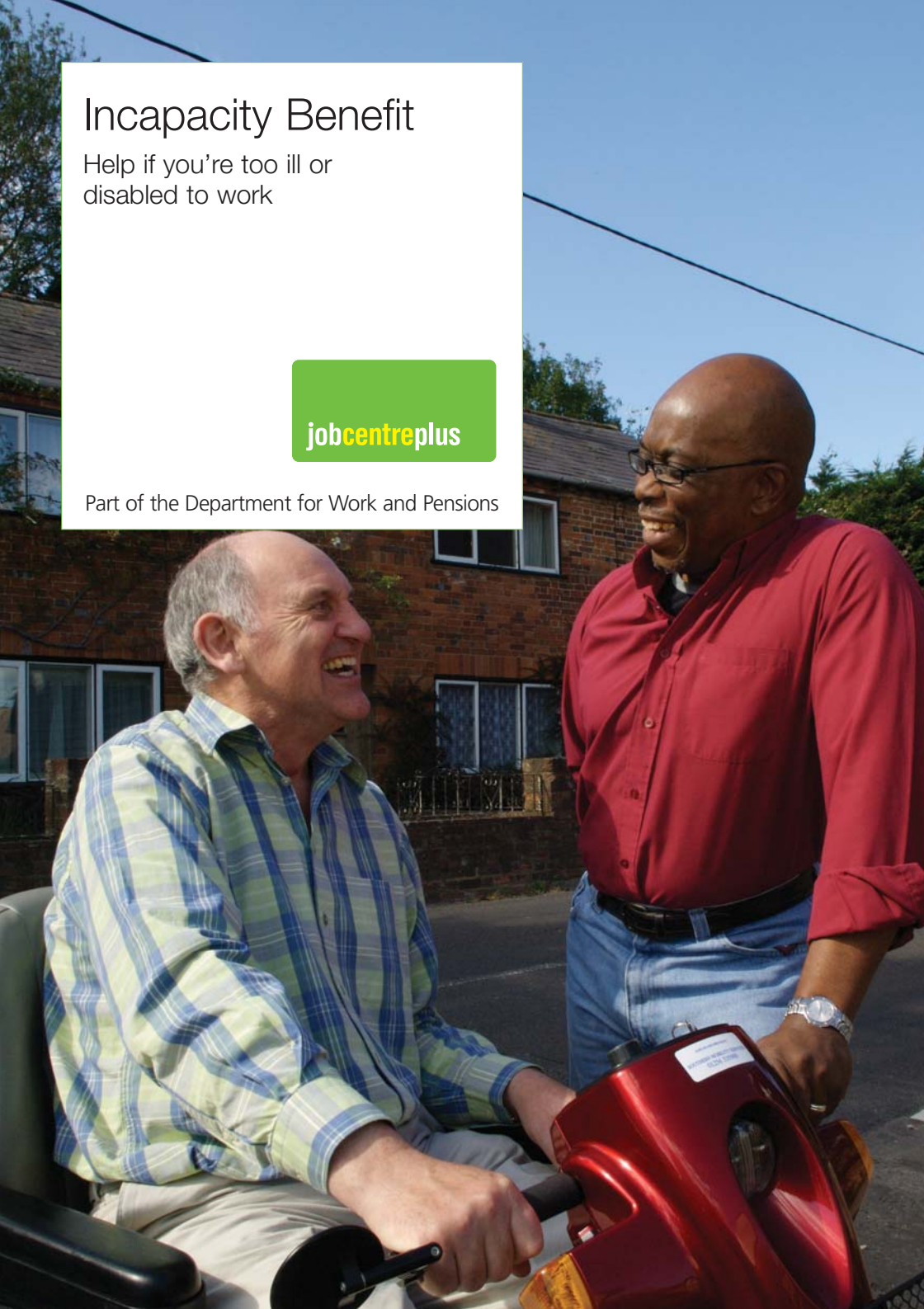


# Incapacity Benefit

Help if you're too ill or  
disabled to work

jobcentreplus

Part of the Department for Work and Pensions



Are you too sick or disabled to work? If the answer is yes, you should read this leaflet. It will tell you about Incapacity Benefit.

