

Migraine and Welfare Benefits

the
migraine
trust

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The Migraine Trust helpline can be contacted on **0808 802 0066**, you can also contact us via our online contact form on our website which can be found here: migrainetrust.org/contact-us/

For further information visit The Migraine Trust website migrainetrust.org

Summary

This toolkit provides information and guidance on welfare benefits that you or someone you support may be entitled to because of migraine. The information in this document does not replace individual, detailed advice based on your personal situation. You should speak to a trained welfare benefits adviser to review your situation and advise what you may be able to claim. There is a list of welfare benefit organisations at the end of this toolkit.



Around **one in seven** people get migraine. Over a billion people worldwide get migraine, and over **10 million** in the UK.



It is estimated that the UK population loses **43 million** days from work or school each year because of migraine.



It's estimated that **190,000** migraine attacks occur every day in the UK.

What is migraine?



Migraine is a severe and painful long-term health condition. If you have migraine, you will have migraine attacks, which can be a whole-body experience. Common symptoms of an attack can include:

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

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

Migraine attacks usually last for 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.

Is migraine a disability?



The Equality Act 2010 (the Act) defines disability as having a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities. Migraine meets the physical impairment criteria, but you will need to prove that it has a substantial and long-term (for 12 months or more) negative effect on your ability to carry out normal day-to-day activities. Whilst migraine is likely to meet the criteria used in the Act, the guidance notes on the Act say that normal day-to-day activities are things that people do on a regular or daily basis. These include shopping, reading and writing, holding a conversation or using the telephone, watching TV, carrying out household tasks, walking and travelling by various forms of transport and taking part in social activities.

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, equalityni.org.

Can I claim any welfare benefits because I have migraine?

Migraine is a long-term health condition that may impact your day-to-day activities and depending on your circumstances, you may be able to claim welfare benefits because of issues caused by having migraine. It is recommended that you speak with a benefits advisor to see what you are entitled to before claiming. Benefit advisors can be found at organisations such as Citizens Advice and Scope or you can find a local adviser through Turn2us. Turn2us also has a benefit calculator that you can use to check your entitlement.



Please note that this toolkit gives an introduction to benefits but does not include full details of the eligibility criteria. Before making any claim for benefits, visit www.gov.uk to see the full eligibility criteria, including immigration and residence conditions.

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. It includes amounts for you (and a partner if you have one), housing costs, children, and other elements depending on your circumstances. You may be able to get Universal Credit if you are on a low income, are out of work or unable to work.



To qualify for Universal Credit, you must be aged 18 or over (there are some exceptions if you're 16 to 17), be under State Pension age (if you live with a partner, at least one of you must be under State Pension age) and live in the UK. You (and your partner if applicable) must not have more than £16,000 in capital. You can find more information about eligibility at: gov.uk/universal-credit.

Universal Credit is replacing income-related Employment and Support Allowance, income-based Jobseeker's Allowance, Income Support, Child Tax Credit, Working Tax Credit and working-age Housing Benefit (unless you live in specified accommodation). If you receive one of these benefits (known as legacy benefits), you will either move to UC when a change in circumstances means that you need to make a new claim, or as part of the managed migration process where the government will invite you to claim. Making a claim for Universal Credit will bring any legacy benefit entitlement to an end.

Before making a claim, it is advisable to have a benefits check with a trained welfare benefits adviser. They will be able to review your financial situation and circumstances and advise whether you are eligible for Universal Credit and the impact it will have on your existing benefits.

Applying for Universal Credit contains many steps and further information on the full process can be found at gov.uk/universal-credit. Disability Rights UK also have guidance on the full process at disabilityrightsuk.org/resources/universal-credit.

How to apply

You can apply for Universal Credit online via [gov.uk/universal-credit/how-to-claim](https://www.gov.uk/universal-credit/how-to-claim). You will need to create an account to make a claim. If you live with your spouse or partner, you will both need to create accounts, these will be linked together when you claim. You cannot claim by yourself if you are living with a spouse or partner.

