

Disability Living Allowance (DLA)

for children aged 16 and under



If you are looking after an ill or disabled child who is under the age of 16 years then they may be entitled to Disability Living Allowance (DLA).

This factsheet explains the rules for claiming DLA and will help you to get an idea of whether the child you look after might qualify.

The information in this factsheet applies to people living in England, Wales, Scotland and Northern Ireland.

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What is DLA?

If you are looking after an ill or disabled child who is under the age of 16 years, they may be entitled to Disability Living Allowance (DLA). This can help towards the extra costs of bringing up a disabled child.

DLA is not means tested so your financial circumstances will not be taken into account. DLA is also not taxable and does not reduce other benefits. In fact, it may even increase the amount of benefit you get, or help you to qualify for other benefits (such as Carer's Allowance) and/ or tax credits.

If your child is 16 years old or over and is not currently receiving DLA, they will instead have to claim Personal Independent Payment (PIP) or DLA under the rules for adults in Northern Ireland. Please see page 15 for details.

Who can claim DLA?

For a child under the age of 16 years to qualify for DLA, they must meet all of the following criteria:

- They must need substantially more care, attention or supervision than other children of the same age who do not have a disability or health condition (see pages 4-6).
- They must have had the disability or health condition for at least three months and be likely to have the disability or health condition for a further six months (you can make the claim before the three months have passed, but you will not receive any payment until they have).
- They must have no immigration conditions attached to their stay in the UK subject to some exceptions (if they have immigration restrictions on their stay in the UK claiming benefits may affect their future right to remain in the UK, so seek specialist immigration advice before claiming – you can search for immigration specialists at [find-legal-advice.justice.gov.uk](https://www.find-legal-advice.justice.gov.uk)).
- They must meet the residence and presence conditions (see page 16).

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Note: If they are terminally ill there are simpler rules which make it easier to apply – see page 8 for details.

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How much is DLA worth?

There are two components of DLA:

- **Care component** – this can be paid at a lower, middle or higher rate. There is no lower age limit for claiming.
- **Mobility component** – this can be paid at a lower or higher rate. However the higher rate cannot be paid until the child is three years of age and the lower rate cannot be paid until the child is five years of age.

April 2015 - March 2016 rates

	Lower	Middle	Higher
Care component	£21.80	£55.10	£82.30
Mobility component	£21.80		£57.45

The care component

The care component of DLA can be paid to a child who needs a lot of extra help with personal care, supervision or watching over. These terms are explained in more detail on page 5.

The help they need must be substantially more than the help needed by a child of the same age without a disability or health condition.

Lower rate care component	For children who need help in connection with their personal care for about an hour a day (although this does not necessarily have to be all at once).
Middle rate care component	For children that have either day-time or night-time needs (see explanation below). Special rules apply for some children undergoing renal dialysis at least two times per week. Contact the Carers UK Adviceline for further information – see final page for contact details.
Higher rate care component	For children who have both daytime and night-time needs (see explanation below). Your child will automatically get the highest rate if they are terminally ill.

Day-time test

To satisfy a day-time test your child must need one of the following:

- frequent (ie about three times or more) help with personal care throughout the day
- someone to check on them throughout the day to make sure that they are safe
- help from another person for a significant portion of the day

Night-time test

To satisfy a night-time test your child must need one of the following:

- help with personal care at least twice a night, or once a night for at least 20 minutes
- someone to check on them at least twice a night, or once a night for at least 20 minutes, to make sure that they are safe

Explanation

Help with personal care includes activities such as:

- dressing and undressing
- bathing and washing
- using the toilet
- getting into and out of a chair
- getting in and out of bed and sleeping
- walking
- communicating
- help with medication and treatment
- eating and drinking
- seeing (ie you need someone to see for you)
- breathing

A child is considered to need **someone to check on them** if they need be checked on regularly during the day to avoid ‘substantial danger’ to themselves or others.

The mobility component

If your child needs help getting around they may qualify for the mobility component. The terms are explained in more detail below the table.

You need to show that your child needs substantially more guidance and supervision than a child of the same age without a disability or health condition.

<p>Lower rate mobility component</p>	<p>This can be paid to a child from the age of five years. It is for children who can walk but who need extra guidance or supervision on unfamiliar routes outdoors.</p>
<p>Higher rate mobility component</p>	<p>This can be paid to a child from the age of three years. It is for children who are unable, or virtually unable to walk, or where the exertion required to walk would constitute a danger to their life or would be likely to lead to a serious deterioration in their health. Children can also qualify if they have a severe visual impairment, are both deaf and blind, or are severely mentally impaired.</p>

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Explanation

Four factors are taken into account when deciding whether your child is **virtually unable to walk**. The test is whether their:

‘ability to walk out of doors is so limited, as regards to:

- *the distance over which*
- *the speed at which*
- *the length of time for which or*
- *the manner in which*

*(they) can make progress on foot **without** severe discomfort, that (they are) virtually unable to walk.’*

To qualify for the higher rate mobility component because of **severe mental impairment**, the child has to meet all the following criteria:

- be entitled to the higher rate care component of DLA.
- suffer from a state of arrested development or incomplete physical development of the brain which results in severe mental impairment of intelligence or social functioning.
- exhibit ‘disruptive behaviour’ which ‘is extreme’ and ‘regularly requires another person to intervene and physically restrain them to prevent them from causing injury to themselves or another, or damage to property’.
- be so unpredictable that they require another person to watch over them whenever they are awake.

How to claim DLA

England, Wales and Scotland

- Call the Disability Living Allowance Helpline on **0845 712 3456** (textphone: 0845 722 4433).
- Visit www.gov.uk/government/publications/disability-living-allowance-for-children-claim-form to download a claim form.

