

# Information Sheet

## 14 Going into Hospital

Some benefits can be reduced or suspended when you go into hospital for a certain amount of time, while others can be kept in full. This information sheet looks at how a hospital stay may affect your benefits and how to deal with any problems or concerns about your care while you are there.

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In this information sheet we tell you which benefits office(s) you need to contact when you go into hospital, depending on the benefits you are getting. It is important to keep the benefits office informed so that it can adjust your benefits if necessary.

- You need to tell the benefits office(s) your date of admission **before** you go into hospital. If you can't do this, let it know as soon as possible afterwards.
- When you leave hospital, let it know you are home, even if no benefits were stopped while you were being treated.
- If you receive Council Tax Benefit or Housing Benefit you need to keep your local council informed in the same way.

If you would like more general information on benefits for older people you might find some of our other advice leaflets and information sheets useful. For example:

- *Claiming Disability Benefits* advises on Attendance Allowance, Disability Living Allowance and other disability benefits.
- Information sheet no. 3, *Attendance Allowance*, gives more detailed guidance on applying for Attendance Allowance.
- Information sheet no. 5, *Welfare Benefits for Older Carers*, looks at Carer's Allowance and other benefits for carers.
- Information sheet no. 29, *Entitlements for the Over 60s*, outlines the main entitlements and concessions for people aged over 60 and where to get further advice.

Contact the Information Resources Team if you would like copies; contact details are on the back page of this information sheet.

## The 28-day rule

Hospital stays that are 28 days or less apart are added together and counted as one stay when calculating how long you have spent in hospital.

- For all benefits, the day on which you are admitted to hospital should **not** be included in the 28 days.
- For Attendance Allowance and Disability Living Allowance the day on which you are admitted **and** the day on which you leave hospital are not included in the 28 days.
- If you go into hospital and then straight into a care home, for respite care, for example, then your stay in the care home will be included as part of the 28 days.

## How your benefits are affected by a stay in hospital

It can be difficult to work out exactly how your benefits will be affected by a stay in hospital. We give an outline of the changes to the main benefits for older people in this section, but if you find it difficult to work out how your benefits will be affected, call our freephone advice service, **SeniorLine**, for guidance. Our trained advice workers can also help if you have an enquiry about a friend's or relative's benefits. Call **SeniorLine** on **0808 800 6565 (0808 808 7575** if you are in **Northern Ireland**).

### Attendance Allowance and Disability Living Allowance

Attendance Allowance and Disability Living Allowance (care component) are suspended after **28 days** in hospital. The mobility component of Disability Living Allowance will also be suspended after **28 days** in hospital unless you have a Motability agreement. If you have a Motability agreement the mobility component will continue to be paid to Motability for the full term of the agreement whilst you are in hospital. Any balance which would have been paid to you will stop after 28 days.

If you get one of these benefits and are going into hospital you must inform the **Disability Living Allowance and Attendance Allowance helpline** straight away. Call it on **0845 7123 456** if you are in England, Scotland or Wales. If you are in Northern Ireland, call the **Disability and Carer's Service** on **028 9090 6178** (if you get Attendance Allowance) or **028 9090 6182** (if you get Disability Living Allowance). Remember to inform it when you

know that you are going to be discharged from hospital or when you are discharged so your benefits can be reinstated.

Pension Credit, Housing Benefit, Council Tax Benefit or Employment and Support Allowance may also be affected once your Attendance Allowance or Disability Living Allowance stops. This is explained in more detail below.

## Carer's Allowance

Carer's Allowance may be affected if the person **you care for** goes into hospital or if **you go** into hospital.

**If the person you care for goes into hospital**, you may be able to continue to receive Carer's Allowance for up to 12 weeks out of a 26-week period; this will depend on how long you have been caring for someone and whether you have had a break within the last 26 weeks.

If the person you care for loses their disability benefit when they are in hospital, your Carer's Allowance will stop at the same time.

**If you go into hospital**, your Carer's Allowance will stop after 12 weeks; this may be sooner if you have been in hospital or had a break within the last 26 weeks.

If the person you care for has to go into respite care, your Carer's Allowance will stop after four weeks, unless the person can arrange a pattern of respite care that allows them to keep their Attendance Allowance or Disability Living Allowance. In which case, you would be able to continue to receive your Carer's Allowance.

For more information on this, call the **Carer's Allowance Unit** on **01253 856123** (or call the **Pension, Disability and Carer's Service** on **028 9090 6186** if you are in Northern Ireland).

