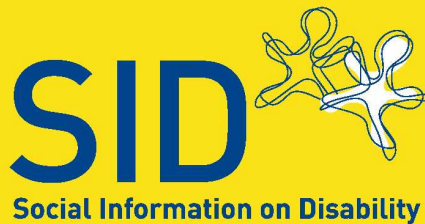




Disability Rights & Benefits

A Quick Guide for Advisers in Surrey



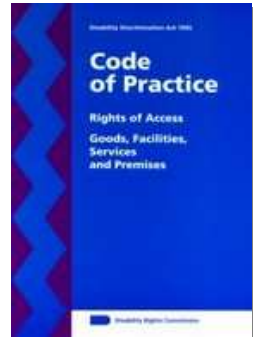
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The DDA 1995

Disabled peoples' rights are protected by the Disability Discrimination Act 1995 (DDA 1995) which prevents discrimination in access to goods & services, employment, education, buying or renting land & property and access to public transport. The act is being phased in over a number of years, so some provisions have yet to come into force. This booklet deals with:

- Part one - who is disabled under the act
- Part two - employment issues
- Part three - access to goods, facilities, services & premises
- Part four - education



Who is disabled under the DDA?

People who have, or had in the past, a physical (including a diagnosis of HIV/AIDS, MS or cancer), a sensory or mental impairment or learning disability that has a substantial & long-term effect on their ability to carry out normal day-to-day activities for 12 months or more.

Who is a service provider?

Anyone who provides a service to the public must ensure that they do not discriminate against disabled people. Service providers include shops, restaurants, dentists, libraries, hairdressers, banks, parks, cinemas, garages, hospitals, solicitors, leisure centres and places of worship. They can be large or small concerns and they can charge for their services or give them free. They must look at how they carry out their business and make reasonable adjustments to their policies, procedures and practices so disabled people can access them.

What should service providers be doing?

Service providers should ensure they do not discriminate against a disabled person by offering them less favourable treatment because the person is disabled. The service should not be refused, unless it is under one of the limited justifications in the act, or be of a reduced quality, or increased cost.

Reasonable adjustments need to be made to enable the disabled person to use a service. This might be providing a loop system, a ramp or information in Braille, A key feature of the act is what is considered 'reasonable'. This can depend on the type of service, the size and resources of the service provider and the effect on the disabled person. There are Codes of Practice which give guidance on this,. Some specific areas of provision are exempt from the DDA 1995.

If discrimination occurs

Initially, any complaints procedure put in place by the service provider should be used. This might result in an apology or a change of decision or provision, and may resolve the issue in a way that is satisfactory to the person making the complaint.

The Disability Rights Commission (DRC) ☎ 08457 622633 has a free, independent conciliation service for disabled people and service providers with disputes under Parts 3 & 4 of the act to enable them to be resolved without going to court. Complaints regarding goods and services can also be taken to a county court. The DRC supports legal test cases.

Local access groups can advise on physical access. Contact them via local disability information services see page 10

Other specialist services working in the fields of education, employment & housing can also give advice and are referred to in this booklet under the relevant sections.

Advice & information on disability

The Equality and Human Rights Commission (08457 622 633) www.equalityhumanrights.com gives advice and information to disabled people, employers and service providers about the DDA.

Citizens Advice Bureaux & disability information services (see page 10) can also advise on disability rights.

The Community Legal Service ☎ 0845 3454345 runs an information line & has a list of solicitors, their special areas of law & information on how accessible their services are.

Employment

Disabled people are protected from the recruitment stage onwards. Employers must make sure any special needs a disabled person has are met from the application stage and throughout employment.

Access to Work (01273 364750 is a government scheme which helps with extra costs related to employing a disabled person (from adaptations to individual support and transport). Disability Employment Advisers based at main Jobcentres in Surrey can advise on this scheme. There are Jobcentres in: Woking ☎ 01483 702100, Guildford ☎ 01483 442400, Camberley ☎ 01276 893939, Redhill ☎ 01737 755800, Weybridge ☎ 01932 748000 and Epsom ☎ 01372 853300.

