

Disabled young people

When you turn 16 you may be able to claim benefits and tax credits in your own right for the first time. Until then, a parent or another adult who you live with will usually have claimed benefits or tax credits that include an amount for you. (Note: in this factsheet whenever we say 'parent' we mean whoever is responsible for you.) At 16, if you have health problems or a disability you may have a choice of whether to claim for yourself or continue to let an adult claim for you. This factsheet looks at the options for disabled young people who are still living at home. By the time you turn 20, any benefits that your parents still get for you will stop. You then have to claim any adult benefits that you are entitled to.

This factsheet looks at how the introduction of personal independence payment (PIP) affects you if you get disability living allowance (DLA). The rest looks at when your parents can keep claiming benefits like child benefit for you between the ages of 16 and 20, and when you could claim benefits yourself instead.

Universal Credit

This new benefit has been introduced across Scotland for new claims from people in some areas known as 'full service' areas. In these areas universal credit has replaced **all** new claims for the following benefits:

- income support
- income-related ESA
- income-based jobseeker's allowance
- working tax credit
- child tax credit
- housing benefit (except for people in some kinds of accommodation)

To check when you will be affected, enter your postcode at universalcreditinfo.net. Note that it is whether the jobcentre that covers where you live is full service that determines whether you come under universal credit, not which local authority you live in. It is planned that by late 2018 this will apply everywhere in Scotland.

Universal credit will eventually completely replace the benefits listed above. Universal credit is different to income-related ESA, and the other benefits that your parent may be getting. The main differences relevant to disabled young people are set out later in this factsheet. See also www.gov.uk/universal-credit for up to date information. There is a factsheet with more information about universal credit on the [CPAG website](#).

Claiming for a child under 16

When you are under 16, a parent claims child benefit (CB) for you. A parent may also get DLA for you because you are disabled. They may also get carer's allowance (CA). They may receive some of the benefits below because they are responsible for you. These might include amounts because of your disability.

- Child tax credit (CTC) and possibly working tax credit (WTC)
- Housing benefit (HB) and council tax reduction
- In some cases, universal credit (UC), income support or jobseeker's allowance (JSA)

Getting your own benefit when you turn 16

The benefits above are paid to your parent, even after you turn 16. However, at 16, if you can manage your own money, you are paid benefits like PIP and (if you claim them) ESA or UC. You normally need a bank account for this. If you cannot manage your money, your parent continues to be your 'appointee' and manages your benefit claims. The DWP normally contacts you and your parent before you turn 16 to discuss whether you can manage your money or not.

Personal independence payment

If you are 16 or over and do not already get DLA, you cannot claim it and instead have to claim personal independence payment (PIP) if you have a disability or long-term health condition. If you get DLA, the DWP invites you to claim PIP when you turn 16, unless you are terminally ill (you have a progressive disease from which your death could reasonably be expected within the next six months) or are a hospital inpatient. If you claim PIP and do everything that you are asked, your DLA award continues until a decision is made on your PIP claim. Your DLA then ends, even if you are not awarded PIP. If this happens, you can ask for a revision of the decision.

If you are already 16 and still get DLA, the DWP will contact you over the next few years and ask you to claim PIP. Check letters about your DLA carefully to see what you need to do. Your DLA continues until a decision is made on your PIP claim. If you do not claim PIP or take part in the process of deciding your claim, your DLA will stop. This normally includes filling in a questionnaire and going for an assessment.

The rules about who can get PIP are completely different to those for DLA, so you may not get the same amount of benefit. You can get advice about claiming PIP and help with the forms from the organisations listed at the end of this factsheet. There is a separate factsheet with details about PIP on the [CPAG website](#).

Devolution of disability benefits

The Scottish Parliament will have the power to change the PIP and DLA rules, or even replace them with completely new benefits. This may not be until 2019 or later. At the time this factsheet was written we do not have detailed information about how these powers will be used. The Scottish Government has committed to extending the age that children can receive DLA to 18.

