

## **Your rights in the AIDS era. 8, Benefits / Immunity.**

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**immunity**

Society for HIV Research and Education

# YOUR RIGHTS IN THE AIDS ERA

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**8. Benefits**

If you have HIV infection or AIDS – or a complex related to it – this leaflet should help you to check you're getting the benefits you're entitled to. It's not meant to be a complete guide but it mentions some of the benefits you may be able to get. It's best to get further advice if you're not getting what you think you may qualify for.

The first part covers possible additions if you're already getting Income Support. The second part covers benefits which depend on your 'State of Health', rather than the money you've got coming into your home, and you don't have to be on Income Support to get them.

## INCOME SUPPORT

Under IS rules the amount you get is made up of a basic benefit plus additions which are called premiums, which depend on your circumstances. It is important to make sure that you're getting all the premiums due to you. Those most likely to apply to you are the Disability Premium and the Severe Disability Premium. They are described below. If you are entitled to both, the amounts are added together.

### Disability Premium

To qualify for this you:

- must have been incapable of work continuously for the last 28 weeks – and still be incapable of working.
- must have been getting invalidity benefit or severe disablement allowance.
- or your partner must be registered – or treated as blind.
- or your partner must be getting either attendance allowance or mobility allowance.
- or your partner must be getting help with an invalid car

provided by the NHS or a grant from the DSS.

'Partner' means someone you are married to or living with "as husband and wife".

### Severe Disability Premium

You may qualify for this if you are getting attendance allowance and no-one gets invalid care allowance for looking after you.

If you are living with your partner (see above) both of you must be getting attendance allowance for you to qualify. And you are disqualified if you have a "non-dependant" living with you.

A lover who is entitled to occupy the home with you doesn't count as a non-dependant. So you are entitled to the severe disability premium – unless your lover is



getting invalid care allowance for looking after you.

## **'STATE OF HEALTH' BENEFITS**

### **Attendance Allowance**

To qualify you have to pass either the day time test or the night time test – if you pass both you get attendance allowance paid at the higher rate.

You must have needed the attendance for six months before it is paid. You can claim before the six months is up, but payments won't start until the end of the six months period. It is payable to anyone aged two or more.

The DSS's day time test says you must need either frequent attention throughout the day – in connection with your bodily functions – or continual supervision throughout the day – to avoid substantial danger to yourself or others.

The Department's night time test says you must need either prolonged or repeated attention from another person – in connection with your bodily functions – or another person to be awake for a prolonged period or at frequent intervals to watch over you to avoid substantial danger to yourself or others.

You can claim even if you do not have anyone looking after you. It is what you need, not what you've got, which is important. Payment also entitles you to one of the premiums mentioned above if you are claiming Income Support.

### **Mobility Allowance**

To qualify you have to be between five and 65. You can claim up to your 66th birthday, so long as you can show you met the medical conditions before you reached 65. It is then payable until you reach 75.

The medical conditions require that because of your physical condition;

- you are unable to walk, or
- you are virtually unable to walk having regard to the time, or distance or speed or manner of your walking, or
- the exertion needed to walk would constitute a danger to your life or would be likely to lead to a serious deterioration to your health

There are numerous decisions of Commissioners on what all this means. It is complicated, so if you are refused – or, preferably, before you make a claim – get advice.

Getting Mobility Allowance also opens the way to the disability premium if you are claiming Income Support.

# BENEFITS FOR CARERS

## Invalid Care Allowance

This benefit is paid to you if you are of working age but can't go to work because you are spending 35 hours or more looking after a severely disabled person. Anyone receiving Attendance Allowance will qualify as severely disabled. You are not allowed to work as well, but part time earnings of up to £12 aren't counted.

Unlike Attendance Allowance and Mobility Allowance, Invalid Care Allowance is taxable and you can't get it if you are also getting some other 'work-type' benefit – like unemployment, sickness or invalidity benefit, retirement pension or maternity allowance.

Furthermore, it is taken into account for Income Support purposes and the person you are caring for can only get the standard disability premium and not the severe disability premium.

In spite of all that, it may be worthwhile claiming. Two advantages are that you will be credited with National Insurance contributions towards your pension and be exempt from signing on. If you're in any doubt it is best to get detailed advice.

If you would have qualified if you'd made a claim, payments can be back-dated for up to 12 months.