## Pension Credit

Pension Credit can sometimes continue to be paid indefinitely without being reduced or stopped. It is divided into two parts – guarantee credit and savings credit. You can get either or both of these, and they are affected in different ways by a stay in hospital.

## Guarantee credit

If your income is below a certain level, known as the appropriate minimum guarantee, guarantee credit will make up the difference. In 2009–10 the appropriate minimum guarantee is £130. If you are a carer or you are severely disabled you can also receive an additional amount to reflect this.

When you are in hospital, the guarantee credit part of Pension Credit can sometimes be paid indefinitely without being reduced.

**If you get the guarantee credit part of Pension Credit because you are a carer or because you are severely disabled, you may find that your guarantee credit is reduced during a stay in hospital.**

- You can lose Carer's Allowance during a lengthy stay in hospital (see page 4). If you do, any extra amount of Pension Credit you get for being a carer is usually suspended **eight weeks** after your Carer's Allowance stops.
- If you are single and get any extra Pension Credit for being severely disabled, this will stop after 28 days in hospital (at the same time as you lose your Attendance Allowance or Disability Living Allowance).
- If you are part of a couple, any extra amount of Pension Credit you get for severe disability will continue to be paid, but only at the single person rate.

The examples over the page may help to explain how additional amounts of Pension Credit for people who are severely disabled or who are carers may be affected by a stay in hospital.

**Example 1.** Miss Smith is single, and has a retirement pension of £100 per week with no other income. She has savings of less than £6,000. When she is at home, Miss Smith receives a guarantee credit of £30 which takes her income up to the Pension Credit level of £130. She is also disabled and gets Attendance Allowance. Because she is severely disabled she receives an additional amount of £52.85. Her guarantee credit is now £82.85 giving her a total of £182.85 per week. Miss Smith then has to go into hospital. After four weeks in hospital she no longer receives the extra amount of guarantee credit as her Attendance Allowance is stopped. As a result Miss Smith now only receives her £100 per week pension plus £30 guarantee credit giving her the Pension Credit level income of £130 whilst she remains in hospital.

**Example 2.** Mr Adewole is single and has a retirement pension of £150 per week when he is at home. He has less than £6,000 in savings. He is severely disabled and he receives Attendance Allowance. Mr Adewole receives a guarantee credit of £32.85 taking his income up to the Pension Credit level for someone who is severely disabled. This gives him a total income of £182.85 per week. Mr Adewole has to go into hospital. After four weeks in hospital he will no longer receive an extra amount of guarantee credit because his Attendance Allowance has been stopped. He will now only receive his pension of £150 per week. He will not receive any guarantee credit. This is because his income is now above the Pension Credit level of £130 per week and, because he is no longer receiving Attendance Allowance, he does not qualify for any additional amount of guarantee credit.

If you lose the guarantee credit part of Pension Credit you will have to make a new claim for Council Tax Benefit (and Housing Benefit if you rent your home) as you will no longer be automatically entitled to these benefits. If you still get **some** guarantee credit, Council Tax Benefit and Housing Benefit may continue to be paid in full.

If you are in any doubt as to whether your Pension Credit will be affected by a stay in hospital, call **SeniorLine** on **0808 800 6565** (or **0808 808 7575** in **Northern Ireland**).

## Savings credit

The savings credit part of Pension Credit may not be affected when you go into hospital. However, the amount of savings credit you get might change if you lose entitlement to the extra amounts for Severe Disability Allowance or Carer's Allowance as described before on page 4.

If you claim Pension Credit and are going into hospital, contact **The Pension Service** on **0845 606 0265** (or **0845 601 8821** if you are in **Northern Ireland**).

## Council Tax Benefit and Housing Benefit

**Generally, Council Tax Benefit and Housing Benefit will not be stopped or reduced until you have been in hospital for 52 weeks.**

However, if you lose the guarantee credit part of Pension Credit, as described in the previous section, you would have to re-apply for Council Tax Benefit and Housing Benefit. If you still get some guarantee credit you may continue to get your Council Tax Benefit and Housing Benefit in full, as usual, for up to 52 weeks.

If you don't get Pension Credit, but get **severe disability premium** or **carer's premium** with your Housing Benefit or Council Tax Benefit, you could lose these benefits before you have spent 52 weeks in hospital. This is because these premiums depend upon whether you receive Attendance Allowance, Disability Living Allowance (care component) or Carer's Allowance, all of which are stopped earlier on.

If you lose your severe disability premium or carer's premium, you may also lose entitlement to Housing Benefit or Council Tax Benefit.

