



Ministry
of Defence

Constant Attendance Allowance

1. Document control

1.1 Key Personnel

Initial Author	OPPT
Admin support	OPPT
Approver	OPPT
Product Owner	OPPT

1.2 Version History

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1.3 Forms and Letters (if applicable)

Use the links below to find forms and letters:

SharePoint: [Forms and Letters](#)
DOI: [OPPT WPS FORMS](#)

Ref Number		
WPS0003CAA	WPS0100	WPS0123
WPS0335	WPS0505	WPS0606
WPS0743	WPS0886	WPS0959
WPS0989	DL78 (Clerical docs)	DL79 (Clerical docs)

1.4 Flowcharts (if applicable)

Ref number	Title
SA0002 F1	CAA Claim received
SA0002 F2	Awarding or Rejecting CAA

1.5 Other Guidance (if applicable)

Use the links below to find other guidance:

SharePoint: [Compensation Scheme Guidance](#)
DOI: [OPPT WPS GUIDANCE](#)

Title	Document Library/Folder
SA0001 - Exceptionally Severe Disablement Allowance (ESDA)	Supplementary Allowances
SA0003 - Comforts Allowance	Supplementary Allowances
SA0004 - Severe Disablement Occupational Allowance (SDOA)	Supplementary Allowances
OSB0005 - Armed Forces Independence Payment (AFIP)	Other Schemes and Benefits

1.6 Other Reference Material (if applicable)

Title	Location
Article 8 – CAA	Legislation.gov.uk
Article 34(2) (c) – Making of Claims	Legislation.gov.uk
Article 53 – Hospital Deductions	Legislation.gov.uk
Article 56 – Adjustment of Benefit	Legislation.gov.uk
Attendance Allowance	gov.uk
Disability Living Allowance	gov.uk
Industrial Injuries Disablement benefit	gov.uk
Personal Independence Payment	gov.uk
AFIP	gov.uk
AFIP - Frequently Asked questions	Frequently Asked Questions

1.7 Termination Date (if applicable)

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NA	

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2. About this guidance

The contents list on page 3 and 4 of this guidance:

- lists the main headings within every section
- is a quick reference to the structure of the document and its subject

To navigate around the guidance, use the bookmarked headings in the contents list. Use Alt ⇐ to return to the previous bookmark position. Use Ctrl F to search for text in the document. At the top of each page is a *Back to Contents* link.

This guidance document will be an uncontrolled version once it is printed. Please check SharePoint/DOI for the latest version.

If you spot any errors or have any suggestions for amendments to this document, please email: DBS-OPPT@mod.gov.uk

3. What this guidance includes

This guidance includes instructions to staff:

- involved in consideration of awards for Constant Attendance Allowance (CAA).

4. Introduction

Constant Attendance Allowance (CAA) is intended for a War Pensioner who is so severely disabled by their Accepted Disablement (AD) that they must depend, to a great extent, upon 'attendance' from some other person.

The attendance needs must be in connection with functions fit people would normally perform such as dressing, eating, drinking, bathing and going to the toilet. Supervision of the pensioner may also give rise to the need for 'attendance'.

CAA is awarded for the amount of attendance required, not necessarily the amount of attendance received. The Statutory Instruments do not make the award dependent on the presence of an attendant; the **need** for attendance is all that is required.

5. Eligibility

The following conditions **must** be met for an award of CAA to be made, these are:

- the war pensioned disablement must be assessed at **80%** or more
- the war pensioner must have a medical need for **regular attendance** and supervision
- attendance or supervision must be wholly or mainly because of the war pensioned disablement
- attendance must be a necessary for a minimum of **8 weeks**

6. Consideration

In the first instance decide whether the pensioners needs are of a personal or domestic nature, e.g. if attendance is for domestic help only, e.g. preparation of meals – rejection is appropriate. If attendance is required for personal needs, e.g. assistance getting pensioner in and out of bed, bathing, feeding, an award of CAA may be appropriate.