It will also tell you about the extra help and support you can get while you are off work and when you are ready to return to work again.

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### About Incapacity Benefit

#### What is Incapacity Benefit?

We pay Incapacity Benefit to people who are too sick or disabled to work.

#### Can I get Incapacity Benefit?

You may be able to get Incapacity Benefit if you:

- are over 16 and under State Pension age (see page 8)
- have made enough National Insurance contributions, and
- are not able to work.

An adviser from Jobcentre Plus will be able to tell you about your National Insurance. If you have not made enough National Insurance contributions, you may still be able to get Incapacity Benefit. Your adviser will tell you if this applies to you. You can also find out more on our website [www.jobcentreplus.gov.uk](http://www.jobcentreplus.gov.uk)

## State Pension age

State Pension age is the earliest age at which you can claim your State Pension. Currently, the age at which men and women can claim their State Pension is different. Women who reach State Pension age before 6 April 2010 can receive their State Pension at 60 and men at 65.

State Pension age for women will increase to 65 so that the State Pension age will be the same for both men and women by 2020. This change will be phased in from 2010.

The Pensions Act 2007 provides for the State Pension age for both men and women to rise from 65 to 68 in stages between 2024 and 2046.

To find more information about pension reform visit [www.thepensionservice.gov.uk](http://www.thepensionservice.gov.uk)

## How is my benefit worked out?

There are 3 parts to Incapacity Benefit, these are:

- short-term (lower) Incapacity Benefit
- short-term (higher) Incapacity Benefit, and
- long-term Incapacity Benefit.

The amounts change in April each year. To find out more visit our website at [www.jobcentreplus.gov.uk](http://www.jobcentreplus.gov.uk) or contact Jobcentre Plus for this year's rates.



## How much will I get?

You will not get any money for the first 3 days of your claim. These are called 'waiting days'. Then you will get the short-term (lower) rate of Incapacity Benefit for the first 28 weeks of your claim.

After that, you will get short-term (higher) Incapacity Benefit until you have been off work for 52 weeks. Or, if you have been in work and received sick pay for 28 weeks, you could get short-term (higher) straight away.

After you have been off work for 53 weeks, you will get long-term Incapacity Benefit.

## Does my age affect how much I get?

If you are getting long-term Incapacity Benefit you may be able to receive extra money if you were under 45 when you first became sick. This is called 'Incapacity Age Addition'. If you are under 35, you will receive a bit more than if you are aged 35 to 44.

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To make a claim

Phone:

0800 055 6688

Textphone:

0800 023 4888

Monday to Friday  
8am to 6pm

Online:

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

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## **Do I have to pay tax on my Incapacity Benefit?**

You do not have to pay tax on:

- short-term (lower) Incapacity Benefit, or
- any Incapacity Benefit you get for a child or young person.

You may have to pay tax if you get:

- short-term (higher) Incapacity Benefit
- long-term Incapacity Benefit, or
- if all your income adds up to more than a certain amount.

How much tax you have to pay depends on how much money you get each year – and that includes your Incapacity Benefit.

You can find out more about tax from your local tax office or from a Jobcentre Plus adviser.

### **How do you pay my Incapacity Benefit?**

We pay Incapacity Benefit straight into your bank or building society account. This is the best way to receive your benefit because you can choose how and when you get your money.

You can also ask us to pay your benefit into some types of credit-union account or a Post Office<sup>®</sup> card account. But these accounts don't give you as many services as a bank account.

You can choose to be paid every 2, 4 or 13 weeks.

### **What if I want someone to collect my Incapacity Benefit for me?**

You may be able to get someone else to collect your benefit for you. For help with this, speak to the bank or building society where you have your account. If you need to appoint someone to deal with Jobcentre Plus for you, speak to a Jobcentre Plus adviser.

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## Partner

We will treat you as a couple if you live with your husband, wife or civil partner, or if you live with someone as if they were your husband, wife or civil partner. We call this other person your partner.

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## Will I have to have an interview about work?

You may have to have a 'work focused interview' so that you can get Incapacity Benefit. If you can get extra benefit for your partner, they may have to have a work focused interview too.

