

**‘Severe mental impairment’ qualifying benefits**

- a) Attendance Allowance<sup>1</sup>
- b) The Daily Living component of Personal Independence Payment<sup>2</sup>
- c) Disability Living Allowance Care component, but only if paid at the middle or high rate<sup>3</sup>
- d) Universal Credit:
  - o In Scotland any award of Universal Credit is a qualifying benefit.<sup>4</sup>
  - o In England and Wales<sup>5</sup> the Universal Credit award must include the payment of the ‘limited capability for work’ or limited capability for work related activity’ components. If one of these elements should be in payment but you have been sanctioned you can still qualify.
- e) In Scotland, only Employment and Support Allowance.<sup>6</sup>

Note on Employment and Support Allowance (ESA): When ESA was introduced the government said that it would be included as a qualifying benefit for the severe mental impairment rules. But the law in England and Wales was never changed. Some local authorities in England and Wales do count it as a qualifying benefit despite this.

- f) Severe Disablement Allowance<sup>7</sup>
- g) Constant Attendance Allowance, which is a type of Industrial Injuries Disablement Benefit<sup>8</sup>

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<sup>1</sup> England & Wales: DDO art 3 (2)(b)

Scotland: C&AO art 4 (2)(b)

<sup>2</sup> England & Wales: DDO art 3 (2)(l) as amended

Scotland: C&AO art 4 (2)(ga) as amended

<sup>3</sup> England & Wales: DDO art 3 (2)(d)

Scotland C&AO art 4 (2)(d)

<sup>4</sup> Scotland: C&AO art 4 (2)(m) as amended

<sup>5</sup> England: DDO art 3 (2)(n) as amended

Wales: DDO art 3 (2)(m) as amended

<sup>6</sup> Scotland: C&AO art 4 (2)(l) as amended

<sup>7</sup> England & Wales: DDO art 3 (2)(c)

Scotland: C&AO art 4 (2)(c)

<sup>8</sup> England & Wales: DDO art 3 (2)(e)

Scotland: C&AO art 4 (2)(e)

- h) Unemployability Supplement, which is a type of Industrial Injuries Disablement Benefit that can be included in claims made before 1987<sup>9</sup>
- i) A war pension under the 1983 scheme that includes Constant Attendance Allowance<sup>10</sup>
- j) A war pension under the 1983 scheme that includes Unemployability Allowance<sup>11</sup>
- k) Income Support, where the person has been deemed to be incapable of work and so the payment includes the disability premium<sup>12</sup>
- l) Incapacity Benefit<sup>13</sup>
- m) Armed Forces Independence Payment<sup>14</sup>
- n) Where you are a member of a couple claiming income-based Jobseeker's Allowance and you have been deemed to be incapable of work and so the payment includes the disability premium<sup>15</sup>
- o) Short-Term Incapacity Benefit (a lower rate of Incapacity Benefit that used to be paid at the start of the claim before the benefit was abolished for new claimants)<sup>16</sup>
- p) Disability Working Allowance in England and Wales (an old benefit abolished in 1999) or Disabled Persons Tax Credit in Scotland (abolished in 2003)<sup>17</sup>

Note on Disability Working Allowance and Disabled Persons' Tax Credit. These benefits were replaced by the disability element of Working Tax Credit. Although the rules were never updated, some local authorities will accept the disability element of Working Tax Credit as a qualifying benefit.

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<sup>9</sup> England & Wales: DDO art 3 (2)(g)

Scotland: C&AO art 4 (2)(g)

<sup>10</sup> England & Wales: DDO art 3 (2)(h)

Scotland: C&AO art 4 (2)(h)

<sup>11</sup> England & Wales: DDO art 3 (2)(i)

Scotland: C&AO art 4 (2)(i)

<sup>12</sup> England & Wales: DDO art 3 (2)(j)

Scotland: C&AO art 4 (2)(j)

<sup>13</sup> England & Wales: DDO art 3 (2)(k)

Scotland: C&AO art 4 (2)(k)

<sup>14</sup> England: DD0 art 3 (2)(m) as amended

Wales: DD0 art 3 (2)(n) as amended

Scotland: C&AO art 4 (2)(gb) as amended

<sup>15</sup> England & Wales: DD0 art 3 (4)

Scotland: C&AO art 4 (4)(a)&(b)

<sup>16</sup> England & Wales: DDO art 3 (2)(a)

Scotland: C&AO art 4 (2)(a)

<sup>17</sup> England & Wales: DDO art 3 (2)(f)

Scotland: C&AO art 4 (2)(f)

It is also possible to qualify if you are over state pension age and would qualify for one of the benefits listed above were you not over state pension age. For example, if you were getting Incapacity Benefit but it stopped when you qualified for your state pension.<sup>18</sup>

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<sup>18</sup> England & Wales: DDO art 3 (3)  
Scotland: C&AO art 4 (3)