

# Migraine and welfare benefits

the  
**migraine**  
trust

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For further information visit The Migraine Trust website [www.migrainetrust.org](http://www.migrainetrust.org)  
or email [info@migrainetrust.org](mailto:info@migrainetrust.org)

This document has been reviewed by Disability Rights UK for accuracy and compliance with current welfare benefits and equality legislation.



**Migraine** is a severe and painful long-term health condition.



**Migraine** may be considered a disability



People with **Migraine** may be able to claim certain welfare benefits (depending on their circumstances)



People with **Migraine** should seek advice from a trained welfare benefits adviser



For more information and support on **Migraine**, contact The Migraine Trust helpline – 0808 802 0066 or [info@migrainetrust.org](mailto:info@migrainetrust.org)

## Summary

If you have migraine, you may be able to claim welfare benefits. These benefits are dependent on your individual circumstances.

If you have migraine and it means you can't work or can't work full time, you may be able to claim Universal Credit, a government payment to help with living costs. If you have difficulties with daily living and/or getting around because of your condition, you may be able to make a claim for Personal Independence Payment (for those between 18 and state pension age).

There is also Attendance Allowance (for people over state pension age) which helps with extra costs if you need someone to look after you because of your condition. If someone cares for you, they may be able to claim Carer's Allowance or get practical help from your local council. If you are employed but are off sick from work due to your migraine, you may be able to claim Statutory Sick Pay.

If your claim for any of the benefits administered through the Department for Work and Pensions is unsuccessful and you disagree with the decision, there are ways in which you can appeal.

Our 'Migraine and welfare benefits' toolkit provides information and guidance on welfare benefits that you or someone you support may be entitled to as a result of migraine.

## What is migraine?

Migraine is a severe and painful long-term health condition. People with the condition have migraine attacks, which are a whole-body experience. Symptoms of these can include:

- head pain,
- problems with your sight such as seeing flashing lights,
- being very sensitive to light, sounds and smells,
- feeling very tired,
- feeling sick and being sick.

Different people get different symptoms. When you have a migraine attack, you may not be able to function normally.

Migraine attacks usually last between four hours and three days. Some symptoms may start about 24 hours before you get head pain, and end about 24 hours after you stop having head pain. Most people don't have any symptoms in between migraine attacks.

More information about how the symptoms of migraine changes with the phase of migraine attacks can be found on the Migraine Trust website: [migrainetrust.org/](https://migrainetrust.org/).

### Keeping a migraine diary

Keeping a migraine diary is a useful way of recording your migraine attacks. It can include when you have them, how long they last, how bad they are, what treatments you've tried, and any other factors or potential triggers, such as a bad night's sleep or when your period starts.

This information could help your doctor to diagnose migraine. You may also notice a pattern to your migraine attacks, which could help you to manage them.

More information and diary templates can be found on The Migraine Trust website: [migrainetrust.org/live-with-migraine/self-management/keeping-a-migraine-diary/](https://migrainetrust.org/live-with-migraine/self-management/keeping-a-migraine-diary/).

## Is migraine classed as a disability?



Migraine may be considered as a disability under the Equality Act 2010. However, this depends on how bad your migraine attacks are and how often you have them. The Act defines disability as: “a physical or mental impairment which has a substantial and long-term adverse effect on your ability to carry out normal day-to-day activities”.

For migraine to be considered a disability under the Act, you need to be able to show that it meets this definition in the following ways:

- ‘Substantial’ means more than minor or trivial.
- ‘Long-term’ means that the impairment has lasted or is likely to last for at least 12 months or the rest of your life.
- ‘Day-to-day activities’ are the things you do on a regular or daily basis. This could include shopping, reading, having a conversation with someone, using the telephone, watching TV, doing household tasks, walking, travelling by various forms of transport, and taking part in social activities. This can also include work-related activities such as interacting with colleagues, following instructions, using a computer, driving, carrying out interviews, preparing written documents, and keeping to a timetable or shift pattern.

A doctor or headache nurse at a headache clinic may be able to advise you whether your migraine is likely to be classed as a disability under the Act.

The Act does not apply in Northern Ireland, the main anti-discrimination law in Northern Ireland is the Disability Discrimination Act 1995. For information about equality legislation in Northern Ireland contact the Equality Commission Northern Ireland, [www.equalityni.org](http://www.equalityni.org).

## What welfare benefits can I claim because I have migraine?

Depending on your circumstances, you may be able claim welfare benefits because of issues caused by having migraine.

### Universal Credit

If you have migraine and it means you can't work or can't work full time, you may be able to claim Universal Credit. Universal Credit is a government payment to help with living costs. You may be able to get Universal Credit if you are on a low income, are out of work or can't work.