If you cannot claim online, you can claim by phone through the Universal Credit helpline. Contact details can be found on the website [gov.uk/universal-credit/how-to-claim](https://www.gov.uk/universal-credit/how-to-claim).

For information about claiming Universal Credit in Northern Ireland visit nidirect.gov.uk/campaigns/universal-credit You can also contact them by phone, the contact details can be found on the website nidirect.gov.uk/articles/contact-universal-credit-help-your-claim

You can find more information about how to claim Universal Credit at: [gov.uk/universal-credit](https://www.gov.uk/universal-credit). The Citizens Advice Help to Claim service can also provide information and support you with making a claim.

Please see: citizensadvice.org.uk/benefits/universal-credit/claiming/help-to-claim/

Personal Independence Payment (PIP) For England, Wales and Northern Ireland



If you live in England, Wales or Northern Ireland and have a long-term physical or mental health condition or you are terminally ill, and you are aged between 16 and State Pension age you may be able to claim PIP. If you make a claim prior to State Pension age, PIP can continue past State Pension age provided that you still meet the criteria. New claims for PIP have been replaced by Adult Disability Payment for people who are resident in Scotland.

You may qualify for PIP if you have had difficulties with daily living and everyday tasks or moving around for at least three months and if you expect to continue having these difficulties for at least another nine months.

PIP is not means-tested (so isn't affected by any savings, earnings or capital you have), it is also tax free and is not based on National Insurance contributions. You can claim PIP if you are in work or not in work.

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 and the points awarded for each component can be found on the Citizens Advice website citizensadvice.org.uk/benefits/sick-or-disabled-people-and-carers/pip/help-with-your-claim/how-decisions-are-made/ and at www.pipinfo.net. The amount of PIP you qualify for depends on how your condition affects you, not the condition itself.

How to apply

England and Wales

In some areas a claim can be made online for PIP at gov.uk/pip/how-to-claim. You can also start your PIP claim by phone, the contact details for the new claim line can be found on the website.

Northern Ireland

In Northern Ireland you need to contact the Personal Independence Payment centre, contact details can be found at nidirect.gov.uk/contacts/personal-independence-payment-centre-northern-ireland. You can also write to them to start a claim, although this can take longer.

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. Include supporting documents if you have them - for example, prescription lists, care plans, or information from your doctor or others involved in your care. There is a time limit for returning the form; if you run out of time, ask them to extend the time limit.

If you need help completing the form, you can contact Citizens Advice citizensadvice.org.uk, or Turn2us advicefinder.turn2us.org.uk/ for details on disability advice in your local area.

If more information is needed after you have returned the form, you will be invited to an assessment in person or over the phone.

Challenging a decision

If your claim is unsuccessful, you can challenge the decision, see page 11 for further details. How to apply

Adult Disability Payment (ADP) for Scotland



If you live in Scotland, you can apply for Adult Disability Payment instead of PIP. If you already receive PIP and you live in Scotland, Social Security Scotland will contact you to transfer your claim to Adult Disability Payment. You do not need to do anything.

You can apply for ADP if you have a disability, long-term physical or mental health condition or a terminal illness. The disability tests and rates are the same as Personal Independence Payment, but the definition of terminal illness is different in Scotland. You need to be between 16 and State Pension age to apply.

How to apply

You can apply for ADP online or by phone and paper
www.mygov.scot/adult-disability-payment/how-to-apply

Challenging a decision

If your claim is unsuccessful, you can challenge the decision, see page 11 for further details.

Disability Living Allowance (DLA) for children for England, Wales and Northern Ireland



DLA is now only for children, for most adults it has been replaced by Personal Independence Payment. If you are an adult who receives DLA, see www.gov.uk/dla-disability-living-allowance-benefit/your-DLA-claim for details on whether you will be invited to claim PIP instead.

Disability Living Allowance (DLA) for children may help with the extra costs of looking after a child who is under 16 and has difficulties walking or needs much more looking after than a child of the same age who does not have a disability. You can also apply for a child who is terminally ill. There are eligibility criteria that need to be met, these can be found on gov.uk/disability-living-allowance-children/how-to-claim along with the current DLA payment rates.

