



## **Incapacity benefit**

### **1. What is incapacity benefit?**

Before the introduction of employment and support allowance (ESA) from 27 October 2008 you could get incapacity benefit (IB) if you were sick/disabled and unable to work. Now most new claimants who are sick and unable to work will have to claim ESA.

Some claims for IB will be allowed after 27 October under certain circumstances. These include provisions under linking rules and cases where you make a claim for IB after 27 October 2008 and you are already getting income support because you are disabled.

If you are already getting IB you will be moved onto ESA at a later date.

### **2. What are the rules for incapacity benefit?**

You must:

- be in a period of incapacity for work
- not be getting statutory sick pay
- be assessed or treated as incapable of work
- either satisfy the rules for contributory incapacity benefit or youth incapacity benefit

#### **2.1 What does assessed or treated as incapable of work mean?**

In order to get IB you must pass an incapacity test called the personal capability assessment (pca). Some people do not have to pass this test. You can find out more about the pca test on our factsheet [The personal capability assessment](#).

#### **2.2 What is a period of incapacity for work?**

You are in a period of incapacity for work (PIW) if you have been incapable of doing work for 4 consecutive days.

You can be treated as incapable of work on days when you are receiving certain specified medical treatments. For more information see our factsheet [The personal capability assessment](#).

If you stop claiming IB and then fall ill again and make a new claim you don't have to wait 4 days before being paid if your new claim is within 8 weeks of the old one (there are special rules where you start work or training that allow this gap to be up to 104 weeks).



## **2.3 What are the rules for contributory IB?**

There are two national insurance contribution tests for contributory incapacity benefit.

### **2.3.1 First test**

You must have paid enough contributions in one of the last three complete tax years before the year in which you make your claim - known as the benefit year. The benefit year runs from the first Sunday in January to the first Saturday in the following year.

There are some exceptions to this rule for people who have been receiving carer's allowance or working tax credit before claiming IB.

### **2.3.2 Second Test**

To pass the second test you must have been paid or credited with a certain number of contributions in the two tax years before the year in which you make your claim.

### **2.3.3 What if I don't have enough contributions for contributory IB?**

If you are on a low income you may still be able to claim income support. You will still need to be assessed or treated as incapable of work. For more information see Factsheet - Income support.

## **2.4 What are the rules for youth IB?**

### **2.4.1 Youth IB if you are under age 20**

You must satisfy all the following:

- be aged under 20
- have been continuously incapable of work for [196 days](#). These days must have begun before your 20th birthday.
- be present and resident in Great Britain

### **2.4.2 Youth IB if you are under age 25**

The under 20 age limit can be extended to under 25's if all of the following apply:

- you began a course of education or training at least 3 months before your 20th birthday.
- you finished your course no earlier than the start of the last two complete tax years before the year in which you claim. For example, if you made a claim in June 2008 the last two complete tax years are 6 April 2006 to 5 April 2007



and 6 April 2005 to 5 April 2006. In this case your course must finish after 5 April 2005.

- your course is full-time education of any level from secondary school to postgraduate, or part-time if you cannot attend full-time because of your disability. It can also be a government training course; or a non-government occupational skills or vocational course of at least 16 hours a week (this includes courses such as life skills designed for disabled trainees)
- you must make your claim before your 25th birthday or immediately after the end of 196 days of continuous incapacity that began before their 25th birthday.

The course has not ended if your studies are interrupted temporarily by illness or domestic emergency. You cannot claim for any gap after one course has ended if you intend to go straight on to attend a further course.

### **2.4.3 196-day qualifying period**

If you are claiming youth IB you will not be paid until you have been continuously incapable of work for 196 days.

The 196 day period can be days before your 16th birthday, though you cannot get youth IB until you are 16. The 196 days will start all over again if you have even as little as a one day break. Once you have served the qualifying period you do not have to serve it again during your claim. This applies if you break your period of incapacity for work.

If you are under age 25 the 196 consecutive days can start whilst you are still attending the course (unless it is a government training course and a training allowance is being paid).

### **2.4.4 The residence and presence tests**

To get youth IB you must:

- be ordinarily resident in the UK
- be present in the UK for 26 weeks in the last 12 months
- not be subject to immigration control. There are exceptions to this rule e.g. if you have refugee status or exceptional leave to remain or are a European Economic Area (EEA) national.

Ordinarily resident is not defined. It is taken to mean the place where you normally live for the time being if there is a degree of continuity about your stay and it can be described as being settled.

Present means physically present in UK.



You only need to pass this test once in the same period of incapacity for work but IB can be affected by time spent abroad.

### **3. Students and incapacity benefit**

If you are over age 18 you can get IB during term time as well as vacations. It is not paid at a reduced rate because of any grant or loan you receive. There are special rules if you are age 16 to 18 and in full time education ([see below](#)).

When beginning study you must declare this to the Department for Work and Pensions as it is a change of circumstances. This may trigger a review of your benefit, but does not necessarily mean you will lose it, as long as you are considered to be incapable of work.

#### **3.1 Age 16 to 18**

If you are under 19 and still at school or in full-time (further) education, your entitlement to youth IB also depends on the type and hours of schooling you receive. You will only get IB as long as you attend classes or periods of supervised study adding up to less than 21 hours a week.

Lunch breaks, breaks between lessons, free periods, and periods of private (unsupervised) study or homework do not count. If you attend classes for less than 21 hours, the type of education you receive and the school you attend make no difference to IB.

If you attend classes for 21 hours or more each week, you may still qualify for IB if the extra hours of classes would not be 'suitable for persons of the same age and sex who do not suffer from a physical or mental disability'.

If you are between the ages of 16 and 20 and are receiving incapacity benefit your parents cannot claim child benefit, tax credits or income support for you as well.

### **4. How do I claim IB?**

You should [phone](#) the national contact centre:

Telephone: 0800 0 55 66 88

Textphone: 0800 0 23 48 88 (i)

Lines are open from 8:00 am - 6:00 pm, Monday to Friday. Charges may apply to calls from mobile phones, but the contact centre will call the customer back if requested.

You will also be expected to provide medical certificates (if you are claiming youth IB these certificates must also cover the 196 day period).



To claim Incapacity Benefit online or to download a form, go to [www.direct.gov.uk](http://www.direct.gov.uk).

## **5. How much is IB?**

Incapacity benefit is paid at three rates - short term lower rate, short term higher rate and long term rate.

Short term lower rate - from week 1 of your claim

basic rate - £67.75

basic rate (pensioner) - £86.20

Short term higher rate - after week 28 of your claim

basic rate - £80.15

basic rate (pensioner) - £89.80

Long term rate - after week 52 of your claim

basic rate - £89.80

age addition if you are under age 35 - £15.65

age addition if you are age 35 to 45 - £6.55

### **5.1 What are age additions?**

You can get these if you are a certain age when your period of incapacity for work starts.

### **5.2 What else affects what I get?**

Your IB may be affected by the following:

- It will be reduced if you have an occupational pension of over £85 per week. There are some exceptions to this rule.
- If you were getting statutory sick pay before claiming IB you will start at the short term higher rate.
- If you are over pension age you cannot get long term rate IB.
- If you are terminally ill you will move onto the long term rate after 28 weeks.
- Short term higher rate and long term rate IB are taxable and may affect your other income.

The amount of savings you have does not affect your IB.

## **6. Where can I get more help and information?**



DIAL Great Yarmouth

12a George Street

Great Yarmouth

Norfolk

NR30 1HR

01493 856900

Monday to Friday 10am to 4pm