When considering a claim, only take account of the amount of attendance required for the AD. The AD alone must be responsible for the need of attendance. Non-accepted injuries cannot be taken into account unless [greater disablement](#) applies.

The pensioner must require the services of an attendant for a period of at least eight weeks, as CAA is not intended for short-term incapacity. It must be established that the pensioner has need of:

- an attendant constantly at hand to protect them from involuntary injury, such as choking during a coughing paroxysm or injury during an epileptic fit
- an attendant within call to assist with natural and reasonable requirements that are not of a domestic nature, but are more personal, e.g. help with eating, drinking or natural functions
- the services of an attendant for a particular purpose at more or less regular times. This could include such services as extra washing of soiled clothing, e.g. in a colostomy or incontinence case
- supervision to avoid danger to the pensioner or someone else. The risk should not be a remote possibility, it must be likely to occur and the pensioner must be unable to avoid the risk.

7. Respiratory disablements

If an AD is one of a respiratory nature, care must be taken to study comments made by the examiner or General practitioner (GP) with references such as 'dyspnoeic at rest', breathlessness on slight exertion or similar comments. This is likely to indicate that although the pensioner can perform most bodily functions, the exertion of doing so would cause harm and distress.

8. Reviews

If it is recommended, following a review that an award of CAA is to be:

- increased, increase should be from the date of claim
- reduced, reduction should be from date last paid
- cancelled, cancellation should be from date last paid.

In any of these scenarios consideration must be given to:

- the rate of Comforts Allowance to be paid
- whether Exceptionally Severe Disablement Allowance (ESDA) should be awarded/withdrawn
- hospital reductions in the event of home leave (if rate is increased).

9. Death of a pensioner

For an award of CAA to succeed, attendance must be necessary for a minimum period of eight weeks. If a pensioner dies within eight weeks of a claim, CAA may still be considered. Medical opinion would be required to advise whether, had it not been for their death, the pensioner would have been eligible for eight weeks.

10. Entitlement to War Widows Pension

If a pensioner dies and CAA was in payment up to death, or would have been if they had not been in hospital, death is regarded as being due to service. This entitles his widow to receive Temporary Allowance for Widows (TAW) and then a War Widows Pension.

11. Consideration of claim after death

For this reason consideration may be given to a new claim of CAA made after the pensioner's death, if made for the purpose of gaining title to a War Widows Pension. Medical opinion would be required to advise whether constant attendance was necessary for 26 weeks prior to death, due to the AD(s). Any award is advisory only and no payment of CAA is to be made.

12. Overlapping Benefits

If any of the following benefits are in payment, make further enquiries:

- Attendance Allowance (AA)
- Disability Living Allowance (DLA) – Care Component
- Industrial Injury Disablement Benefit (IIDB) – CAA component
- an award under the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme
- Personal Independence Payment (PIP) – Daily Living Component
- Armed Forces Independent Payment (AFIP)

12.1. Attendance Allowance

[AA](#) is a DWP benefit payable for any person living in the UK, whose disabilities began after the age of 65 and who is so badly disabled as to require attendance for a period of at least six months. It is payable at two rates:

- Higher rate is payable when attendance is required for **both** day and night
- Lower rate is payable when attendance is required for **either** day or night

CAA and AA are overlapping benefits but CAA takes precedence over AA because of the additional awards of Comforts Allowance. The following rules are applied if CAA is awarded at the:

- intermediate or exceptional rate, AA cannot be paid
- part day or full day rate, the AA award is abated by the amount of CAA.

12.2. Disability Living Allowance (DLA)

[DLA](#) was introduced on 6th April 1992. It brought together AA and Mobility Allowance as one benefit for people whose disabilities began before the age of 65. There are two components, Care and Mobility. The care component overlaps with CAA and is reduced by the amount of CAA in payment. As a result of an European Union (EU) ruling people who were entitled to DLA/AA prior to 1 June 1992 who go to live in another EU country will continue to receive DLA/AA. Enquiries must be made on Form WPA123 to ensure there is no overlap with CAA.