Box 1 - Who is a qualifying young person

If you are a 'qualifying young person' your parent can continue to claim benefits for you after you turn 16. You must be on a course of full-time 'non-advanced education' or 'approved training' and this can include home education in certain circumstances. You must be under 19, or be 19 and have been accepted on, enrolled on or started the course before you turned 19.

For universal credit you cannot count as a qualifying young person beyond 1 September after your 19th birthday. References to 'school' in this factsheet apply if you receive non-advanced education or 'approved training'.

Non-advanced education is study below degree and HNC level, including National 4s and 5s, Highers or advanced Highers, SVQ up to level 3 and National Certificates. In order to be full time, a course of education must be more than 12 hours a week during term time. In counting the hours, include classes and supervised study, but not meal breaks or unsupervised study, even if you are at school.

In Scotland, 'approved training' courses are Employability fund activity; but not if the training is provided under a contract of employment and you receive a wage. The number of hours you do does not matter.

In certain circumstances your parent can continue to claim benefit after you leave school, college or training. This is until the latest of these dates.

- 1 September after age 16: if you leave a course, your parent can continue to claim benefit for you until 31 August following your 16th birthday.
- Extension period: if you leave a course aged 16 or 17, and register with Skills Development Scotland, your parent can continue to claim benefit for you for a further 20 weeks (unless you reach your 18th birthday before then). **The extension period rule does not apply to universal credit.**
- 'Terminal date': otherwise, your parent can keep the benefits s/he claims until the last day in February, May, August or November after your course ends. Benefit stops if you turn 20 before then. If you are doing Highers and your course finishes earlier than an English equivalent, you count as being in education until the English course ends. **The terminal date rule does not apply to child tax credit and universal credit.**

If you finish a course of non-advanced full-time education and are accepted on another, your parent's benefit continues in between the courses, even if you do not fit into any of the categories above. If a parent's benefit has stopped, s/he can reclaim if you start another course of full-time non-advanced education or approved training, and you still count as a qualifying young person.

Interruptions in education

Interruptions in your education can be ignored for up to 6 months, or for a longer period if the interruption is caused by your illness or disability. This allows a parent to continue claiming benefits during the gap. This only applies if the interruption is reasonable in the circumstances, and is not followed by you starting higher education or work. **The interruptions in education rule does not apply to universal credit.**

Choices at 16

What other benefits you can claim and whether your parents can continue to claim for you after you are 16 depends on whether you are a 'qualifying young person'. The rest of this factsheet explains the different options.

Section 1. You stay on at school

If you stay on at school after 16, a parent can normally continue to get all of the benefits s/he has been getting for you. This is because you are a 'qualifying young person' (see Box 1 on the previous page).

If you stay on at school after 16, have *limited capability for work* and get DLA or PIP, or are *without parental support*, you may be able to claim benefits in your own right.

If you get one of these benefits, child benefit and amounts for you included in any benefits or tax credits that your parent receives will stop. You may require specialist advice from one of the organisations listed at the end of this factsheet to help you decide what is best for you.

Limited capability for work

To get UC if you are under 18, or still at school (or to get ESA if you are not yet in a UC full service area), you must be assessed as having 'limited capability for work'. Most people have to undergo an assessment called the work capability assessment, which usually involves a face to face examination. Your benefit stops if you do not score enough points. You can ask for the decision to be revised, and if you are still unhappy after this you can appeal. You should do this within one month. You can get help from one of the organisations listed at the end of this factsheet.

The outcome of the assessment also affects what 'work-related requirements' you can be asked to meet to continue getting the full amount of benefit. If you have 'limited capability for work-related activity' (for ESA this is called being in the 'support group') you get more money, and have no work-related requirements. You may need to go for further assessments to check you should still be in this group.