Employers displaying the Two Tick disability symbol are committed to developing the abilities of disabled staff.

In Surrey, Guildford Employment Rights Advice Line Direct (GERALD) ☎ 01483 460340 can help with employment law issues or contact ACAS ☎ 08457 474747.



Education

The DDA 1995 only requires schools, colleges and universities to publish their information in an accessible format. Education itself is covered by the Special Needs & Disability Act 2001 (SENDA) which makes it unlawful to discriminate against disabled students. A student can be in part or full time education, and attending any type of educational course.



Partnership with Parents ☎ 01737 737300 offers information, advice and support to parents of children with special educational needs in Surrey.

Nationally, the Advisory Centre for Education ☎ 0808 8005793 runs an information service about state education in England and Wales for parents of school age children.

The National Bureau for Students with Disabilities (SKILL) ☎ 0800 3285050 runs an information service on post 16 education.

Transport

Bus terminals, railway stations, airports & ports must be accessible to disabled people, as must be any services they provide like ticket booking or travel information.

Separate regulations set out when buses, coaches & trains must be made accessible, as the transport provisions of the DDA are being phased in over several years. Air travel is excluded from the act. All transport should be fully accessible by 2020. Taxi drivers must carry assistance dogs free of charge unless they have a medical reason **not to do so.**



Renting & buying property

Landlords & those selling property cannot discriminate against a disabled person because of their disability. Responsibility for alterations generally lies with the tenant rather than the landlord. For advice contact Surrey Law Centre ☎ 01483 215000 or West Sussex & Surrey Housing Aid Centre ☎ 01293 419255



Disability Benefits

Benefits advice & help with form filling

Benefit checks can be arranged with the Citizens Advice Bureau (CABx) see page 10 to ensure all the benefits an individual is entitled to are being claimed. Claim forms & advice are also available from the Benefit Enquiry Line (BEL) ☎ 0800 882200.

The **Disability Rights Handbook** is a comprehensive guide for professionals and disabled people and is published annually by Disability Alliance ☎ 0207 7247 8776

Some local disability information services see page 10 will give advice on claiming benefits & help with filling in forms.

If a home visit is necessary it may be arranged with:

- Pensions Service East Surrey ☎ 01737 774023 & West Surrey ☎ 01483 442427
- Surrey Association for Visual Impairment (SAVI) ☎ 01372 377701
- Age Concern Surrey ☎ 01483 446627
- Some CABx see page 10



Benefits for disabled people & carers

Disability Living Allowance & Attendance Allowance are unaffected by savings, income and National Insurance contributions & do not count as income for means-tested benefits.

Disability Living Allowance (DLA)

Disability Living Allowance (DLA) is for children & adults who have care needs and/or mobility needs. It must be claimed before the 65th birthday. If the person has needed help for 3 months and is likely to need it for at least another 6 months they can claim DLA. Claimants who are terminally ill will have their claim fast-tracked. Apply as soon as possible.

DLA is made up of two components, which can be paid on their own or together:

The care component is paid at lower, middle and higher rates, depending on the type and level of help needed by the individual. This can be paid for care needs even if no one is actually giving the care that is needed.

The mobility component is paid at lower and higher rates, depending on the individual's physical mobility or whether they need guidance or supervision to get around safely.

Attendance Allowance

Attendance Allowance (AA) is for people over age 65 who have care needs through disability, or who are terminally ill. AA is paid at middle & higher rates depending on how the disability or illness affects the claimant & whether care is needed during the day, during the night, or both. If the claimant has needed help for at least 6 months they can claim. AA can be paid even if no one is actually giving the care that is needed.

There is no mobility component for AA.

Carer's Allowance

People who are over age 16 & caring for someone for over 35 hours per week who gets the middle or high rate care component of DLA *or* who gets AA, may be entitled to claim Carer's Allowance (CA). They must not earn more than a set amount each week. CA & state pension are not paid at the same time, but if the pension paid is less than the weekly rate for CA it will be topped up by CA to this figure. If it is more, it may still be worth claiming in order to have an 'underlying entitlement' & get premiums on other benefits. As CA can affect the benefits of the person being cared for seek advice before applying.

