

## INCAPACITY BENEFIT

Incapacity Benefit is for people of working age who cannot work because of illness or disability and are not entitled to Statutory Sick Pay, or Statutory Sick Pay has run out. Entitlement usually depends upon your National Insurance record (except some young adults), and may be subject to a medical assessment.

### Who can get Incapacity Benefit?

To claim Incapacity Benefit you must be:

- Unable to work due to illness or disability for at least four days in a row (including weekends and bank holidays). During the first 28 weeks of the benefit this usually means being too ill or disabled to do your normal job. Benefit is only paid beyond 28 weeks if you are regarded as too ill or disabled to do any sort of work; **AND**
- Aged 16 or over, and under state pension age; **AND**
- Not eligible for Statutory Sick Pay. For example, if you are self-employed, unemployed, or your Statutory Sick Pay has expired.

Entitlement is usually based upon you having paid adequate National Insurance contributions. There are some exceptions to this rule. Mainly, National Insurance contributions are not needed if you claim under the age of 20 (or under 25 if you were in education or training for three months or more just before turning 20) and have been too ill or disabled to work for at least 28 weeks.

If you are not sure if you qualify, then seek expert help and advice.

### How much is Incapacity Benefit?

Incapacity Benefit is payable at three rates, depending upon the length of time you have been unable to work. The basic rates below are from April 2006, and they usually go up each April.

Rates listed below are paid per week:

**Short-term lower rate:** (for first 28 weeks of being unable to work) **£59.20**

**Short-term higher rate:** (for weeks 29-52 of being unable to work) **£70.05**

**Long-term rate:** (for after 52 weeks of being unable to work) **£78.50**

But note: The rules for benefits can sometimes become complicated. The amounts shown above are a guide and your individual circumstances may affect the amount that you get.

### For example:

Short-term higher rate and the long term rate are taxable.

- You may be entitled to additional money or benefits if you have adult dependants.

Social Education Centre  
Habberley Road  
Kidderminster  
DY11 6AB

Telephone: 01562 60241 (Business Line)  
Telephone: 0800 970 7202 (Helpline)  
Fax & Minicom: 01562 68248  
Email: [info@nwdial.org.uk](mailto:info@nwdial.org.uk)  
Website: [nwdial.org.uk](http://nwdial.org.uk)

- You may get an 'age addition' if you are on the long-term rate and were under 45 when you first became incapable of work.
- You may be entitled to the long-term rate after 28 weeks of being unable to work if you get the highest rate care component of Disability Living Allowance or you are terminally ill.
- You cannot get Incapacity Benefit if you receive a state pension. However, when you reach the state pension age and are claiming Incapacity Benefit, you may choose to continue receiving Incapacity Benefit for a few further years if that is a better option. You may need to take advice on which is the best option.

If you are not sure about how much you should be getting, and how it may affect other benefits, then seek expert help and advice.

### **What are the medical rules for getting Incapacity Benefit?**

At the start of an illness, you can usually get Incapacity Benefit on the basis of sick notes from your doctor. After a certain time of claiming Incapacity Benefit you may have to take the 'personal capability assessment' to find out if you are unable to do any sort of work.

### **What does the personal capability assessment involve?**

- The Department of Work and Pensions send you a questionnaire. On it you have to give information, by ticking boxes, about how your illness or disability affects your ability to do certain things. These include walking, sitting, standing, lifting, and carrying.
- The completed questionnaire is returned together with a statement from your doctor. The doctor will give a diagnosis, but will not have to give an opinion about your fitness for work.
- Most people completing the questionnaire will be asked to attend a medical assessment conducted by a doctor appointed by the Department of Work and Pensions.

Incapacity Benefit will be paid if, on the basis of the questionnaire and the doctors' reports, it is decided that you are too ill or disabled to do any work.

People with certain severe conditions are not expected to be capable of work and do not have to do the personal capability assessment. There is a long list of exempt categories. The following are **SOME of the conditions**. Terminally ill, severe learning difficulties, severe mental health problems.

### **Can you work while getting Incapacity Benefit?**

Incapacity Benefit is usually stopped if you start work. But check with your local Jobcentre Plus office for up-to-date rules. You can do a small amount of permitted work without your benefits being affected.

### **How do you claim Incapacity Benefit?**

Contact your local Jobcentre Plus office to claim. To find your local office look the in the phone book under Jobcentre Plus (or Social Security). A list of offices can also be found on the website of the Department of Work and Pensions:

**Website: [www.dwp.gov.uk](http://www.dwp.gov.uk)**

### **How is Incapacity Benefit Allowance paid?**

Payment is usually made directly into a bank or building society account.

# FURTHER INFORMATION, HELP AND ADVICE

## DEPARTMENT FOR WORK AND PENSIONS

Contact details of their local offices (Jobcentre Plus offices and other 'Social Security' offices) can usually be found in the phone book under 'Jobcentre Plus'. Their **website: [www.dwp.gov.uk](http://www.dwp.gov.uk)** provides details of benefits.

### **LOCAL JOB CENTRE PLUS+ OFFICES**

**KIDDERMINSTER JOB CENTRE PLUS+**

**Tel: 01562 623800**

**REDDITCH JOB CENTRE PLUS+**

**Tel: 01527 483900**

**BROMSGROVE JOB CENTRE PLUS+**

**Tel: 01527 483600**

**No responsibility is accepted for the level of service provided by the organisations listed in this publication.**

All details are correct at time of publication. However, if you find any information is inaccurate or out-of-date, please call us.

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DISABILITY INFORMATION ADVICE LINE  
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