If your Attendance Allowance, Disability Living Allowance (care component) or Carer's Allowance is stopped during a stay in hospital, contact your local council so that it can adjust your Housing Benefit or Council Tax Benefit if this is required.

Housing Benefit will not be paid once you have been in hospital for more than a year. Council Tax Benefit will also usually stop after a year, but if your stay in hospital means that your house is unoccupied, it will be exempt from Council Tax altogether. Contact your local council to tell them about this. If you are part of a couple, you and your partner will be treated as separate claimants by

this point, so your partner should claim Housing Benefit and Council Tax Benefit as if they were a single person.

## Employment and Support Allowance

Employment and Support Allowance (ESA) is a new benefit that has replaced Incapacity Benefit for new claimants. Anyone already claiming Incapacity Benefit will not be transferred onto the new scheme until April 2010 at the earliest.

If you are claiming ESA and go into hospital, you will automatically be treated as having a limited capacity for work. This will put you in the support group for ESA, entitling you to the support component of ESA. You will also not have to attend work focused interviews.

You will receive ESA for up to one year. After one year, you can still get Contribution-Based ESA but you will not get the work-related activity component or the support component.

**If you get any extra ESA because you are a carer or because you are severely disabled, you may find that your ESA is reduced during a stay in hospital.**

- If you get the severe disability premium, this will stop after 28 days in hospital (at the same time as you lose your Attendance Allowance or Disability Living Allowance). If you get the enhanced disability premium, you can get this for up to one year.
- You can lose Carer's Allowance during a lengthy stay in hospital (see page 4). If you do, any extra amount of Income-Related ESA you get for being a carer is usually suspended **eight weeks** after your Carer's Allowance stops.

## State Retirement Pension

Your State Retirement Pension will be paid in full for the whole time you are in hospital, no matter how long you stay.

Previously, State Retirement Pension was 'downrated' after you had been in hospital for over 52 weeks. This rule was abolished as of 10 April 2006.

## Other benefits

Some other benefits are paid in full for your whole stay in hospital. These benefits are:

- Incapacity Benefit
- Severe Disablement Allowance
- Bereavement Allowance
- Widowed Mother's Allowance/Widowed Parent's Allowance
- Widow's Pension
- Industrial Death Benefit
- Unemployability Supplement.

War Disablement Pension can often be increased when you go into hospital, if the treatment is for the war injury. For more information call the **Service Personnel and Veterans Agency Helpline** on **0800 169 2277**. If you get Income Support (for people aged under 60) this will be affected by a stay in hospital in the same way as Pension Credit – see page 4.

## Spending time at home

If you spend a few days at home, perhaps on a trial run to make sure you can manage, or as part of your regular treatment pattern, tell the office that pays your benefits. They should pay the full amount of benefit for the time you spend at home.

## Help with the cost of travelling to hospital

If your income is low, you may be able to get help with the cost of travelling to hospital. The full cost of your fares will be paid if you receive Income Support, Income-Based Jobseeker's Allowance, Income-Related Employment and Support Allowance or the guarantee credit part of Pension Credit, and may be paid if you get Working Tax Credit. Fares will also be reimbursed if you have a certificate **HC2** or if you have a war pension and need treatment because of the disability for which you get the pension. If you have a certificate **HC3** you may receive a refund on part of the fare.

You can get certificates HC2 and HC3 if your income is low, but you do not qualify for the guarantee credit part of Pension Credit. To apply, fill in form **HC1** which you can get from your NHS hospital or by calling the **Department of Health** on **0300 123 1002** (textphone: 0300 123 1003). You

may also be able to pick one up from your local benefits office or doctor's surgery. Our free information sheet no. 9, *Health Benefits*, explains in more detail about who can get one of these certificates, and how to apply for one.

If you are entitled to help with travelling costs, payment is made at the hospital when you visit. Ask the hospital receptionist who deals with fares. You will need to show proof of your entitlement, such as your Pension Credit award letter or an HC2 or HC3 certificate, and the cost of your fares will be refunded to you.

If you cannot claim on the grounds of having a low income, but still need financial help, there are other possible sources of assistance such as hospital endowment funds, your local council's social care department, or a local or national charity. For more information on benevolent societies, see our free information sheet no. 6, *Financial Help from Benevolent Societies*.

## Your rights in hospital

You have a legal right to a reasonable standard of care and treatment from hospital staff. What is defined as reasonable is judged by what other members of the same profession would do in similar circumstances. There are also some basic standards which NHS hospitals are required to meet.

