# Universal Credit (UC) for Disabled Students

## Introduction

If you have sight loss, or provide care for someone who does, there are a number of welfare benefits you may be entitled to. Some of these benefits can help provide you with an income if you are not able to work, while others can help towards the extra costs that often make life more expensive if you have a disability.

We have produced various factsheets to help you learn more about the benefits that you are most likely to be entitled to if your life is affected by sight loss.

This factsheet is about Universal Credit (UC) is specifically for disabled students, it provides information on how to make a claim and receive this benefit if you are a student.

One of the basic conditions for claiming UC has always been that the claimant is **not** receiving education. However, there are some limited exceptions to this rule, a full list of exceptions (such as being responsible for a child) can be found at the end of this factsheet.

To satisfy the exception on the basis of a disability, you must be:

* in **receipt of a disability benefit** such as Personal Independence Payment (PIP), Disability Living Allowance (DLA), Adult disability Payment (ADP), Child Disability Payment (CDP) or Attendance Allowance (AA); **and**
* have been assessed as having ‘**limited capability for work’ (LCW)**.

These two key requirements need to be in place for this exception **before** you can claim UC as a student.

## How do I meet the requirements?

### Receipt of a Disability Benefit

This can be achieved by making a claim for, and being awarded, a disability benefit. The benefit most relevant for this is likely to be PIP, as this is the disability benefit for people aged 16 to pension age but DLA and AA also count for this purpose, as do the Scotland equivalents, CDP and ADP.

### Being assessed as having Limited Capability for Work (LCW)

The assessment to establish LCW is carried out when claiming **Employment & Support Allowance (ESA)** or **UC**, on the basis of being unfit for work due to illness or disability. This is established through a **Work Capability Assessment (WCA)**.

Due to a law change in November 2021 LCW now has to be established **before** the period of study is undertaken, for a student to be able to claim UC. It is not always possible to make a UC claim prior to starting a course of education. It may be, for example, that you are still part of your parents’ claim for benefits.

### So how do I get a WCA in advance of starting full-time education?

The way to have WCA and be established as having LCW is to make a claim for what is known as **New-Style ESA (NS-ESA)**.

Unless you have worked during the previous two tax years, NS-ESA will not provide any actual payment, but it is possible to make the claim anyway, on a **‘credits-only’** basis.

Making this ‘credits-only’ claim for NS-ESA will provide access to a WCA which can establish your LCW status.

Once you have LCW status **and** are also in receipt of a disability benefit such as PIP, you can then start a course of education and make a claim for UC.

#### Can I still make a claim for NS-ESA if my parents already claim benefits for me?

This is not a problem. They can continue to claim any benefit for you, such as child benefit and these will not be affected by you claiming the credits-only ESA for yourself. Credits-only claims for ESA do **not** affect existing entitlements in this way. What they will do however is provide weekly national insurance credits and, more importantly, provide access to a WCA.

#### What if I actually receive payment of NS-ESA?

It is important to bear in mind that a young person aged 16-20 cannot be paid NS-ESA **and** be a ‘qualifying young person’ at the same time i.e., one for whom child benefit and a UC child element can be paid to a parent or person acting as a parent.

Therefore, if you wish to remain a qualifying young person, the NS-ESA claim would have to be **credits-only** rather than one where payment is received.

It would be very unlikely however that a young person would satisfy the NI contribution conditions for an award of NS-ESA, as this involves the claimant having worked and earned income over a certain amount during two previous tax years before the claim. If you have been working, it is possible to check your previous contributions to verify this.

You may however be eligible to claim UC in your own right in this instance e.g., if you are assessed as having **‘limited capability for work-related activity’ (LCWRA)**.

If you think there is a chance NS-ESA payments may be applicable due to previous earnings while you are still aged 16-20, we recommend you call our helpline for further advice.

## How do I make the claim for New-Style ESA?

You can claim online at **gov.uk/guidance/new-style-employment-and-support-allowance**.

You can also make a claim by calling the Jobcentre Plus new claims helpline on **0800 0556688** (text phone **0800 3281344**). Explain that you want to make a claim for new-style ESA and not UC.

When making the claim you will be asked if you have worked in the past few years and paid national insurance contributions.

If/when stating ‘no’ to this, you will be told you will not receive payments but that you have the option to continue with the claim in order to receive class 1 national insurance credits. You should opt to continue with the claim process so you can have a WCA.