To get Universal Credit you must be aged 18 or over (there are some exceptions if you're 16 to 17), be under the state pension age and live in the UK. You and your partner must not have more than £16,000 in savings between you. You can find more information about eligibility at: [www.gov.uk/universal-credit](http://www.gov.uk/universal-credit).

It is important that you have a benefits check by a trained welfare benefits adviser. They will be able to advise whether you are eligible for Universal Credit before you make an application.

You can make a claim for Universal Credit in England, Scotland and Wales by calling **0800 328 5644** or textphone: **0800 328 1344**. For information about claiming universal credit in Northern Ireland contact **0800 012 1331** or textphone: **0800 012 1441** or visit [www.nidirect.gov.uk/campaigns/guide-benefits](http://www.nidirect.gov.uk/campaigns/guide-benefits).

Universal Credit replaced the following benefits from December 2018:

- Child Tax Credit
- Housing Benefit
- Income Support
- income-based Jobseeker's Allowance (JSA)
- income-related Employment and Support Allowance (ESA)
- Working Tax Credit

If you currently receive one of these benefits, you will eventually be moved onto Universal Credit. However, if you have a current or 'live' claim for child tax credit and you start working or increase your hours, you can make a claim for working tax credit without needing to move onto Universal Credit.

It is also still possible to make a new claim for what is now termed 'new style' Employment & Support Allowance (ESA) or Jobseeker's Allowance (JSA). These are both based on your National Insurance contributions and are not 'means tested', meaning other household income or savings are not considered. To check your eligibility for either new style ESA or JSA, you should check your National Insurance contribution record at [www.gov.uk/check-national-insurance-record](http://www.gov.uk/check-national-insurance-record).

You can find more information about eligibility and how to claim Universal Credit at: [www.gov.uk/universal-credit](http://www.gov.uk/universal-credit).

Citizen's Advice have been funded by the government to support the roll out of Universal Credit in the UK, and they can support you with making a claim. Please see: [www.citizensadvice.org.uk/](http://www.citizensadvice.org.uk/).

### **Personal Independence Payment (PIP)**

Personal Independence Payment (PIP) can help you with the extra costs you have if you have a long-term illness or a disability, and are aged between 16 and the state pension age.

If you have difficulties with daily living and/or with getting around because of your condition, you may be able to claim PIP. The amount of PIP you get depends on how your condition affects you, not the condition itself.

You can get PIP if you have had difficulties with daily living or with getting around for at least three months; and if you expect these difficulties to continue for at least another nine months.

PIP is not means-tested (so isn't affected by any savings or capital you have), is tax free and is not based on National Insurance contributions. You can claim PIP if you are in work or out of work. It is almost always paid in addition to other welfare benefits. Getting PIP can mean you are eligible for other welfare benefits.

PIP has two components:

- a daily living component for help with everyday life; and
- a mobility component for help with getting around.

The rate you get depends on whether your ability to carry out daily living activities or to get around is limited or severely limited. This is assessed using a points-based test for a range of activities. Details of these activities, the points awarded and the thresholds for each component are listed in the Disability Rights UK factsheet on PIP ([www.disabilityrightsuk.org/personal-independence-payment-pip](http://www.disabilityrightsuk.org/personal-independence-payment-pip)).

You can start your PIP claim by ringing **0800 917 2222** (textphone **0800 917 7777**), or in Northern Ireland **0800 012 1573** (textphone **0800 012 1574**). Alternatively, you can ask for a paper claim form if you are unable to start the claim by phone.

To request the form, write to: Personal Independence Payment New Claims, Post Handling Site B, Wolverhampton, WV99 1AH (or in Northern Ireland: Personal Independence Payment Centre, Castle Court, Royal Avenue, Belfast BT1 1HR).

When making your claim, you will be asked to fill in a 'How your disability affects you' form. When completing the form, think about whether you can do each activity safely, to an acceptable standard, as often as you need to and in a reasonable length of time. If you can't, explain why on the form. Don't just focus on what you are like on a good day; let them know what you are like on days when you have a bad migraine attack, and how often these occur. They will be able to advise whether you

are eligible for Universal Credit before you make an application, and also whether you will be better off financially and have any conditions that you will have to meet to receive it.

If you are unsure about completing the form, you can contact Citizens Advice [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk), or call Scope on **0808 800 3333** for details on disability advice in your local area. Your local authority welfare rights service may also have information on benefits that you are entitled to.

After sending the form back, if more information is needed, you will be invited to a further assessment over the phone.

### **Attendance Allowance**

Attendance Allowance helps with extra costs if you have a disability that is severe enough that you need someone to help look after you.

