

### Introduction

Income Support (IS) is intended to provide for an Applicant's basic living expenses. It does not depend on National Insurance contributions but is means tested.

From 27 October 2008 Income Support paid to Applicants on grounds of disability was replaced by Employment & Support Allowance. The information contained below is applicable to Applicants already in receipt of IS.

### Criteria

To be eligible for IS the Applicant must meet eight key conditions:

1. They must be in Great Britain;
2. They must be aged 16 or over and under the age they can claim pension credit;
3. They must not be in full time education;
4. They must not be working 16 or more hours per week;
5. If the Applicant has a partner, the partner must not be working 24 or more hours per week;
6. The Applicant and their partner must not have capital of £16,000 or more (but some capital and in particular the Applicant's home is ignored);
7. They must fall within one of the categories of people who can claim IS:
  - a. **Sickness and Disability category;**
    - They are entitled to Statutory Sick Pay;
    - They are incapable of work - assessed under the 'own occupation test' or the 'personal capability test' - see Incapacity Benefit); They are registered blind;
    - They are mentally or physically disabled and are not treated as being in remunerative work, because the hours worked or their earnings are 75% or less of that of a person without their disability in the same job;
    - They are employed whilst living in a care home or independent hospital in which they receive care.

### b. **Caring Category;**

- They are regularly and substantially engaged in caring for another person and they are either getting Carer's Allowance or the person they are caring for gets Attendance Allowance or the middle or higher rate of Disability Living Allowance Care Component.

### **Other categories include:**

- Childcare responsibility e.g. the Applicant is a lone parent with a child under seven years;
- Education and training;
- Pregnancy.

### **Amount**

The amount of IS the Applicant may receive is dependent on individual circumstances including:

- Income and capital;
- Whether the Applicant lives alone or has a partner;
- The age and income of non-dependents living with the Applicant;
- Whether the Applicant/Applicant's partner has a disability;
- Whether the Applicant is caring for someone.

IS is calculated by:

- Adding up the Applicant's total capital resources (remember, an Applicant is not entitled to claim IS if the Applicant or their partner's capital is more than £16,000). Capital below a lower limit (usually £6,000) is usually ignored. If the Applicant has capital between the lower limit and the upper limit, then a tariff income is assumed, e.g. a £1 tariff income is applied for every £250 capital between these limits;
- Working out the 'applicable amount' - this is the amount the law says the Applicant

needs to live on. It includes a personal allowance and premiums (namely, Disability Premium, Enhanced Disability Premium, Severe Disability Premium, Carer's Premium and Pensioner Premium). It is calculated by the DWP;

- Adding up the Applicant's total income resources;
- Deducting the Applicant's income from the applicable amount.

If the Applicant's income is lower than the applicable amount, the difference is paid as IS.

### **Other Benefits**

If the Applicant is entitled to IS then they may also be entitled to:

- Free prescriptions;
- Free dental care;
- Free school meals;
- Housing Benefit;
- Council Tax Benefit;
- Help with hospital fares.

If the Applicant is classed as a person subject to immigration control, they are not generally entitled to IS, however, there are some limited exceptions. Applicants who have been granted refugee status or indefinite or exceptional leave to remain are not subject to immigration control and are eligible for ordinary IS.

### **Future Changes**

From April 2013, total benefits payments to many working-age households will be 'capped'. There will be limited exceptions, including households where someone is entitled to working tax credit or receives disability living allowance. IS will be included in the capped amount.

From October 2013, it is anticipated that when Universal Credit is introduced, no new claims for IS will be allowed. Applicants will be transferred to Universal Credit between April 2014 and October 2017.

### **Further Information**

#### **To claim:**

Jobcentre Plus                      0800 055 6688  
  
[www.jobcentreplus.gov.uk](http://www.jobcentreplus.gov.uk)

#### **For help:**

Benefits Enquiry Line              0800 88 22 00  
  
[www.direct.gov.uk](http://www.direct.gov.uk)  
  
Citizens Advice Bureau            [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)  
  
[www.adviceguide.org.uk](http://www.adviceguide.org.uk)

### **About Stewarts Law**

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