## What if I can't get Incapacity Benefit?

If you can't get Incapacity Benefit, you may still be able to get National Insurance credits for each full week you are off sick. The credits are important as they count towards future benefit claims including State Pension.

If you don't have enough money to live on, you may be able to get Income Support or Pension Credit. Ask an adviser to explain this to you or visit our website at [www.jobcentreplus.gov.uk](http://www.jobcentreplus.gov.uk) for more information.

### **Your sickness or disability**

This part of the leaflet is about your sickness or disability. It will tell you how to prove that you are too sick to work and how different types of sickness affect your benefit.

### **What is ‘incapacity for work’?**

If you are disabled or sick and this stops you from being able to work it is called ‘incapacity for work’. A period of incapacity for work is when you are too sick to work for more than 4 days in a row.

### **How do I prove I am too sick to work?**

If you claim Incapacity Benefit, you must prove that you are too sick to work.

We may ask you to be checked by a doctor to confirm that your disability or sickness is preventing you from working.

For the first 7 days of your sickness, you may only have to tell us why you are sick, or just fill in a claim form. After that, you will have to get a sick note from your doctor. You will then have to send us your sick note.

If you have a job but are off sick, your employer might want to see your sick note too. You must show it to them and then send it to us.

### **What is the ‘own-occupation test’?**

For the first 28 weeks of your sickness or disability, we will look at how well you can do your own job. This is called the ‘own-occupation test’. You will have this check if you have been working for 16 hours a week or more. You must also have worked for more than 8 weeks out of the last 21 weeks before you got sick.

If we think you can still do your own job, we will tell you why in a letter and your benefit will stop. If you don’t agree with us, ask an adviser to explain it to you, or to tell you how to appeal against our decision.

### **What if I am sick for more than 28 weeks?**

If you have been getting Incapacity Benefit for 28 weeks, we will send you a form. We may send you the form before 28 weeks have passed. On the form you must tell us how you think your sickness affects you.

We will then look at how your disability or sickness affects what you can do from day-to-day. This will be a medical check with a doctor that we choose for you. This is called the ‘personal capability assessment’.

### **What will happen in the medical check?**

A medical professional will assess how well you can do things like walk, sit and stand up. They will complete a medical report and send it to the office dealing with your claim to help us decide if you are not able to work and if you qualify for Incapacity Benefit.

We will pay your bus fare or train fare, or your petrol costs for you to get to the medical centre and back home again. You must go to your medical check or we could stop your benefit.

If you are not able to make the appointment at the time and date on your appointment letter, contact the medical centre immediately.

### **What happens after my medical check?**

If we decide that you can't work because you are too sick or disabled, you will keep receiving your benefit. You will not have to send us any more sick notes. We will look at your case again at a later date.

We may decide that you can work even though you are sick or disabled. If we do, we will send you a letter that explains why. We will also send a letter to your doctor to let them know. If you don't agree, you can ask us to explain or appeal against our decision. An adviser will tell you how to do this.

### **If you think our decision is wrong**

Please get in touch with Jobcentre Plus within one month of the date of the decision letter. If you contact us later, we may not be able to help you.

You, or someone else who has the authority to act on your behalf, can:

- ask us to explain our decision
- ask us to write to you with the reasons for our decision
- ask us to look at our decision again (you may think we have overlooked some facts or you may have more information to give us which affects our decision), or
- appeal against our decision to an independent tribunal (but this must be in writing).

You can do any of the actions listed above, or you can do all of them.

To contact us visit [www.jobcentreplus.gov.uk](http://www.jobcentreplus.gov.uk) or see our entry in the phone book.

### **Is a medical check always needed?**

We know that some medical conditions are so severe that we can decide whether you can get Incapacity Benefit without you having a medical check. If you have one of these conditions we will tell you.



### **What if I am terminally ill?**

There are special rules for you if your doctor does not feel that you will live for more than 6 months. These rules will make sure you get the most money you can. If this affects you, speak to an adviser. By talking to us, you could get more than if you just stay on normal benefits.

### **What if I have a mental-health problem?**

If you have a mental-health problem we may ask you to fill in a form about your mental-health problem and how it affects you. We will want to know if you have any other health problems as well. We may talk to your doctor, and you may have to see one of our doctors.