12.3. Industrial Injuries Disablement Benefit (IIDB)

The [IIDB](#) Scheme is covered by the Social Security Act 1975. Under the IIDB Scheme, CAA may be paid to a person who is receiving disablement benefit, based on an assessment of 100% for:

- an industrial injury
- a prescribed disease under the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme.

12.4. Dual entitlement to CAA

If entitlement to CAA exists under War Disablement Pension (WDP) and IIDB provisions, WDP CAA should be paid and IIDB CAA withheld. This is because Comforts Allowance, payable with WDP CAA is not payable with IIDB.

12.5. Personal Independence Payment (PIP) - Daily Living Component

[PIP](#) is a benefit for people aged between 16 and 64 who because of a long-term illness or disability may need help with daily activities or getting around. A daily living component, paid at different rates depending on the level of difficulty an individual has performing particular activities, such as preparing food and drink.

12.6. Armed Forces Independence Payment (AFIP)

[AFIP](#) introduced on 8 April 2013, is a benefit granted to seriously injured service or ex-service Armed Forces personnel because of service since the introduction of the Armed Forces Compensation Scheme (AFCS) in 2005.

The weekly amount of AFIP is equivalent to the enhanced mobility and daily living components of PIP component. If an individual is eligible to receive relevant components of DLA, PIP or AFIP payments are adjusted accordingly.

13. Useful information

13.1. Pensioner in hospital

CAA is payable during the first four weeks of a pensioner's stay in hospital but it must be suspended from the day following the 28th full day of in-patient treatment or admission to a nursing home funded by the local authority. The 28 days need not be continuous but may be 'linked'. The days of admission and discharge are not included in the calculation of 28 days.

For example if a war pensioner was permanently admitted to a nursing home on the 1 November hospital reductions would be appropriate from 29 November.

13.2. Linked periods

When the pensioner is re-admitted within 28 days the two periods of inpatient treatment are linked. It is possible for there to be more than two "linked periods" if the pensioner has frequent periods in hospital.

For example if a war pensioner was admitted to hospital on 1 November and discharged on 15 November reductions would not be appropriate. However if they were re-admitted on 29 November deductions would be appropriate from the 28th full day of in-patient treatment.

13.3. Private treatment

If a pensioner is admitted to a hospital as a private patient and they are paying the whole cost of their treatment and maintenance, CAA remains in payment. Similarly, if a pensioner admitted to a nursing home which is not supported by public funds CAA remains in payment.

13.4. Leave from a hospital/nursing home

A pensioner on leave from a nursing home may receive CAA when on leave to visit their own home.

For example a war pensioner in receipt of CAA considered permanently resident in a nursing home will have hospital reductions in place. If they return home to visit family on the 26 October and return to the nursing home on 29 October they would be entitled to receive CAA for the 4 days.

13.5. Blind Veterans UK or Scottish National Institute for the Blind (RNIB Scotland)

A blind war pensioner who is already in receipt of CAA when they are admitted [Blind Veterans UK](#) or [RNIB Scotland](#) continues to receive CAA. However, if they undergo training there, they will receive an Employment Services training allowance. CAA must, therefore, be suspended after 28 days of training because Blind Veterans UK or SNIB are not supported by public funds and the cost of providing the pensioner with a training allowance is partly borne by a Government Department. Payment of CAA can be resumed for holiday periods.

13.6. Greater Disablement

The greater disablement principle is applied by Medical Advisors (MAs) when a pensioner's AD adversely affects a non-AD. It reflects the extent to which the assessment should be increased to take account of the effects of the non-service injury or disease. In this type of case, CAA may be considered if the total assessment is 80% or more, and the need for attendance is mainly due to the AD.

13.7. Paired organs/limbs rule

If there is a pensionable injury to, or disease in, one of a pair of organs, disablement must be assessed not only on the basis of the disabling injury itself, but also on the functional capacity of the pair of organs working together. Examples of paired organs are eyes and ears. If a claim for CAA follows an increase in assessment to 80% or more under paired organs/limbs rule, you should establish if the need for attendance is mainly due to the AD. MA advice should be sought if necessary.