How to apply

England and Wales

To claim DLA for a child you need to be their parent or look after them as if you're their parent. This includes step-parents, guardians, grandparents, foster-parents or older brothers or sisters.

If your child currently lives in England or Wales you can apply by either:

- printing off and filling in the [DLA claim form](#)
- phoning the Disability Living Allowance helpline and asking for a printed form, contact details can be found on their website [gov.uk/disability-living-allowance-children/how-to-claim](https://www.gov.uk/disability-living-allowance-children/how-to-claim)

Northern Ireland

If your child lives in Northern Ireland, you will need to apply for DLA for children in Northern Ireland. It is important to review the eligibility criteria set out on their website nidirect.gov.uk/articles/disability-living-allowance-children.

You can either download a claim form (nidirect.gov.uk/publications/dla-child-claim-form-and-guidance-notes-dla1) or contact the Disability and Carers Service (www.nidirect.gov.uk/contacts/disability-and-carers-service) or your local Jobs and Benefits office (nidirect.gov.uk/contacts/jobs-and-benefits-offices). The claim form can be returned to the address specified on the form; this may depend on where the form has come from.

Once the claim form has been returned, it usually takes 30 working days for this to be processed, from the day the Disability and Carers Service receives your claim form. You will receive an outcome once your claim has been reviewed.

Challenging a decision

If your claim is unsuccessful, you can follow the process to challenge the decision, see page 11 for further details.

Child Disability Payment (CDP) Scotland



If your child lives in Scotland, you need to apply for Child Disability Payment instead of DLA, mygov.scot/child-disability-payment. Child Disability Payment has broadly the same rules as Disability Living Allowance and the payment rates are the same, but the definition of terminal illness is different. You can apply online by setting up an account and completing an online application. This can be saved and completed in stages if needed before submitting this online.

You can also call Social Security Scotland by phone to start an application for a child. Contact details can be found on their website mygov.scot/child-disability-payment/how-to-apply. Social Security Scotland will ask for some details about you and the child so they can start your application. They'll then send you a paper application to complete and return in a prepaid envelope. Both parts of the paper application form must be signed by the person completing the application.

Challenging a decision

If your claim is unsuccessful, you can follow the process to challenge the decision, see page 11 for further details.

Other benefits



There are many different benefits available. Citizens Advice has details of the benefits available in England, Wales and Scotland. For details of the benefits that are only available in Scotland, see www.mygov.scot and for details of the benefits available in Northern Ireland see www.nidirect.gov.uk/information-and-services/benefits-and-money/benefits-and-financial-support

It is important to remember that some benefits are means-tested (your financial situation and savings are considered) and others such as Attendance Allowance are not.

Attendance Allowance is paid to people who have care needs which make it difficult to live a typical life, or who are terminally ill. You do not need to be receiving care to qualify. You must be over State Pension age when you first claim. If you are under State Pension age you should claim PIP or ADP instead. The Scottish Government are planning to replace Attendance Allowance with Pension Age Disability Payment for people resident in Scotland. See mygov.scot for more details.

Carer's Allowance is available for people who spend at least 35 hours a week providing regular care to someone who has a disability. It is not means-tested but there is an earnings limit. You can find out more information about what you could get at gov.uk/carers-allowance. If you live in Scotland, you may be able to get Carer Support Payment and Carer's Allowance Supplement instead. For more information, visit www.mygov.scot/browse/benefits/carers

For more information about what is available for you as a carer, you can contact Carers UK (carersuk.org/).

What happens if my application for benefits is unsuccessful?

The appeal process can be very stressful and often difficult when having regular migraine attacks. There are organisations that can offer support with the benefit and appeal processes such as Citizens Advice.

England and Wales

If your application for any benefit administered by the DWP is unsuccessful and you disagree with their decision (or if you disagree with the amount awarded), you can ask them to look at the decision again. This is called a mandatory reconsideration, and this usually needs to be made within one month of the original decision date. Late requests made within 13 months may be possible if special circumstances caused the delay. Outside of this time period, the decision can only be looked at again if specific rules are met.

It is important to explain why you disagree with their decision and to include a copy of any evidence that may support your case (such as a letter from your doctor or other health care professional).