## MAKING A LATE CLAIM FOR BENEFITS

Before Income Support replaced Supplementary Benefit, it was possible to get weekly additions to your benefit for special needs – if you needed a special diet or had extra laundry or heating costs, for instance. Those additions no longer exist, but there are transitional provisions which protect people whose benefit was higher under the old system.

So it's worth looking into whether you might have been entitled to more money under the old system than now. In most cases a late claim can only be made if there is good reason for not having made it at the right time and benefit in such circumstances can be backdated for only 12 months.

But, if you were getting supplementary benefit, this may be treated as a claim for all the benefits to which you used to be entitled.

Get advice about that. Immunity recently got a client a back payment of £2000 and a £20 – plus a week rise in benefit. But it's vital you claim what you reckon you're owed without delay.



## LONDON AND NATIONAL GROUPS AND SERVICES

**Afro Caribbean Helpline Service:** Black advisers offering specialised advice and support. Fridays 6pm–10pm, on the National AIDS Helpline (0800–567 123). Calls free

**AIDS and Housing Project:** Write: 16–18 Stratton Ground, London SW1P 2HP

**AIDS Helpline:** Information from the College of Health. Daily, 2pm–10pm

**Asian AIDS Helpline:** Advice given in Bengali, Gujarati, Hindi and English. Wednesdays 6pm–10pm, on 0800–282 445. Calls free

**Cantonese AIDS Helpline:** Advice given in Cantonese. Tuesdays 6pm–10pm, on 0800–282 445. Calls free

**Body Positive:** write PO Box 483 London W14 0TF. Mutual help and support group. Drop-in centre (from December, 1988) at 51b Philbeach Gardens, London SW5. Helpline: (7pm–10pm) 01–373 9124

**Body Positive Support Group:** For newly diagnosed people with HIV infection and others with the infection who are anxious, plus the lovers, close friends and relatives of both groups. Meets Sundays at 12.15pm (for 12.30pm) on the second floor at the London Lesbian and Gay Centre, 69 Cowcross Street, London EC1

**Care and Resources for People Affected by AIDS/HIV (CARA):** write 40 Racton Road, London SW6. Phone 01–381 9656. Christian group offering support to Christians and non-Christians affected by HIV infection and by AIDS

**Dentists who treat people with HIV infection:** NHS Special Needs Dental Clinic, Alderney Street, London SW1. (Mondays, 3pm–5pm, Tuesdays, Wednesdays 9am–12pm) Phone: 01–630 8436 Or: advice on who to see from Mrs Satchell at City and Hackney Health Authority. Phone: 01–253 3020

**Drug Users and Ex-Users with HIV infection/AIDS/ARC:** run by Terrence Higgins Trust. Meets Fridays 7pm–9pm at Trust's offices (52–54 Grays Inn Road, WC1) Info: David Bickerton on 01–831 0330

**Ealing AIDS Response:** Local group. Write: PO Box 16, Isleworth, Middlesex, TW7 6AG. Phone: 01–993 8872

**East London HIV Social Group:** Meets Mondays 8.30pm upstairs at the London Apprentice, 33 Old Street, London EC1. Info: Nigel Harvey on 01–377 7458

**Frontliners:** Mutual help and support group for people who have AIDS. Write: c/o Terrence Higgins Trust, BM AIDS, London WC1N 3XX. Phone 01–831 0330

**Haringey Health Authority Helpline:** Counselling and advice on the phone on 01–801 1490/01808–1061, extension 212 (10am–6pm)

**Haemophilia Society:** Information, advice and support for everyone who has haemophilia – and special representation of and support for people with haemophilia infected with HIV by using Factor 8. Write: 123 Westminster Bridge Road, London SE1. Phone: 01–828 2030

**Immunity:** HIV research and health education charity. With full-time specialist legal centre for anyone with a legal problem connected with HIV infection, AIDS or an AIDS-related complex. Advice and court representation on offer. Also welfare rights advice. Open 10am–5.30pm. Phone to fix an appointment. Charity and legal centre at 260A Kilburn Lane, London W10 4BA. Phone: 01–968 8909

**Italian Drug Users and Ex-Users Group:** run by Terrence Higgins Trust. Meets Wednesdays 6pm–7.30pm at Basement, SCODA,

1–4 Hatton Place, London EC1 8TD. Info: David Bickerton on 01–831 0330 or Dr Massimo Rocco on 01–352 8161

**The Landmark:** Open July 1989. Day centre for people who have HIV infection and people who have AIDS. Will offer advice, recreational facilities, meals. Plus info for other people. 47 Tulse Hill, London SW2. Phone 01–671 7811/2