13.8. Malignant disease cases

If the AD and a malignant condition are associated, you may be able to make an award for the malignant condition under Treasury Letter 2-SS 27/233/01, provided that an award cannot be made under the appropriate War Pensions Instrument. If appropriate, CAA may be awarded on the same basis as the disablement award.

13.9. Humanitarian award

If there are no medical grounds for associating the malignant condition with the AD, and the pensioner is unaware that they are suffering from a malignant condition, it may be possible to make a humanitarian award of pension under general Treasury Authority. In this type of case, CAA may be considered, provided that:

- Veterans UK have not invited or initiated the claim
- the claim could not be resisted without arising suspicion about the true nature of the condition
- if discretion is involved in determining the rate of CAA it shouldn't be more than the full day rate

This type of humanitarian award is made under the authority of Treasury Letter 2-SS 27/233/01 dated 19 February 1971. There is no entitlement to Temporary Allowance for Widow (TAW).

13.10. Terminally ill

The Social Security Act 1990 introduced special provisions for handling claims for Attendance Allowance from people who are terminally ill and these provisions affect claims to CAA.

Terminally ill persons suffer from progressive disease and their death in consequence of that disease can be expected within six months.

In order, therefore, to speed up procedures, if a person is judged terminally ill by their GP, they will be deemed to satisfy the conditions for intermediate rate payment of CAA. Seek MA opinion.

The legislation applies to claims and requests for review of CAA made on or after 1 October 1990.

13.11. Special Sanction

If the basic disablement pension is granted under a Dispensing Instrument or Extra Statutory Authority, an award of CAA may be authorised. This is covered by Treasury Letter.

13.12. AD extinguished by non-AD

If an AD is extinguished by a non-AD, you must decide whether or not the assessment may continue at its current rate. This is possible under Treasury Authority. This Treasury Authority also covers any allowance, e.g. CAA, based on the assessment concerned, unless the extinguishing disablement removes the criterion which provides eligibility for the allowance.

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If CAA is continued under this Treasury Authority (2SS/151/80/01 dated 10 December 1962) the rate should be pegged at the rate that was payable before the extinguishment of the original disablement, subject to normal uprating or review.

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13.13. Paraplegic pensioners

An award of CAA to a paraplegic pensioner is not normally reviewed. However in the event of them starting work CAA should be reviewed. Although ability to work does not necessarily affect the pensioner's need for attendance, it could mean their condition has improved and attendant needs may have reduced.

13.14. Kidney dialysis

If kidney dialysis is being carried out at hospital on an out-patient basis, there is no eligibility for CAA. If a pensioner in receipt of CAA is receiving kidney dialysis at home, the case must be kept under review because if the pensioner has a kidney transplant, CAA may no longer be appropriate.

If the pensioner is receiving Continuous Ambulatory Peritoneal Dialysis (CAPD) they are unlikely to qualify for CAA. However, the decision must be made with medical advice.

13.15. Pulmonary tuberculosis

When a pensioner with pulmonary tuberculosis is discharged from hospital review of CAA should be considered as their condition may have improved and attendant needs may have reduced.

13.16. Blind Pensioners

[Blind Veterans UK](#), formerly known as St Dunstan's National Institute for the War Blinded is concerned with members of the Armed Forces, Mercantile Marines (MMs) and Combat Disabled Veterans (CDVs) who are blind as a result of service and live in the UK other than Scotland. The [Royal National Institute for the Blind Scotland](#) (RNIB) look after the interests of war blinded pensioners who live in Scotland.

It is a condition of membership of these institutions that the loss of sight or defective vision must be totally disabling. These institutions bring appropriate cases the attention of Vets UK by forwarding recommendations for an award of CAA. Blind pensioners resident in the British Isles are regularly reviewed by representatives of Blind Veterans UK or RNIB Scotland. They will report any case to Vets UK where CAA no longer appears to be necessary.

14. Flowcharts

CAA Claim received



SA0002 F1

Awarding or Rejecting CAA



SA0002 F2