You may be eligible for Attendance Allowance if you are state pension age or older, have a physical or mental disability, and need help with your personal care or need support or supervision to stay safe.

This is not a means-tested benefit so your savings or income will not be considered. The other benefits you get can increase if you get Attendance Allowance, so make sure that you check if you are entitled to other payments.

To claim Attendance Allowance in England, Scotland and Wales, telephone **0800 731 0122** (textphone: **0800 731 0317**) and Northern Ireland Call **0800 587 0912**, You can download a claim form from the [gov.uk](http://gov.uk) website. Alternatively write to:

**Freepost Attendance Allowance DWP**

You do not need to include a postcode or use a stamp.

## Am I entitled to welfare benefits or support due to my caring responsibilities?

If you are caring for someone with a chronic or disabling migraine, you may be entitled to claim Carer's Allowance or get practical help from your local authority to make life easier for you.



### Carer's Allowance

Carer's Allowance is available for people who spend at least 35 hours a week providing regular care to someone who has a disability. You can find out more information about what you could get from the GOV UK website [www.gov.uk/carers-allowance](http://www.gov.uk/carers-allowance).

You may be eligible for Carer's Allowance if you:

- spend at least 35 hours a week providing regular care to someone who has a disability
- the person is getting a **relevant benefit** because of their disability, which in some cases has to be paid at a certain rate.
- do not earn more than £128 per week (after deductions)
- are not in full-time education

You don't need to be related to or living with the person to be eligible for Carer's Allowance. It is important to have a benefits check to check your eligibility for Carer's Allowance. It may also affect some of the benefits the person you care for receives if you're successful. Some people may be entitled to Carer's Allowance but are unable to receive the payments because they already receive another 'overlapping' benefit. If you are entitled to Carer's Allowance you may be entitled to additional amounts in other benefits if you're also claiming them. It's important to seek advice from a benefits adviser when considering a claim for Carer's Allowance.

### Practical support

Carers can get practical support from their local authority. Your local authority can arrange for someone to come around for a while to give you a break or provide some extra support for the person you care for, to enable you have more time for your other responsibilities. Your local authority will carry out a carer's assessment to check how your caring duties affect your life and work, and how they can support you to live your life. For more information on the support you're entitled to, contact your **local authority**.

As a carer you can also get help from the NHS low income scheme and discounts on your energy costs and your TV licence. For more information about what is available for you as a carer, you can contact Carers UK [www.carersuk.org/](http://www.carersuk.org/) or 0808 808 7777, (Monday – Friday 9am – 6pm).

## My employer has dismissed me from work due to my migraine. Can I apply for benefits?

If you have been dismissed by your employer because of your migraine, you may be able to apply for Universal Credit. You will need to show that the reason for the dismissal is due to your limited ability to work. It is important that you speak to a benefits adviser for specialist advice and help in this situation.

Please be aware that your employer cannot dismiss you simply on the grounds of ill health or disability. The Equality Act 2010 protects against this happening. If you feel you have been unfairly treated in relation to migraine, contact the [Equality Advisory & Support Service \(EASS\)](#). The EASS have a helpline they run on behalf of the Equality & Human Rights Commission (EHRC) and can advise if you have been discriminated against on the grounds of disability or ill health, and the steps to take as a result. If you live in Northern Ireland you will be protected under the Disability Discrimination Act 1995. More information is available on the website for the [Equality Commission for Northern Ireland](#).



## I am off sick from work due to migraine. Is there any help I can get?

If you are employed and off sick from work due to your migraine, you may be able to claim Statutory Sick Pay (SSP), which is paid by your employer. Some employers have their own, more generous, sickness absence scheme in place. Check with your employer before claiming SSP.

You can qualify for SSP if you are unable to work due to your migraine and have been absent from work for four or more days (if your absence is related to COVID 19, you are eligible for SSP for every day you are off work – please see [www.gov.uk/statutory-sick-pay](http://www.gov.uk/statutory-sick-pay) for further details). You can get SSP whether you are working full-time, part-time, are an agency worker or are on a fixed-term contract. However, you must be earning at least £120 a week. You can't get SSP if you are self-employed.

If you're off work for more than 7 days your employer will usually ask for a Statement of Fitness to Work (also known as fit note, sick note or doctor's note). SSP can be paid for up to 28 weeks. This can be in one continuous time period, or several separate periods (each no more than eight weeks apart).

If your employer won't pay you SSP, you should ask them to reconsider the decision and for a written explanation of why they won't pay it. If you are unable to sort things out with your employer, you can ask the HMRC statutory payments disputes team to help (telephone: [0300 056 0630](tel:03000560630)).