NOTE: DLA, AA & CA may entitle a claimant to an additional disability or carers premium (extra money) on Income Support, Working Tax Credit, Child Tax Credit, Pension Credit, Housing Benefit or Council Tax Benefit.

Incapacity benefit

Incapacity Benefit (ICB) is paid when Statutory Sick Pay (paid by the employer) has ended or where it cannot be paid. ICB is not paid once someone is over pension age, but some payment can be made for up to one year if it is claimed before retirement age. Entitlement is based on the claimant's National Insurance record & their incapacity for work. People age 16 - 20 (25 for students/trainees) who have been incapable of work for at least 28 weeks without a break may claim without having paid NI.

ICB is paid at the short term lower rate for up to 28 weeks, the short term higher rate for between 28 - 52 weeks & the long term higher rate after 52 weeks. Additional amounts are paid according to claimants' age & whether or not they have dependants. People getting DLA high rate care component or who are terminally ill, will get the long-term rate after 29 weeks.

Working Tax Credit & Child Tax Credit

May be claimed by disabled people working 16 hours or more per week & who have a disadvantage in finding or keeping work. Working Tax Credit & Child Tax Credit are claimed together where applicable 📞 0845 300 3900.

Income Support & Pension Credit

Disabled people under age 60 & on a low income may be able to claim Income Support contact BEL (0800 882200. Those age 60+ may be able to claim Pension Credit 📞 0800 991234.

Other Benefits & Financial Matters

Disabled people seeking work may be eligible for JOBSEEKER'S ALLOWANCE contact JobCentre Plus. If a disability or illness results from an accident at work or from a prescribed industrial disease, contact JobCentre Plus about INDUSTRIAL INJURY DISABLEMENT BENEFITS see page 4. WAR PENSIONS are paid to people whose disabilities arise from time spent in the armed services. Contact the Service Personnel & Veterans Agency 📞 0800 169 2277.

ROAD TAX EXEMPTION is available to people getting high rate mobility component of DLA. Contact the Disability & Carers Unit 📞 08457 123456.

DISABLED FACILITIES GRANTS are means-tested payments made to disabled individuals to make essential alterations to their homes to increase accessibility. Contact the local council.

COUNCIL TAX REDUCTION is available to disabled people who use a wheelchair indoors and/or have an extra room because of their needs. Contact the local council.

DIRECT PAYMENTS enable the disabled person to buy the care they want providing they meet certain criteria. Contact Surrey Independent Living Council 📞 01483 458111.

Citizens Advice Bureaux

Aldershot	0845 1203765	Horley	0870 1264196
Ash	01252 315569	Leatherhead	01372 375522
Banstead	0870 1264009	Oxted	01883 715525
Camberley	01276 684342	Reigate, Redhill & Banstead	0870 1264072
Caterham	01883 344777	Runnymede	01932 842666
Dorking	01306 876805	Spelthorne	01932 765041
Egham	01932 827187	Staines	01784 444220
Epsom & Ewell	01372 720205	Walton, Weybridge & Hersham	01932 248660
Esher	01372 464770	Woking	0845 1202919
Farnham	0844 848 7969	CABx & disability information services advise on disabled	
Godalming	0844 848 7969		
Guildford	01483 576699		
Haslemere	0844 848 7969		

Disability information services in Surrey

DAISE	Elmbridge	01932 248660
DATA	Tandridge	01883 722593
DICE	Epsom & local areas	01372 735243
DisCASS	Guildford & Waverley	01483 860551
WIDE	Woking & Surrey Heath	01483 747400
SID	Countywide	0800 0439395

This booklet is available in
alternative formats on request



0800 0439395



info@asksid.org.uk

Other booklets due in this series:

Accessible Surrey

Disability Equipment

Support at Home

More information on living with a disability in
Surrey can be found at www.asksid.org.uk

A list of Surrey contacts is available in the leaf-
let 'Information for You' available from SID

SID - Social Information on Disability

Rentwood, School Lane

Fetcham, Surrey KT22 9JX



01372 372888 (admin)



0800 0439395 (information line)

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