A mental-health problem could affect your mood, the way you behave, the way you see the world around you or how you cope with things from day-to-day. These are the things we will look at when we decide if you can get Incapacity Benefit.

Ask an adviser for help if you have a mental-health problem.

### **What happens if I get better or worse?**

You must tell us as soon as you start to get better and you:

- are able to do more, or
- start to feel a little bit better over a longer period of time.

You might start to feel better because you:

- have an operation
- use something to help you with your sickness, or
- start taking new drugs.

You must also tell us as soon as your disability or sickness changes.

### **Your family and Incapacity Benefit**

If you get sick you may be able to get more Incapacity Benefit so that you can still support the people who depend on you.

#### **I have children – can I get more Incapacity Benefit?**

You may be able to get more money for your children if you started claiming Incapacity Benefit before 6 April 2003. If not, you can get Child Tax Credit.

#### **Can I get more benefit for my husband, wife or civil partner?**

You may be able to get more Incapacity Benefit for your husband, wife or civil partner. You could also get more for someone who looks after your children. How much you get depends on how long you have been too sick to work and what kind of Incapacity Benefit you get.

To get more benefit, your husband, wife or civil partner should be:

- living with you
- over 60, or
- getting Child Benefit for their child.

If they don't live with you, you could still get more Incapacity Benefit for them.

You should ask a Jobcentre Plus adviser to explain how you could get more benefit. We may ask you to show us birth certificates and marriage or civil partnership certificates.

**Can I get more benefit for the person who looks after my children?**

You may be able to get more Incapacity Benefit for someone who lives with you and looks after your children.

To get this, you must:

- not be getting more Incapacity Benefit for your husband, wife or civil partner, and
- be able to get Child Benefit.

If the person who looks after your children does not live with you, you may be able to get more money for them if you:

- can get Child Benefit, and
- pay them a wage each week that is the same or more than the amount of extra Incapacity Benefit you could get for your children.

To find out how to get more money, ask a Jobcentre Plus adviser.

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### Partner

We will treat you as a couple if you live with your husband, wife or civil partner, or if you live with someone as if they were your husband, wife or civil partner. We call this other person your partner.

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### Can I still get more benefit if someone in my house earns money?

If your partner who is living with you is working, how much they earn will affect your extra Incapacity Benefit.

Ask a Jobcentre Plus adviser to tell you how your partner's earnings will affect your extra Incapacity Benefit.

### What if I am pregnant?

If you are pregnant you may be able to get Statutory Maternity Pay from your employer. You can still get Incapacity Benefit for as long as you can prove you are still too sick or disabled to work. When you get Statutory Maternity Pay you will get less Incapacity Benefit each week. But, when you stop getting Statutory Maternity Pay, you will get your Incapacity Benefit again in full.

If you are pregnant and you can't get Statutory Maternity Pay, you may be able to get Maternity Allowance. This will affect your Incapacity Benefit. You can't get both benefits in full at the same time, so you will get the mix of benefit that gives you the most money.

You can still get Incapacity Benefit when your Maternity Allowance ends. You must send us your medical certificates to make sure this happens.

## **If your husband, wife or civil partner has died**

If you are sick and have paid enough National Insurance you could get Incapacity Benefit. Any bereavement benefit you get may affect the amount of Incapacity Benefit you get, so ask an adviser to explain this to you.

## **Getting special credits if your husband, wife or civil partner has died**

If you don't have enough National Insurance to get Incapacity Benefit and your husband, wife or civil partner has died, you could get special credits to get Incapacity Benefit.

To get special credits, you must be sick and must have stopped getting certain benefits for your husband, wife or civil partner who has died. You can't get special credits if your bereavement benefit stops because you:

- get married again
- form a new civil partnership, or
- start living with your partner.

Once you start getting Incapacity Benefit, it won't stop because you get remarried, start a new civil partnership, or start living with your partner.

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### **Partner**

We will treat you as a couple if you live with your husband, wife or civil partner, or if you live with someone as if they were your husband, wife or civil partner. We call this other person your partner.