If you do not have limited capability for work-related activity, you can be asked to go to interviews at the jobcentre, and may be asked to do other things to help you get a job in the future. If you do not take part, your ESA or UC may be reduced. This is called a sanction. You can challenge a decision to sanction you if you have a good reason for not doing what was asked. Seek advice from one of the organisations listed at the end of this factsheet.

Universal credit at school

Universal credit (UC) is replacing most means-tested benefits (see page 2). UC normally has a lower age limit of 18, but can be claimed by 16 or 17 year olds with a health condition or disability. To get UC while you are still in school you will usually have to be getting DLA or

PIP. You will only be able to get UC once you have been assessed as having a limited capability for work (see box on page 6).

Note: if the DWP refuses to allow you to claim UC and be referred for a work capability assessment to assess whether you have limited capability for work, you may be able to claim contributory ESA in order to establish your limited capability for work, and then claim UC once it has been established. Although you must have paid national insurance (NI) contributions to get contributory ESA, you can be assessed on a NI 'credits-only' basis, without having paid NI contributions.

If you are studying part time, see below. If you are *without parental support*, you can get UC when you turn 16 regardless of how many hours you are studying. You do not need to get a DLA or PIP. If you are in this situation, you may need to seek advice from one of the organisations listed at the end of this factsheet.

Income-related employment and support allowance (ESA) and income support (IS) at school

If you are not yet in a UC area (see page 2) and if you satisfy the test of limited capability for work and qualify for DLA or PIP at any rate then you may be entitled to income-related ESA while at school. The type of tuition you receive and how many hours you study are not important. If you do not get DLA or PIP, then you can only get income-related ESA if you are studying 12 hours a week or less. To claim ESA you must supply a sick line from your GP. Unlike UC you can be paid ESA as soon as you have provided a copy of your sickline. If you are 'without parental support' you may be able to claim IS in your own right while still at school.

Without parental support

You are without parental support if you are living away from your parents (or someone acting in their place) because:

- you are estranged from them;
- there is a risk to your health;
- your parents can't support you because they are ill, disabled, in prison or not allowed to enter Great Britain;
- you are an orphan.

This does not apply if you are looked after by the local authority, or some else (such as a grandparent) is acting in place of a parent.

Savings and income

UC, income-related ESA and IS are means-tested and may be reduced if you have any other income, or savings of £6,000 or over. They are not affected by your parents' income. Receiving an education maintenance allowance (EMA) does not affect your ESA or UC.

Choosing between UC or ESA and benefits for children

If you would qualify for UC or ESA while at school, you will have a choice of whether you claim it, or your parent continues to receive child benefit and any other benefit or tax credit for being responsible for you. Whether your household (including both you and your parents) is better off overall will depend on how the amount you receive compares to the amount that would be received by your parent.

The amount of benefit you claim may depend on the outcome of your assessment, so it can be difficult to determine in advance exactly how the overall income of the household would change. Some examples are given below.

Example

Jane's mother has quite a well-paid job, and receives only child benefit and a small amount of CTC for her, and no help with the mortgage or council tax. This totals £35.00 a week. If Jane claims ESA (or UC), the overall household income will increase as this will be higher than the CTC and child benefit.

Example

Ali gets DLA lowest rate care component, and has no savings or other income. He lives in Glasgow with his younger sister and his mother, who is a lone parent on jobseeker's allowance receiving child benefit and maximum CTC. If Ali claims ESA, his mother will lose a total of £129.90 a week child benefit and CTC. There will be a drop in the overall income of the family of over £72 for the first 13 weeks of his claim. At the end of the assessment phase the family will still be worse off, as Ali's ESA award will be lower than the amount of CTC and child benefit his mother received for him. Even if he receives the support component the family will lose out by just under £2 a week.

In general terms, if you claim ESA or UC and are the only child that your parent currently receives benefits or tax credits for, the total household income is likely to go down unless your parent only receives a small amount of benefit. Removing you from the claim may also mean that your parent stops being entitled altogether to WTC, IS, HB or council tax reduction, as well as CTC stopping. No longer qualifying for these benefits may mean that your parent is not entitled to other help such as free dental treatment.