**Lesbian Employment Rights:** Non-AIDS specialist. Good on rights at work. Address: as LAGER Phone: 01–587 1636 (Mon–Thurs 7pm–10pm)

**Lesbian & Gay Employment Rights (LAGER):** Specialist in rights at work. Mainly men. Write: Room 203 Southbank House, Black Prince Road, London SE1 7SJ. Phone: 01–587 1643. (Mon–Fri, noon–5pm)

**London Lesbian and Gay Switchboard:** The original helpline. Not an AIDS specialist – but helpful. Write BM Switchboard, London WC1N 3XX. Phone: 01–837 7324 (24hrs)

**London Lesbian Line:** Information, support and advice for women. Phone 01–251 6911, Mondays and Fridays 2pm–10pm, Tuesdays–Thursdays 7pm–10pm

**London Lighthouse:** Hospice and drop-in centre. Offers counselling, health advice, support at home, breaks for carers and terminal care. 111 Lancaster Road, London W11 1QU. Phone 01–792 1200

**Mainliners:** Group for ex-drug users – and drug users who get their supplies on prescription – who have HIV infection or have AIDS or any other AIDS-related complex. Meets Wednesdays 7.30pm–9.00pm at 359 Old Kent Road, London SE1

**National AIDS Helpline:** Phone – free of charge for free leaflets (0800–555 777) or confidential advice (0800–567 123). 24 hours a day

**North London Social and Support Group:** Info: Joe on 01–482 4107

**Nurses Support Group:** Runs helpline for healthcare workers who need advice and help on HIV problems, Mondays and Wednesdays 7pm–10pm, on 01–708 5605

**Positively Women:** Group of women who have HIV infection or have AIDS. Meets in central London. Info: 01–837 9706 (Mondays–Fridays, 10am–5pm)

**Project for Advice, Counselling and Education (PACE):** One-to-one counselling and training in counselling. Meetings and write c/o London Lesbian and Gay Centre, 69 Cowcross Street, London EC1. Phone: 01–251–2689

**South London Support and Social Group:** Info: Rick, 01–675 3919

**Standing Conference on Drug Abuse (SCODA):** Information officer keeps up-to-date list of needle exchange schemes. 1–4 Hatton Place, London EC1. Phone: 01–430 2341/3

**Terrence Higgins Trust:** Information and counselling about HIV infection and AIDS. Plus support groups and trained volunteers to help people with HIV infection and people with AIDS. Write: BM AIDS, London WC1N 3XX. Phone: 01–831 0330 (admin only) 01–242 1010 (helpline, daily, 3pm–10pm)

**Women's Reproductive Rights Information Centre:** Not an AIDS-specialist – helpful. Advice on all health issues affecting women, including HIV infection and AIDS. 62–64 Featherstone Street, London EC1. Phone: 01–351 8332

**Women's Support Group:** Run by Terrence Higgins Trust. Info: 01–831 0330

## What's AIDS?

AIDS is short for the Acquired Immune Deficiency Syndrome. If you have AIDS your body's defence system against all sort of infections is weakened so much you catch diseases which people whose immune systems aren't affected can just shrug off. And, when you catch them, the diseases turn out to be much more serious than they are in people with healthy immune systems. Nobody knows for certain, but it look as if everyone who has AIDS dies of one of the diseases they catch, such as a fairly rare form of pneumonia. You can't catch AIDS. It develops in you for some reason. HIV probably causes that to happen.

## What's HIV?

HIV is short for the Human Immunodeficiency Virus. It was first discovered in 1983. Since then it has been called LAV and HTLVIII. But since 1986 the proper name for it has been HIV. It may cause AIDS to develop in you. You can catch HIV infection by allowing your body fluids – blood, semen or vaginal fluids – to become mixed with the body fluids of some who's already infected. HIV isn't like most viruses because, when you're infected it lives inside blood cells which are part of your body's defence system.

## What's Immunity?

Immunity is a charity started in 1985 to research into HIV. Its aim is to find some way of helping people who have HIV infection stay well longer. It also runs fitness classes and produces education leaflets and relaxation tapes. With funds from the London Boroughs Grants Scheme, Immunity runs a legal centre in London to give advice and assistance to people who have HIV infection and people who have AIDS. Phone first before visiting to fix a time to call. The address and phone number are at the bottom of this page.

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