severe Disablement Allowance
Severe Disablement Allowance is an incapacity benefit which you can claim once you reach the age of 16. It is non-contributory, so you can claim even if you have never worked. If you are under 20 you only need to show that you have been incapable of work for 196 days (28 weeks). These can be the days prior to your 16th birthday.

‘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 ‘all work test’ - an assessment of ‘functional limitation’. If you are registered blind you are exempt from the ‘all work test’. If you are partially sighted or not registered at all you will have to complete an incapacity questionnaire. If you find it difficult to read large print over a sustained period then you should be treated as incapable of work. For more details about the incapacity test you should read our ‘Severe Disablement Allowance’ fact sheet.

Severe Disablement Allowance and full-time education
Severe Disablement Allowance is not normally paid to people aged 16-19 in full-time education. However, if you are visually impaired you may be exempted from this rule:

- 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. Breaks, free periods, private study or homework do not count towards the 21 hours.

- 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 suffer from a physical or mental disability’.

1 Reg 8(1)(b) Severe Disablement Allowance Regs 1984
read or write Braille, or any extra teaching hours required on account of your disability. If you are taught entirely through specially adapted teaching methods (e.g. you are in a special 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 commissioner’s decision.\(^2\)

If you claim Severe Disablement Allowance you will receive a basic rate of £40.80 plus an age-related addition of £14.20. This equals £55.00 in total. The main drawback with Severe Disablement Allowance is that the amount you receive will be deducted pound for pound from your Income Support. This means that, unless you are excluded from Income Support, you are no better off than if you had claimed Income Support only. To be on the safe side you should claim both Income Support and Severe Disablement Allowance.

**Income Support**

Income Support is a means-tested benefit. Normally 16-18 year olds in full-time ‘non-advanced’ education are excluded from Income Support. However, if you are visually impaired you should be able to qualify on the grounds that you are ‘severely handicapped’.\(^3\) 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 there is no requirement to prove availability or incapacity for work, and it is irrelevant how many hours teaching you receive. This means that if you are not entitled to Severe Disablement Allowance (e.g. because of your hours of study) you should still claim Income Support. If you are registered blind, or getting DLA or Severe Disablement Allowance, your Income Support is worked out in the following way:

<table>
<thead>
<tr>
<th>personal allowance</th>
<th>£41.35</th>
</tr>
</thead>
<tbody>
<tr>
<td>plus</td>
<td></td>
</tr>
<tr>
<td>disability premium</td>
<td>£22.25</td>
</tr>
<tr>
<td>equals</td>
<td></td>
</tr>
<tr>
<td>applicable amount</td>
<td>£63.60</td>
</tr>
</tbody>
</table>

\(^2\) R(S)2/87

\(^3\) Reg 13(2)(b) Income Support (General) Regs 1987
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. Any DLA you get is ignored. However, if you get Severe Disablement Allowance, then your Income Support is reduced by the amount of Severe Disablement Allowance you get.

For example, if you get £40.80 Severe Disablement Allowance the calculation is as follows:

<table>
<thead>
<tr>
<th>applicable amount</th>
<th>£63.60</th>
</tr>
</thead>
<tbody>
<tr>
<td>minus</td>
<td></td>
</tr>
<tr>
<td>income (Severe Disablement Allowance)</td>
<td>£55.00</td>
</tr>
<tr>
<td>equals</td>
<td></td>
</tr>
<tr>
<td>Income Support payable</td>
<td>£8.60</td>
</tr>
</tbody>
</table>

Therefore, if you get Severe Disablement Allowance, you should also claim an Income Support top-up to bring your income up to the £63.60 minimum level.

**Income Support and other benefits**

If you qualify for income support you will gain access to a number of other benefits. These include:

- Community Care Grants from the Social Fund
- free school meals
- school uniform and clothing grants
- free prescriptions
- free sight tests and vouchers for glasses
- free dental treatment
- Housing 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. If you are under 18 you cannot be
liable for paying Council Tax. Both Community Care Grants and school clothing grants are discretionary. This means you will not necessarily be awarded a grant if you apply for one. For further information about social fund payments see our ‘Community Care Grants’ briefing.

Residential schools and colleges
If you are at a residential school or college your benefits may be affected in the following ways:

• DLA care component may be withdrawn after 28 days if you are in residential accommodation that is partly or fully financed through ‘public funds’. The care component 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 Benefits Agency may treat the LEA contribution as a ‘notional income’ which fully meets your daily needs. However, you should be paid 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.

Effects on parents’ benefits
Most families will be considerably better off if a disabled young person makes an independent claim for Income Support at 16. However, families on Income Support or income-based Jobseeker’s Allowance with only one dependant child can be marginally worse off.

If the child is registered blind or getting DLA, lone parent families that have been on Income Support since April 1998 will be £6.30 worse off. Other families will be £4.65 worse off if the child claims Income Support in his or her own right.

This is because they will lose additional premiums and allowances with their Income Support or income-based Jobseeker’s Allowance.
Conclusion
The government is planning to abolish Severe Disablement Allowance for new claimants in a year's time. Existing claimants will, however, be protected. It is proposed that, in future, young disabled people aged under 25, who have never worked, will be able to get Incapacity Benefit. It may, however, be worth seeking advice before the rules change.

If you want to claim Income Support or Severe Disablement Allowance you should contact your local Benefits Agency office. If you want to claim DLA you can obtain a claim form by ringing the DSS freephone number 0800 882200. This fact sheet is only a brief guide to the benefits available. It is not a comprehensive or exhaustive statement of the law governing these benefits. For further advice or information you should contact your local Citizens Advice Bureau or welfare rights unit, or:

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

Tel. 020 7732 8771
Fax. 020 7639 0948
E-mail: info@afbp.org
Website: www.demon.co.uk/afbp

welfare rights training
Action for Blind People can provide in-house training courses on welfare benefits. Contact our Welfare Rights Office for further details.

1 April 2000