Example

Kirsty is an only child. She gets PIP and lives with her father in East Lothian. He works 16 hours per week earning £120. He gets WTC and CTC of about £200 a week plus child benefit of £20.70. Kirsty cannot claim income-related ESA so would claim universal credit. If she does so, her dad will lose all entitlement to WTC, CTC and child benefit, and will have to claim universal credit instead. The move to UC might lose the family over £100 per week.

Also, if your parent receives the maximum amount of CTC which includes a disabled child element for you, then your ESA will be less than the amount of child benefit and CTC that your parent loses, even if they can still claim these benefits for other children. Your family should get advice from one of the agencies mentioned at the end of this factsheet to check how your total income will be affected by you claiming ESA or UC, including the effect on any housing benefit and council tax reduction your parent gets.

If you claim ESA, you can later choose to end your claim and go back to your parent claiming benefit for you, if s/he would still be able to do so (see Box 1 above). However, your parent may then have to claim UC instead depending on where you live (see page 1), so you should get advice about this.

Part-time education

If your course is 12 hours or less a week, then a parent cannot claim any benefits for you (but see Box 1 above for information about when a parent may be able to keep claiming for you for a time after your hours of education have reduced or ended). Once your parent's benefit stops you can claim ESA regardless of whether you get DLA or PIP. If you come under UC you can claim UC if you provide a fit note (although this could be different if it is decided that your course is not compatible with your work-related requirements).

Section 2. You leave school and start college

If you have left school and started college, your education is either 'advanced' or 'non-advanced'. Paragraph two of Box 1 above explains how to work out if your education is advanced or not. If your education is non-advanced, section 1 about staying at school applies to you. If the education is advanced, go to section 3 below about higher education.

ESA, universal credit and bursaries

If you can get income-related ESA you do not normally get a maintenance bursary from your college. If you get UC you may receive a maintenance bursary of £28 per week. If you receive a grant for travel, books and equipment or any additional support needs for learning allowance for disability costs, these are ignored as income.

Section 3. You leave school or college and go into higher education

A parent cannot continue to receive benefits or tax credits for you if you are in higher or 'advanced' education. This means your only option apart from student finance is to claim ESA or UC. Advanced education includes:

- Higher National Certificate (HNC) and Higher National Diploma (HND) courses;
- SVQ levels 4 or 5;
- Degree and postgraduate courses.

Income-related ESA

If you are in full-time higher education you can only claim income-related ESA if you also receive DLA or PIP. 'Full-time' means that that your university or college says that the course is full-time. As a full-time student in higher education who is on DLA or PIP, you are treated as having limited capability for work. You will still be assessed to see whether you are in the support group or not.

Universal credit

If you must claim UC instead of ESA (see page 1), you have to both get DLA or PIP **and** satisfy the test of limited capability work to qualify if you are a full-time student in higher education. The definition of full-time is the same as that for income-related ESA (see above). **Note:** if the DWP refuses to allow you to claim UC and be referred for a work capability assessment to assess whether you have limited capability for work, you may be able to

claim contributory ESA in order to establish your limited capability for work, and then claim UC once it has been established. Although you must have paid national insurance (NI) contributions to get contributory ESA, you can be assessed on a NI 'credits-only' basis, without having paid NI contributions.

Benefits and student loans

You may satisfy all of the conditions of entitlement to income-related ESA or universal credit but not receive any, or only get a reduced amount, during term time. This is because most available student income will be taken into account. The maximum student loan you could get will be taken into account, whether you apply for it or not. You may still be entitled to ESA or UC in the summer holidays.

Part-time courses

If your course is part-time, you can claim income-related ESA even if you are not on DLA or PIP, but you are not exempt from the test of limited capability for work. If your course is part-time and you come under UC you can claim UC if you provide a fit note (although this could be different if it is decided that your course is not compatible with your work-related requirements).