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### **How much Incapacity Benefit can widows or widowers get?**

If your husband, wife or civil partner has died, the other benefits you get may affect how much Incapacity Benefit you get. Please ask an adviser to explain how this affects you.

### **If you are a widowed pensioner**

You can't get long-term Incapacity Benefit if you are older than State Pension age (currently 60 if you're a woman, or 65 if you're a man). See page 8 for more about State Pension age. But if your husband, wife or civil partner has died and you are too sick to work, you may be able to get a Category A pension. Ask an adviser to explain what this is.

## **Incapacity Benefit for young people**

There are special rules for young people to help you get Incapacity Benefit. If you are under 20, or if you are under 25 and go to college or university, then you should read this section.

### **Can I get Incapacity Benefit for young people?**

You can get Incapacity Benefit if you are aged 16 to 19. You must have been sick or disabled for at least 28 weeks. If you got sick or disabled before you turned 16 that will count towards your 28 weeks.

If you are under 25, you may be able to get it if you are a student and you started college or university at least 3 months before you turned 20.

It does not matter if you have not paid enough National Insurance. This is called the 'youth provisions' of Incapacity Benefit.

You must be in England, Scotland or Wales when you make your claim. You must also have been in the UK for at least half of the year before you claim. You may still be able to claim if you have been abroad, such as if you are in the armed forces or if you lived in parts of Europe.

If you are not sure if you can get Incapacity Benefit, ask an adviser to explain.



### **Can I get Incapacity Benefit if I am aged 16 to 19?**

You must not be at school or college full-time if you are aged 16 to 19 and want to claim Incapacity Benefit. By full-time we mean 21 hours or more each week.

You should ask an adviser if you are not sure if you can get Incapacity Benefit.

### **Can I get Incapacity Benefit if I am aged 20 to 24?**

You must have been doing a course or training full-time if you are aged 20 to 24 and you want to claim Incapacity Benefit. For a list of courses and training that count, ask an adviser.

If you can't go to your course or training full-time because of your disability, this still counts.

Your course or training must have started at least 3 months before your 20th birthday. You must have done the course or training for at least the first term.

### **Can I get Incapacity Benefit for young people if I have been abroad?**

If you have spent some time abroad, you may still be able to get Incapacity Benefit. You should ask an adviser to explain how this works.

### **Can I get Incapacity Benefit if I have been working or training?**

You may be able to claim Incapacity Benefit if you were getting it previously. You should speak to an adviser to see if you can get it again.

## Other benefits

### **Will my other benefits affect my Incapacity Benefit?**

You can't get Incapacity Benefit if you get one or more of the following.

- Jobseeker's Allowance.
- State Pension.
- Money because you can't get work.
- Money for training.
- Statutory Sick Pay.

You will only get Income Support if it is more than your Incapacity Benefit – you will get the mix of benefit that gives you the most money.

If you are on Incapacity Benefit you can still get the full amount of some benefits, such as:

- Attendance Allowance
- Disability Living Allowance
- Basic War Pension, Industrial Injuries Disablement Benefit or gratuity, and
- any money you get from your employer, such as wages, company sick pay or a benefit from your union.

## **What happens when I reach State Pension age?**

You cannot normally get Incapacity Benefit after you have reached State Pension age (see page 8). If you became sick before you reached State Pension age, you may be able to get short-term Incapacity Benefit for up to 52 weeks if you decide to put off getting your State Pension. The amount you get on Incapacity Benefit might be less than if you claimed your State Pension. You should discuss your options with an adviser before deciding.

## **Do other pensions affect my Incapacity Benefit?**

If you get money from other pensions or health insurance schemes, you could get less Incapacity Benefit. This will depend on how much money your pension or scheme gives you. If there is still pension money left over, you could get less additional money for those who depend on you. Ask an adviser if you think this might apply to you.

## **Can I get National Insurance credits while I am sick?**

You should be able to get National Insurance credits for each full week that you are too sick to work. We count a full week to be Sunday to Saturday. National Insurance credits will help you get other money in the future, such as State Pension.