If your migraine prevents you from working and you are not entitled to SSP (usually because you have already received 28 weeks' payment), you may be eligible for Universal Credit.

## I am self-employed and my ability to work is affected by migraine. Is there any help I can get?

If you are self-employed and are unable to work full time because of your migraine, you may be able to claim Universal Credit. You can't claim Statutory Sick Pay (SSP).

For more information, go to: [www.turn2us.org.uk](http://www.turn2us.org.uk).

You can also find out more information about your rights in work and guide to get help in our 'Help at work' toolkit at [migrainetrust.org/live-with-migraine/reducingtheimpact/managing-migraine-at-work/](http://migrainetrust.org/live-with-migraine/reducingtheimpact/managing-migraine-at-work/).



## What happens if my application for benefits is unsuccessful?

If your claim for any benefit administered by the Department for Work and Pensions (DWP) is unsuccessful, and you disagree with the decision, you can appeal. You have one calendar month from the date of the decision in which to appeal (although late applications can be accepted with good reason). This is called a 'mandatory reconsideration'.

You can ask for a mandatory reconsideration over the phone. However, you should confirm your request in writing to the address on the decision letter, and keep a copy of both letters. Explain why you think the decision is wrong and include a copy of any evidence that may support your case (such as a letter from your doctor or other medical professional).

The benefits office within DWP that originally dealt with your claim will look at the decision again and then send you a mandatory reconsideration notice to let you know the outcome. If you disagree with the outcome, you can appeal to an independent tribunal. The notice will tell you how to make an appeal. Again, you must ordinarily do this within one month of the date of the mandatory reconsideration notice. You will be given at least 14 days' notice of when and where the appeal tribunal will be held.

The appeals process can be stressful, so it may be helpful to get support with your appeal. You can contact a local advice centre, such as Citizens Advice, or call Scope on [0808 800 3333](tel:08088003333) for local disability advice. You can also visit [Advice Local](#), where you can find contact details for local organisations. Your local authority may have a welfare rights service that can advise you on the benefits that you're entitled to.

Please note that due to the impact of the recent COVID-19 restrictions, tribunal judges are assessing appeals without a hearing – they will instead assess documentary evidence. However, you can still request a hearing if you disagree with their decision. If a hearing is required, a remote telephone or video conference may be offered.

## Can The Migraine Trust support me with my benefits claim?

The Migraine Trust does not have a welfare benefits adviser, but we can direct you to the appropriate support agencies.

## Useful organisations

### **Benefits adviser Northern Ireland**

nidirect is the official website for Northern Ireland citizens to access government information and services. [www.nidirect.gov.uk/articles/benefits-adviser](http://www.nidirect.gov.uk/articles/benefits-adviser)

### **Carers UK**

They can give expert advice, information and support about carers rights. [www.carersuk.org](http://www.carersuk.org)

### **Citizens Advice**

Provides free, confidential, impartial advice. [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

### **Disability Rights UK**

Led by people with diverse experiences of disability and health conditions, they work to ensure equal participation for all. [www.disabilityrightsuk.org](http://www.disabilityrightsuk.org)

### **Equality and Human Rights Commission**

Provides information and guidance on the Equality Act. [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

### **GOV.UK**

Provides information and guidance on welfare benefits and how to make a claim. [www.gov.uk](http://www.gov.uk)

### **Law Centres Network**

Offers legal advice, casework and representation to individuals and groups. [www.lawcentres.org.uk](http://www.lawcentres.org.uk)

### **Equality Advisory & Support Service**

Advises and assists individuals on issues relating to equality, and human rights. [www.equalityadvisoryservice.com/](http://www.equalityadvisoryservice.com/)

### **Scope**

Provides support, advice and information to disabled people and their families. [www.scope.org.uk](http://www.scope.org.uk)

### **Turn2us**

A national charity helping people in financial hardship gain access to welfare benefits, charitable grants and support services. [www.turn2us.org.uk](http://www.turn2us.org.uk)

### **The Brain Charity**

Supports people with neurological conditions and provides welfare benefits advice. Tel: 0151 298 2999. [www.thebraincharity.org.uk](http://www.thebraincharity.org.uk)

Please note that the inclusion of named agencies does not constitute a recommendation or endorsement by The Migraine Trust. We have provided these for informative purposes only and not as recommendations. If in doubt, seek legal advice.





## About The Migraine Trust

The Migraine Trust is dedicated to helping people affected by migraine. We are the only UK migraine charity providing information and support, campaigning for awareness and change, and funding and promoting research.

Visit our website to subscribe to email updates and news, access migraine information and to learn more about The Migraine Trust including our support services, research and events.

 [www.migrainetrust.org](http://www.migrainetrust.org)

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