

Contents

Introduction

Ch.1 The Law and Disability	13
The Equality Act 2010	13
Definition of impairment	13
Definition of long-term effects	17
Definition of day-to-day activities	17
Specialised activities	20
Disabled children	21
Ch.2 The Benefit System-Entitlements	23
Attendance Allowance	24
Personal Independence Payments	25
Carers allowance	26
Housing Costs	27
Council Tax Support	28
Pension credit	29
Income Support	31
Job seekers allowance	32
Employment and Support allowance	33
Universal Credit-How it Works	35
Cap on all benefits	36
Working Tax credit	38
Winter fuel payment	45
Cold weather payment	45
TV licence concessions	45
Bereavement benefits	45
Ch.3 Criminal Injuries Compensation Scheme	53
Paid representation and other help	54
Payments available from the Scheme	54
The Hardship Fund	54
Applying for a payment	55

Applying on behalf of children	56
Applying on behalf of an adult who cannot apply themselves	57
If you are injured outside Great Britain	57
Ch.4 Carers and Help For Carers	59
What is a carer?	59
The Care Act 2014	60
Eligibility for care and support services	61
Before the assessment	61
Parent carer assessments	63
Hospital discharge and NHS continuing care	64
Ch.5 Options for Care-Paying for Care Homes	67
Options for care before choosing a care home	67
Personal care or nursing care?	68
Care homes for adults aged 18 to 65	68
Residential care for children and adolescents	68
The choice of care home to suit your needs	69
The Care Act 2014	70
How the care is paid for	72
Other benefits available	73
Considerations when deciding a move to a care home	73
Rights of care home residents	76
Care home closures	77
Ch.6 Whilst You are In Hospital	79
Information for disabled people going into hospital	79
Benefits Whilst in Hospital	79
Consent to treatment	79
Leaving Hospital	80
Ch.7 Disabled Children	81
Right to maternity leave	81
Compulsory maternity leave	81

A Straightforward Guide to the Rights of Disabled People

Giving notice to the employer	82
Work during the maternity leave period	82
Time off for Ante-natal care	82
Statutory Maternity Pay	83
When is SMP paid?	83
Maternity Allowance	83
Returning to work after maternity leave	84
Parental leave	84
Paternity leave	85
The Additional Paternity Leave Regulations 2010	86
Shared parental leave	86
Adoption leave and pay	88
Qualifying requirements	88
Disabled children's benefits	88
Additional help-Family Fund	90
Loans and grants to assist in the care of a disabled child	91
Home adaptations	91
Healthy Start Vouchers	91
Disability Living Allowance-Care Component	92
Eligibility for child benefit	93
Guardians allowance	94
Ch.8 Disabled People and Employment	97
<i>Entering employment</i>	<i>97</i>
Role of Jobcentre Plus and Disability Employment Advisors	97
Community Work Placement Programme	98
Work Choice	98
Access to Work	99
How much support can you receive?	100
Training	100
<i>When you are in work</i>	<i>101</i>
Disability and employers responsibilities	101
Reasonable adjustments in the workplace	101
Recruitment	103

Redundancy and retirement	104
Claiming benefits as a result of a work related disability	104
Industrial Injury Disablement Benefits (IIDB)	104
Eligibility	105
Other benefits you may get	107
Effect of IIDB on other benefits you are receiving	109

Ch.9 Disabled people and Education **111**

Education generally	111
Reasonable adjustments	111
Special Educational Needs (SEN)	111
Higher education	112
Children with special educational needs (SEN)	112
Support a child can receive	112
Special educational needs support	112
Children under 5	113
Children between 5 and 15	113
Young people aged 16 or over in further education	114
Independent support for children of all ages	114
Extra help	114
Requesting an EHC assessment	114
Creating an EHC plan	115
Disagreeing with a decision	115
Personal budgets	115
If your child got support before September 2014	116
Early Years Action and School Action	116
Early Years Action Plus and School Action Plus	116
Assessments	116
Statement	116
Further education	117
Help and advice	117
Disabled people and financing studies	117
Students and means tested benefits	118