Section 4. You leave school and do not continue in education

If you do not continue in education then you can claim ESA or UC when you no longer count as a 'qualifying young person' (or straight away if you get DLA or PIP). Box 1 above explains when you count as a qualifying young person after leaving education, and the information in section 1 about choosing whether to claim benefits yourself will help you to decide which is the best option if you have a choice.

Section 5. You go into work

If you are in education and a parent still claims benefit for you, then you can work and their benefit will not be affected. However, if a parent is receiving extended payments after you leave education as described in Box 1, and you work 24 hours a week or more, any benefit your parent receives for you will stop.

ESA

Normally if you are working you cannot get ESA, but it may be possible to do some work and still get ESA. This can include:

- work earning up to £120 a week (this amount normally goes up in October) which is:
 - part of a treatment programme and done under medical supervision;
 - supervised by someone whose job is to find work for disabled people; *or*
 - under 16 hours a week.

If your work does not fit into any of these categories then you cannot get ESA. Voluntary work, work experience and training courses can also affect ESA, so get advice before you start.

Working tax credit

If you work 16 hours a week or more you may be able to claim working tax credit (WTC) if you have a disability that puts you at a disadvantage in getting a job. You must also satisfy a qualifying benefit test, either by getting DLA or PIP, or by having received ESA before you started work. See CPAG's *Tax Credits for Disabled Workers* factsheet for further details (available from the [CPAG website](#)). If you do claim WTC then any benefits or tax credits a parent receives for you will stop.

Universal credit

In some areas you may have to claim UC instead of WTC if you move into work (see page 1). The rules are different. If you work and earn at least the national minimum wage x 16 hrs (currently £520 pm) you are normally treated as **not** having a limited capability for work. This means your Universal Credit won't include an extra limited capability element. However an exception is made if you either get DLA/PIP or you have already been assessed as having limited capability for work or work-related activity.

If you are assessed as having limited capability for work or work-related activity under these rules then part of your earnings are disregarded (called a 'work allowance'). Your universal credit is reduced by 63 per cent of your earnings above the work allowance. If you are under 18 you must meet the test of limited capability for work or be awaiting assessment to get universal credit or fall into certain other specific groups.

How to claim ESA

You start a claim by phoning 0800 055 6688 (textphone 0800 023 4888). There is more information about claiming ESA online at www.gov.uk. Paper claim forms should also be available if you cannot use the telephone. If you are not able to manage an ESA claim someone else can apply to the DWP to be your appointee.

How to claim PIP

You start a claim by phoning 0800 917 2222 (textphone 0800 917 7777). There is more information about claiming PIP online at www.gov.uk. You can ask for a paper form if you cannot claim by phone, although the easiest way to do this is to contact the claims phone number. If you are not able to manage a PIP claim someone else can apply to the DWP to be your appointee.

How to claim universal credit

Normally you must claim universal credit online at www.gov.uk. If you need help this may be available in your local area, or you can ask the DWP for help by phoning 0800 328 9344 (textphone 0345 600 0743).

Help with claiming and checking if you are entitled

A local CAB, welfare rights adviser or advice agency will have detailed information about benefits, tax credits and other financial help which may be available and should be able to help with claiming. For help over the telephone, call:

- Contact Helpline 0808 808 3555 (Monday to Friday, 9.30am-5pm)

- Carers UK advice line 0808 808 7777 (Monday and Tuesday, 10am-4pm)

Advisers and other support workers can also contact our advice line for help with particular cases:

- 0141 552 0552 – Monday to Thursday , 10:00am - 4:00pm,
Friday 10am – 12 noon
- at any time by email: advice@cpagscotland.org.uk

CPAG in Scotland's advice line is only for advisers. If you are having problems with your own tax credit or benefit claim and are in need of advice you should contact the organisations listed above.