Your claim will be reviewed again, including any new information and evidence supplied, once reviewed you will be sent a mandatory reconsideration notice with the outcome of your reconsideration request. If you disagree with the outcome, you can take this further and appeal to an independent tribunal. Information on how to proceed with an appeal will be included with your mandatory reconsideration notice.

You usually need to appeal within one month of the date of your mandatory reconsideration notice. ([Gov.UK](https://www.gov.uk)). Late appeals made within 13 months may be accepted in some circumstances. The tribunal is supported by HM Courts and Tribunal Services (HMCTS) and is independent of the government. A judge will listen to both sides of the argument before making a decision.

Scotland

In Scotland, requests to look again at a decision are called re-determinations. Social Security Scotland looks at your original benefit application and the information provided and makes a new decision on the benefit you applied for. The team that makes the new decision will not have been involved in the original claim review or decision.

The re-determination request must be made in less than 31 days after your initial decision was received, or 42 days for Adult Disability Payment and Child Disability Payment. Late requests made within one year may be accepted in some circumstances.

You can request a re-determination or an appeal by calling Social Security Scotland free or filling in a re-determination request paper form or an appeal request paper



form mygov.scot/disagree-decision/request-redetermination-or-appeal. If you disagree with the re-determination outcome the next stage is to make an appeal. Your appeal request must be made in less than 31 days after your initial decision was received. Late appeals made within one year may be accepted in some circumstances. You can also appeal if Social Security Scotland do not make a re-determination decision in time.

Your appeal request will be sent to the First-tier Tribunal for Scotland. They are totally independent from Social Security Scotland. They will look at your request and make a decision on your appeal.

Northern Ireland

If you disagree with the decision made on your claim, you firstly need to ask the office that made the decision for a mandatory reconsideration. To do this you can contact the appropriate Jobs and Benefits office or Benefits Office that made the decision or download and complete form MR2(NI). nidirect.gov.uk/appeal-benefits-decision. The mandatory reconsideration request needs to be made within one month of the initial decision. Late requests may be accepted in some circumstances.

Once this has been requested, you will receive a copy of the mandatory reconsideration notice. This is the letter or online notification which confirms the office that made the decision has looked at it again. If you are still unhappy with the decision made you can then make an appeal to the Appeals Service.

You can access and complete the appeal form which can be found online nidirect.gov.uk/appeal-benefits-decision#toc-1 or you can download and complete the relevant appeal form which is available from the website www.nidirect.gov.uk/publications/appeal-form-noa1ss. You can also request a form from the Appeals Service nidirect.gov.uk/contacts/appeals-service-benefits-appeals. An appeal should be made within one month of the mandatory reconsideration decision. Late appeals may be accepted in some circumstances.

Useful organisations

NI Direct

Official website for Northern Ireland citizens to access government information and services. www.nidirect.gov.uk/articles/benefits-adviser

Carers UK

They can give expert advice, information and support about carers rights. www.carersuk.org/

Citizens Advice

Provides free, confidential, impartial advice. 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

Equality and Human Rights Commission

Provides information and guidance on the Equality Act. www.equalityhumanrights.com

Equality Commission for Northern Ireland

Provides information and guidance on the Equality Act. www.equalityni.org

GOV.UK

Provides information and guidance on welfare benefits and how to make a claim. www.gov.uk

Law Centres Network

Offers legal advice, casework and representation to individuals and groups. www.lawcentres.org.uk

Equality Advisory & Support Service

Advises and assists individuals on issues relating to equality, and human rights. www.equalityadvisoryservice.com/

Scope

Provides support, advice and information to disabled people and their families. 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

The Brain Charity

Supports people with neurological conditions and provides welfare benefits advice. Tel: 0151 298 2999. www.thebraincharity.org.uk

Advice Now

An Independent charity that provides practical information and guides on rights and law in England and Wales. www.advicenow.org.uk/

MY GOV Scotland

Official website for Scottish citizens to access government information and services www.mygov.scot/browse/benefits

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.

 migrainetrust.org

 Helpline **0808 802 0066**

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