### When should I consider making a claim for NS-ESA to get the NI credits?

If you are intending to go into full-time education at some point, it is worth making this claim as soon as possible. This is because the WCA process can often take a considerable amount of time to complete (sometimes up to a year or more, but usually less).

We consider it wise for example, for a disabled young person aged 16 or 17 at school, considering going to college or university after their A-levels, to make a claim for NS-ESA at least a year before their course begins to ensure it is complete.

### What does the WCA process look like?

Once you have submitted your claim, you will initially be asked to provide a **fit note** from your doctor to show you are not well enough to work due to your condition.

You will then be sent a form to complete called a **UC50**. This is the form where you explain what your condition is and how it affects your ability to carry out daily activities. After this there is then a medical assessment, which is generally carried out over the phone but can be face-to-face.

Wherever possible, decisions on your WCA will be made using paperwork and medical evidence/letters you have. If you have convincing evidence of your condition, it can also speed up the process.

When completing your **UC50** or approaching a medical assessment you can contact our Helpline for advice. Please see our “Work Capability Assessment” factsheet for information on preparing for a WCA.

#### If I am awarded UC while studying, will it affect my other student finances?

Any money you have coming in, such as a student loan or grant, does count as income for UC purposes, apart from a small amount that is deducted for travel and books. The remainder will be deducted from any UC payment.

**Note**, this amount of the loan or grant in question will be deducted **irrespective** of whether or not you actually claim it.

However, a UC claim can include housing costs (such as rent), so you will be able to claim help with these costs, which can make a huge difference to your financial situation. Your disability benefit money (PIP, ADP, DLA, CDP or AA) is completely disregarded as income when assessing your entitlement to UC.

It may also be that the WCA may award you what is known as **Limited Capability for Work-Related Activity (LCWRA)** as well as the LCW you need to make the UC claim. This would entitle you to an additional **£390.06** per month in your UC maximum amount.

## Further Information

To ensure you can claim UC when you start studying, you need to have established your LCW. We advise taking action to do so as early as when you are 16 or 17.

Establishing this in good time before your course begins through a NS-ESA claim is a good way to achieve this, as well as ensuring you have claimed the disability benefit applicable to you.

### List of other exceptions where a UC claim is allowed for a student

As a student you can also make a claim for Universal Credit if you:

* are in non-advanced education and under 21 (or were under 21 and reached that age while undertaking the course) and have no parental support
* are responsible for a child
* are part of a couple, your partner is a student and they are responsible for a child
* are a single foster parent
* have reached pension age and have a partner who has not reached that age yet
* have a partner who is not a student, or who is a student and able to claim for themselves
* are waiting to return to a course after an agreed break due or illness or because you were caring for someone (providing you were not eligible for a student loan or grant during that time).

## How we can help

If you would like any more information about Universal Credit for disabled students, you can speak to our Sight Loss Advice service by calling our Helpline. Our advisors can also carry out a full benefit check with you and give you advice about applying for other benefits you may be missing out on.

Our Welfare Benefit Sight Loss Advisors are available to offer help if you would like to challenge a benefit decision or think you should be awarded more than you have been. Our advisers can help you with the mandatory reconsideration and First Tier Tribunal (appeals) process.

RNIB’s Legal Rights service is available to offer you help with more complex benefit queries and appeals, such as those to the Upper Tribunal, once the initial appeals process to the First Tier Tribunal has been completed.

### RNIB Helpline

If you need someone who understands sight loss, call our Helpline on **0303 123 9999**, say **“Alexa, call RNIB Helpline”** to an Alexa-enabled device, or email **helpline@rnib.org.uk**. Our opening hours are weekdays from 8am – 8pm and Saturdays from 9am – 1pm.

### Sight Advice FAQ

Sight Advice FAQ answers questions about living with sight loss, eye health or being newly diagnosed with a sight condition. It is produced by RNIB in partnership with other sight loss organisations. **sightadvicefaq.org.uk**

### Connect with others

Meet or connect with others who are blind or partially sighted online, by phone or in your community to share interests, experiences and support for each other. From book clubs and social groups to sport and volunteering, our friendly, helpful and knowledgeable team can link you up with opportunities to suit you. Visit **rnib.org.uk/connect** or call **0303 123 9999**.

The factsheet gives general guidance only and is not an authoritative statement of the law.



**RNIB Legal Rights Service**

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