

Information Sheet

14 Going into Hospital

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

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

- You need to tell them your date of admission before you go into hospital. If you can't do this, let them know as soon as possible afterwards.
- When you leave hospital, let them 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 authority informed in the same way.

If you would like more general information on benefits for older people you might find the following advice leaflets and information sheets useful:

- ***Can You Claim It?*** gives information on Pension Credit, Housing Benefit, Council Tax Benefit and the Social Fund.
- ***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.

Contact the Information Resources Team if you would like copies.

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.

How your benefits are affected by a stay in hospital

It can be tricky 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 line SeniorLine for guidance. Our advice workers can also help you if you have an enquiry about a friend 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 and mobility component) stop completely after **28 days** in hospital.

If you get one of these benefits and are going into hospital inform the Disability Benefits Unit 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).

If you get Pension Credit, Housing Benefit or Council Tax Benefit these benefits may also be affected once your Attendance Allowance or Disability Living Allowance stops. This is explained in more detail later on.

Carer's Allowance

If you have been providing care for at least 14 weeks out of the last 26 weeks you may continue to get Carer's Allowance for up to **12 weeks** if you go into hospital. For more information on this, ring the Carer's Allowance Unit on

01253 856123 (or call the Disability and Carer's Service on 028 9090 6186 if you are in Northern Ireland).

(If someone gets Carer's Allowance for looking after you this will stop once you stop getting Attendance Allowance or Disability Living Allowance, after 28 days).

Pension Credit

Pension Credit 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

How your guarantee credit is affected depends on:

- whether you get any extra guarantee credit for being a carer or being severely disabled; and
- how long you are in hospital for.

Your guarantee credit could be affected by a stay in hospital if you usually receive extra amounts for being severely disabled or for being a carer with your Pension Credit. Entitlement to these extra amounts depends on your receiving Carer's Allowance, Disability Living Allowance or Attendance Allowance.

- You can lose Carer's Allowance during a lengthy stay in hospital (see page 3); any extra amount of Pension Credit you get for being a carer stops **eight weeks** after your Carer's Allowance stops.
- If you are single and get any extra Pension Credit for severe disability 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.

Losing these extra amounts means your Pension Credit will be reduced and you may even lose entitlement to the guarantee credit part of Pension Credit altogether. This is because receiving extra amounts for being a carer or for

severe disability means that you can have a higher weekly income and still qualify for Pension Credit. If the extra amount is stopped, then your income may now be too high for you to qualify for 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. However, if you still get **some** guarantee credit then Council Tax Benefit and Housing Benefit will continue to be paid in full.

If you do not get extra amounts with your guarantee credit for being a carer or severely disabled then your guarantee credit will not be affected, by any stay in hospital.

If you went into hospital before April 2005, and you stayed for over 52 weeks, your Pension Credit would have been cut, or perhaps even lost, regardless of whether you are a carer or severely disabled. If this was the case, and you are still in hospital now (ie after 10 April 2006), your Pension Credit should be reinstated (or go back up to your usual minimum guarantee for 2006-07).

<p>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)</p>
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Savings credit

The savings credit part of Pension Credit is not officially 'downrated' 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 or caring as described before on page 4.

If you claim Pension Credit and are going into hospital contact the Pension Service on **0845 6060 265** (or **0845 601 8821** if you are in Northern Ireland).

Council Tax Benefit and Housing Benefit

Generally, Council Tax Benefit and Housing will not be lost 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 reapply for Council Tax Benefit and

Housing Benefit. But if you still get some guarantee credit you will 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 also lose these benefits before you have spent 52 weeks in hospital. This is because these premiums depend on your receiving Attendance Allowance, Disability Living Allowance or Carer's Allowance, all of which are stopped earlier on. If you lose 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 or Carer's Allowance is stopped during a stay in hospital contact your local authority so that they 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 then it will be exempt from Council Tax altogether. Contact your local authority 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 he or she should claim Housing Benefit and Council Tax Benefit as if they were a single person.

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 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 Benefit
- Bereavement Allowance
- Widowed Mothers Allowance/Widowed Parents Allowance

- Widows Pension
- Industrial Death Benefit
- Unemployment Supplement

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.

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 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 are a war pensioner 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 **0800 555 777**. You may also be able to pick one up from your local social security office or GP surgery. Our 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 low income grounds, but still need financial help, there are other possible sources of assistance such as hospital endowment funds, your local authority's social care department, or a local or national charity. For more information on benevolent societies, see our 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;
- 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 their complaints procedure is.

You usually have to complain within six months of becoming aware of the problem and within 12 months of the problem occurring.

The first stage of the complaints process is to put your complaint to the hospital (or any individual NHS service that you have a complaint about). If you are not satisfied with the outcome you can ask for an independent review. If your complaint is still not resolved after this stage you can put your complaint to your health service ombudsman as a last resort (although this can be the second stage in Scotland). For more information see our information sheet no. *27 How to Make a Complaint*.

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 your ward if there is a PALS in the hospital, and how you can contact it.

In Scotland, the local health councils used to advise and support people with complaints. However these councils were closed in April 2005 and have not been replaced with anything similar. Your local NHS board is responsible for dealing with complaints (see page 12 for 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.

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 interest, although this does not happen very often.

If you feel that you are not being told enough, it is more likely to be through a lack of communication rather than any deliberate attempt to keep you in the dark. Talk to your doctor about your concerns, and make sure you ask for an explanation of anything you are unsure about.

You have a right to see your medical records, although you do not have the automatic right to see written records that were made **before** November 1991.

Your right to refuse treatment

You are normally free 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.

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 in the rest of the UK) 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, then they are 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, then 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 authority to see what sort of help you will need from their social care department.

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)

Your patient advice and liaison service (PALS) is set up to give immediate help and advice on dealing with any problems you 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 their contact details or you can contact them 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	0845 120 3748
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

Ground Floor Front, Park House

Greyfriars Road

Cardiff CF10 3AF

Tel: 0845 644 7814

Scotland

NHS boards in Scotland:

NHS Argyll and Clyde	0141 842 7200
NHS Ayrshire and Arran	01292 281821
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	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

Contact your local Citizens Advice Bureau for independent advice on making complaints about the NHS. Check your phonebook for their details or search for your nearest branch on the Citizens Advice Scotland website www.cas.org.uk

Northern Ireland

Health and social services councils

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

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

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
- Community and residential care
- Housing options and adaptations
- Access to health and community services
- Equipment to assist independence
- Support for carers
- Agencies offering local practical help

Freephone: **0808 800 6565**

Textphone (Minicom): **0800 26 96 26**

9am to 4pm, Monday to Friday

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

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