These include:

- respect for privacy, dignity and religious and cultural beliefs;
- respect for confidentiality;
- a clean and safe hospital environment; and
- a named nurse in charge of your care, and name badges to be worn by all staff.

If you have any worries about the standard of care you receive in hospital, try to raise your concerns directly with the staff involved, or the nurse in charge of the ward. If this doesn't help, you can make a formal complaint.

### The NHS complaints process

If you are not happy with the treatment you have received or been refused on the NHS, you can make a complaint. It is your right to have this complaint investigated and to be given a full and prompt written reply. The hospital should be able to tell you what its complaints procedure is.

You usually have to complain within six months of the problem occurring, or within six months of becoming aware of the problem. This may be extended if you were unable to complain at the time because you were too ill.

The first stage of the complaints process is to put your complaint to the hospital (or any individual NHS service which you have a complaint about). You should get an outcome letter (or progress report) within 25 working days; most complaints are resolved at this stage. If you are not satisfied with the outcome, you can ask for an independent review; you need to do this within 28 days of receiving the outcome letter from your initial complaint. If your complaint is still not resolved after this stage, you can put your complaint to your health service ombudsman as a last resort (this is the second stage in Scotland). For help with making a complaint get in touch with your:

- **Patient Advice and Liaison Service** if you are in England;
- **community health council** if you are in Wales; or
- **health and social services council** if you are in Northern Ireland.

Most hospitals in England now have a **Patient Advice and Liaison Service (PALS)**, which is intended to provide on-the-spot help and advice to patients and their families. If you have any concerns or problems during your stay in hospital, the Patient Advice and Liaison Service should be able to help you. Ask staff on the ward if there is a PALS in the hospital, and how you can contact it.

**In Scotland**, your local NHS board is responsible for dealing with complaints (see page 14 for its details). But any member of staff at the hospital should be able to tell you how to make a complaint and who to complain to. Your local Citizens Advice Bureau should also be able to give you advice on complaining about the NHS.

For more information on making a complaint, see our free information sheet no. 27, *How to Make a Complaint*.

### Your right to information

You have the right to have any proposed treatment, including the risks and any alternatives, clearly explained before you agree to it. Doctors should reply fully and truthfully to any questions you ask about your health and treatment. However, doctors can withhold information if they think this is in your best interest, although this does not happen very often.

If you feel that you are not being told enough, talk to your doctor about your concerns, and make sure you ask for an explanation of anything you are unsure about.

You have the right to see most of your health records. You are entitled to be informed of the uses of the information, who has access to it and how you can arrange to see your records. For more information speak to the health professional in charge of your case.

Your right to refuse treatment

You normally have a right to refuse any treatment or medication as long as you understand what this refusal will mean. A doctor can only examine and treat you without your consent in certain circumstances; for example, if you are:

- unconscious and cannot indicate your wishes;
- detained under the Mental Health Act; or
- temporarily incapable of giving consent; for example, due to drugs or alcohol.

You can make an **advance decision** (or 'living will') to indicate how you would like to be treated if you are unable to give or refuse consent in the future. This can give you peace of mind, knowing your wishes should not be ignored if you are unable to take an active role in making a decision about your treatment one day. Age Concern produces an information sheet, *Advance Decision, Advance Statements and Living Wills*, which explains the law in more detail.

If you are forced into having any treatment you don't want, this can be treated as an assault. Your Patient Advice and Liaison Service (or equivalent outside England) should be able to advise you if you think you have been given any treatment or medication without your consent.

Discharge

If a hospital believes that you are no longer in need of treatment, it is entitled to discharge you. It is the hospital's responsibility to ensure that you do not leave hospital without adequate arrangements being made for your support in the community.

You should not feel pressurised into making hasty decisions about going home or perhaps into a care home. This particularly applies if you are not sure whether you will be able to cope at home, or whether you need residential or

nursing care. Hospital staff should appreciate that finding a suitable care home takes time.

If you are returning home, it is important to make sure well in advance that there will be the help and facilities there that you will need. If it is likely that you will need help to manage at home, the hospital should arrange for you to be assessed by your local council to see what sort of help you will need from the social services department (social work department in **Scotland** and health and social services trust in **Northern Ireland**).

You may be offered **intermediate care**. This is a short period (up to six weeks) of intensive rehabilitation and recovery. It can help you return home or find out if you can manage at home.

If you are unhappy with the arrangements being made or if you have any concerns about being discharged from hospital, talk to a member of the hospital staff and explain your concerns.