Ch.10 Tenancy Rights and Rights in the Home	119
Discrimination and property	119
Adapting Property	119
Auxiliary Aids	120
Ways of Discriminating Against Disabled Tenants	120
Changing The Terms of a Lease	121
Your rights and responsibilities as a tenant	121
Your responsibilities	122
If your landlord lives outside the UK	122
Your landlord's safety responsibilities	122
Gas safety	123
Fire safety	123
Repairs	123
What your landlord must do	123
Your responsibilities	124
If your property needs repairs	124
If your house isn't fit to live in	124
Rent increases	125
General rules around rent increases	125
Rent disputes	126
New rental terms	126
Rent arrears	126
Deposit protection	126
Deposit disputes	127
Houses in Multiple Occupation	127
Standards, obligations and how to complain	127
Anti-social behaviour	128
Complaints	128
Disabled Facilities Grants	128
How and when you will be paid	129
Eligibility	129
Planning and building regulations approval	130
Other help in the home	131
Disabled people and buying a home	131

Getting a mortgage if you're in receipt of disability benefits	131
Benefit related income that may be considered by potential lending partners:	132
Help with mortgage interest payments - Support for Mortgage Interest Solicitors	132
Adaptations	133
Help and support	133
Your legal rights	133

Ch.11 Disabled People and Travel 135

The Equality Act 2010	135
Ease of use of public transport	135
Travel by bus or coach in a wheelchair	135
Wheelchair priority	136
Boarding or alighting	136
Complaining about the bus service	136
Rights of disabled passengers using trains	136
Before travel	138
On the train	138
Complaining about a train company	139
Disabled people and air travel	139
Reserving seats	140
At the airport	140
Complaining about an airline	141
Rights of disabled air travellers – on the plane	141
Help on the plane	142
Taking equipment on board	143
Disabled people and Taxi travel	143
Ease of use	143
Complaining about taxis and minicabs	144
Disabled people and cruise ships	144

A Straightforward Guide to the Rights of Disabled People

The Blue Badge Scheme	145
Motability Scheme	146
Specialist holiday companies	147
Ch.12 Disability and the Armed Forces	149
War Disablement pension	149
Armed Forces Compensation Scheme (AFCS)	149
The Service Personnel and Veterans Agency (SPVA)	150
Veterans UK	150
Veterans Welfare Service	151
NHS treatment	152
Equipment for mobility	152
General addresses for help and support	153
Ch. 13 Income Tax	157
Tax basics	157
Personal allowances	157
Personal Allowances for people born before 6 April 1948	158
Tax rates and bands	158
Other allowances	159
Dividends	160
Allowances for blind people	160
The Married Couple's allowance	161
Tax-free income	161
Income from an employer	162
Benefits that are taxable	162
Ch.14 Useful Contacts	164
General addresses and websites	

Index

Introduction

This is the first edition of A Straightforward Guide to The Rights of Disabled people. The book is aimed primarily at people with physical disabilities and is wide ranging, dealing with everything from benefits, employment travel, rights in the home and disabled servicemen and women.

Currently, at the time of writing, 2015, there are real fears that the benefits and security enjoyed by people with disabilities are under attack, mainly through the governments approach to reducing the overall welfare bill. It is feared that the introduction of benefits such as Personal Independence Payments, which replace Disability Living Allowance for those under 65 and also the abolition of the Independent Living Fund, will in the longer-term have an effect on disabled people and their incomes. This is because, in the main, disabled people find it harder to enter the workplace and sustain employment than others.

This book covers the benefit system in its entirety and highlights what you may or may not be entitled to. It also covers carer's rights and the new law governing those rights, the Care Act 2014. From thereon we discuss employment law as it affects disabled people, education, care homes, rights whilst in hospital, rights in the home, disabled children, rights whilst travelling, rights for ex-service personnel and general rights covering the payment of income tax.

Finally, at the end of the book there are useful addresses and websites of organisations who deal with all areas of disability.

This book sets out to educate and inform those with physical disabilities, their carer's and also parents of disabled people, whether adult or child.