There are some cases where you can't get National Insurance credits. Ask an adviser to explain this to you or visit our website at [www.jobcentreplus.gov.uk](http://www.jobcentreplus.gov.uk) for more information.

You should also speak to an adviser if you started getting Incapacity Benefit before April 1995.

### Going back to work

#### Can I work if I'm on Incapacity Benefit?

You can't normally work when you're on benefits. But, there are some kinds of work you may be able to do when you get Incapacity Benefit. These are:

- unpaid work such as working for a charity (voluntary work), or
- 'permitted work' – which is work you are allowed to do while you are on Incapacity Benefit that could help you get work when you are better. You can ask an adviser to tell you what permitted work is, or you can read about it on our website at [www.jobcentreplus.gov.uk](http://www.jobcentreplus.gov.uk)

Before you start any work, you must tell your adviser so we can check that it won't affect your benefit.

## **What happens to my benefit if I start work?**

We have schemes to help you get back to work and make sure you still get benefits. Ask an adviser to tell you about the following:

- Job grant
- Housing Benefit and Council Tax Benefit
- Training
- New Deal for disabled people
- Working Tax Credit.

When you start work again you will stop getting Incapacity Benefit.

## **What if I get sick again?**

### **What happens if I get sick again?**

If you get sick again or you can't carry on working, you may be able to pick up your Incapacity Benefit where you left off. This is called 'linking rules'.

The first 3 'waiting days' (see page 9) do not apply to claims made under the linking rules.

If you are claiming Incapacity Benefit again within 8 weeks of an earlier claim, you must get a sick note from the first day you are sick.

### **Can I get the same amount of Incapacity Benefit that I got last time?**

You can get the same amount of Incapacity Benefit as you did last time if you have been back at work for 8 weeks or less.

If you have been back at work for longer than 8 weeks, you may still be able to get the same amount of benefit again. Ask an adviser to explain this to you, or visit our website at [www.jobcentreplus.gov.uk](http://www.jobcentreplus.gov.uk) for more information.

### **What if I have a break in my Incapacity Benefit?**

If you stop getting Incapacity Benefit for a while, and then you need to get it again, there are rules to make sure you pick up where you left off. Ask an adviser to explain this to you.

If you start work or a training course you may still be able to get higher-level Incapacity Benefit after a break of up to 104 weeks. You must have been sick for 28 weeks or more and:

- started work or a training course one month or less after your Incapacity Benefit ended, and
- your last claim did not end because we decided that you were well enough to work.

## **How do I find out more?**

To find out more about Incapacity Benefit contact us by visiting [www.jobcentreplus.gov.uk](http://www.jobcentreplus.gov.uk), or you can find details of your nearest office in the phone book.

## **Where can I find out more information on rates of benefits?**

We review benefit rates every year and usually increase them in April, at the beginning of each financial year.

We can give you a leaflet if you ask, which tells you what the current rates for all benefits are, including non-contributory benefits.



### What if I have claimed compensation?

If you claim compensation for your disability and also get disability benefits, any benefit money you get may be taken off your compensation.

To find out more about claiming compensation, you can contact the Compensation Recovery Unit.

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

Phone: 0191 225 2119

Lines are open from 8.30am to 4.30pm, Monday to Thursday and 8.30am to 4pm on Friday.

Write to:

Compensation Recovery Unit  
Stationery Section  
Room MO135  
Durham House  
Washington  
Tyne and Wear  
NE38 7SF

## Call charges

Calls to 0800 numbers are free from BT land lines but you may have to pay if you use another phone company, a mobile phone, or if you are calling from abroad.

Calls from mobile phones can cost up to 40p per minute, so check the cost of calls with your service provider.

## Textphones

Where textphone numbers are provided, these are for people who find it hard to speak or hear clearly.

If you do not have a textphone, some libraries or citizens advice bureaux may have one.

Textphones do not receive text messages from mobile phones.

## **Important information about this leaflet**

This leaflet is only a guide and does not cover every circumstance. We have done our best to make sure that the information in this leaflet is correct as of January 2008.

It is possible that some of the information is oversimplified, or may become inaccurate over time, for example because of changes to the law.

[www.jobcentreplus.gov.uk](http://www.jobcentreplus.gov.uk)

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