**More detailed information and advice on discharge from hospital is given in information sheet no. 22, *Coming Out of Hospital*.**

## Useful contacts

Advice and support if you want to complain about the NHS

England

### **Patient Advice and Liaison Service (PALS)**

The Patient Advice and Liaison Service (PALS) gives immediate help and advice on dealing with any problems patients may have while in hospital. Ask a member of staff in the hospital for the contact details of the PALS office; there should be one based within the hospital itself.

### **Independent Complaints Advocacy Service (ICAS)**

The Independent Complaints Advocacy Service (ICAS) is an independent service which can help you to make a complaint about the NHS. Your PALS office will be able to give you contact details or you can contact the service directly yourself. The telephone numbers for regional ICAS offices are:

London	0845 120 3784
South East	0845 600 8616
Eastern (Beds and Herts)	0845 456 1082
Eastern (Cambs, Norfolk, Suffolk)	0845 456 1084
Eastern (Essex)	0845 456 1083
South West	0845 120 3782
West Midlands (Birmingham; the Black Country)	0845 120 3748
West Midlands (Shropshire; Staffordshire)	0845 337 3054
West Midlands (Coventry; Warwickshire; Worcestershire; Herefordshire)	0845 337 3056
East Midlands	0845 650 0088
North East	0845 120 3732
North West	0845 120 3735
Yorkshire/Humberside	0845 120 3734

Wales

### **Community Health Councils**

Ask a member of staff in the hospital for the address and phone number of your community health council or contact:

Board of Community Health Councils in Wales

2<sup>nd</sup> Floor, 33–35 Cathedral Road

Cardiff CF11 9HB

Tel: 0845 644 7814

Scotland

Your local NHS board is responsible for dealing with complaints. Any member of staff in the hospital should be able to tell you how to make a complaint.

### **NHS boards in Scotland:**

NHS Ayrshire and Arran	01292 611040
NHS Borders	01896 825500
NHS Dumfries and Galloway	01387 246246
NHS Fife	01592 643355
NHS Forth Valley	01786 463031
NHS Grampian	0845 456 6000
NHS Greater Glasgow and Clyde	0141 201 4444
NHS Highland	01463 717123
NHS Lanarkshire	01698 281313
NHS Lothian	0131 536 9000
NHS Orkney	01856 888000
NHS Shetland	01595 743060
NHS Tayside	01382 818479
NHS Western Isles	01851 702997

Health Rights Information Scotland produce information for patients about their rights and how to use the NHS service.

Health Rights Information Scotland

Scottish Consumer Council

Royal Exchange House

100 Queen Street

Glasgow G1 3DN

Tel: 0141 226 5261

Web: [www.hris.org.uk](http://www.hris.org.uk)

### **Citizens Advice Bureau**

Contact your local Citizens Advice Bureau for independent advice on making complaints about the NHS. Check your phone book for details or search for your nearest branch on the Citizens Advice Scotland website **[www.cas.org.uk](http://www.cas.org.uk)**

Northern Ireland

### **Health and social services council**

Call the freephone number **0800 917 0222** to be put through to the health and social services council.

### Other useful resources

The Social Care Institute for Excellence produces a leaflet called *Helping you through a hospital stay: Advice from older people*. It aims to help with some of the feelings, uncertainties and anxieties you may have about going into hospital. You can download it from its website at [www.scie.org.uk](http://www.scie.org.uk)

## For further information contact:

Information Resources Team  
Help the Aged  
207–221 Pentonville Road  
London N1 9UZ  
Tel: 020 7278 1114

If you have access to the internet you can download our information sheets and advice leaflets by logging on to **[www.helptheaged.org.uk](http://www.helptheaged.org.uk)**

**SeniorLine** is the free welfare rights advice and information service run by Help the Aged for older people and their carers. Trained advice workers offer free, confidential and impartial advice about:

- welfare and disability benefits
- care at home
- residential care
- housing options and adaptations
- access to health and community services.

Freephone: **0808 800 6565**

Textphone: **0800 26 96 26**

**9am to 4pm, Monday to Friday**

If you are in **Northern Ireland**, contact **SeniorLine** on **0808 808 7575**.

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Age Concern England (charity number 261794) has merged with Help the Aged (charity number 272786) to form Age UK, a charitable company limited by guarantee and registered in England: registered office address 207–221 Pentonville Road, London, N1 9UZ, company number 6825798, registered charity number 1128267. Age Concern and Help the Aged are brands of Age UK. The three national Age Concerns in Scotland, Northern Ireland and Wales have also merged with Help the Aged in these nations to form three registered charities: Age Scotland, Age Northern Ireland, Age Cymru.