Northern Ireland

- Call the Disability and Carers Service on **028 9090 6182** (textphone: 0800 243 787).
- Visit www.nidirect.gov.uk/dla

The form is long and complex. Make sure you put all of your child's difficulties on the form. You may be able to get help to complete the form from a Citizens Advice Bureau, Contact a Family, a disability organisation, a carer's group or other special interest agencies.

Completing the claim form

- Take your time to complete the claim form.
- List all of the help your child needs before completing the claim form.
- If you are not sure about how much help your child needs, or how long things take, keep a diary for a week or so to give you an idea.
- Say how often your child needs help, rather than how often they get help.
- Compare your child to a child of the same age without the disability or health condition.
- Include any supporting evidence you have.
- Keep a copy of your form.

If your child has a terminal illness

Special rules allow children who are terminally ill to get help quickly. A child is considered to be terminally ill if they have a progressive illness that is likely to limit their life expectancy to six months or less. It is impossible to say exactly how long someone will live and some children who receive DLA under these rules live much longer than six months.

Under these special rules your child does not have to satisfy the qualifying period (ie that they have had the disability or been in ill health for at least three months and be likely to have the disability or be in ill health for a further six months). They also do not have to have been present in Great Britain for 104 weeks out of the last 156 week before claiming – they only need to be present at the time of claiming.

If you are claiming DLA for a child under these rules, their claim should include a DS1500 form which is available from your child's GP or consultant. You do not have to complete the main part of the claim form that asks about your child's personal care or supervision needs as they will automatically qualify for the higher rate care component. You will, however, have to complete the sections about any mobility problems your child has for them to be awarded the mobility component.

The decision

You will receive a written decision that tells you what rates of DLA your child has been awarded and from what date.

DLA can be awarded for a fixed period or for an indefinite period. If you are awarded benefit for a fixed period, the decision will tell you when the period ends. A new claim form will be sent to you well before the period of your award ends. To find out more about what happens if your child is soon to turn 16 years old, turn to page 15.

Challenging the decision

If your child is refused DLA or is awarded it at a lower rate than you expected you can ask the Department for Work and Pensions to look at the decision again. You must do this before you appeal. This is called a mandatory reconsideration.

If you still disagree once they have done this you must lodge an appeal with HM Courts and Tribunals Service and attach a copy of the mandatory reconsideration notice with the appeal.

It is important to challenge a decision or get advice as quickly as possible because there are time limits that generally mean you must take action within one month. If you fall outside of this time limit then it may still be possible to challenge the decision. Contact the Carers UK Adviceline for further information – see final page for contact details.

For more information about appealing a benefit decision visit www.carersuk.org/appealsguide

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Note: This information does not apply to Northern Ireland. Instead you can ask the Social Security Agency to look at the decision again. Alternatively you can appeal the decision. Call Carers Northern Ireland for further information – see final page for contact details.
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What to do if your circumstances change

If your child already gets DLA but they now need more help, it may be possible to get their award increased. You can contact the Department for Work and Pensions (or Social Security Agency in Northern Ireland) and ask for your child's award to be looked at again.

When you ask for a DLA award to be looked at again there is always the risk that the award could be decreased rather than increased, therefore it is always best to get help from a local advice centre, such as Citizens Advice – see page 17 for contact details.

If your child is 16 and you ask for a DLA award to be looked at again, depending on where in the country you live, it may instead be treated as a new claim for Personal Independence Payment (PIP) – see page 15 for more details. This does not apply to Northern Ireland, where PIP is not due to be introduced until 2015.

Going into hospital, a care home, or a hospice

DLA can be affected by your child having overnight stays away from home. There are different rules for how this happens depending on whether your child goes in to hospital or a care home.

Stays in hospital

If your child is in hospital, payment of the DLA care component and mobility component stop after they have been an inpatient for 12 weeks (84 days). The day they go into hospital and the day they leave hospital are not counted as days in hospital. Payments start again from the first benefit pay day after your child leaves hospital. If your child is in hospital when you first claim DLA for them, any award will not be paid until they leave hospital.

If you have a vehicle under the Motability scheme, your child's mobility component will still stop after they have been in hospital for 12 weeks (84 days). In this situation you should contact the Motability Helpline to see what arrangements they can make with your Motability vehicle, as they do sometimes have discretion to let people keep their vehicles for a certain amount of time, depending on their circumstances. See page 18 for contact details.

Stays in a care home

If your child is in a care home (which usually includes residential schools), generally payment of the care component will stop after 28 days. However, they can be paid the care component for any day they stay in your home, including the day they leave and the day they return. The mobility component is not affected by stays in a care home.

The rules differ if your child's stay in a care home is funded by NHS continuing healthcare, or if you pay for the care home yourself. If this situation applies to your child contact the Carers UK Adviceline – see final page for contact details.

Linking periods of time your child spends in hospital or a care home

Stays your child has in a hospital and/or a care home separated by 28 days or less are added together when working out when their DLA should stop. This is known as the 'linking rule'.

Other help you may qualify for

If your child has been awarded DLA it is always a good idea to check if you are entitled to any means-tested benefits or tax credits that you are not currently getting. Contact the Carers UK Adviceline for a benefits check – see final page for contact details.

If you already get any means-tested benefits or tax credits you should notify all of the offices which pay them that your child is now getting DLA.

DLA and the benefit cap

If your child is in receipt of DLA this will mean that you will be exempt from the benefit cap.

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Note: the benefit cap is due to be introduced in Northern Ireland in spring 2015.
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DLA and Carer's Allowance

If your child is awarded the middle or higher rate of the care component of DLA, you may be able to claim Carer's Allowance for providing them with care.

To find out more about Carer's Allowance visit www.carersuk.org/carersallowance to download our factsheet or contact the Carers UK Adviceline – see final page for contact details.

DLA and Child Tax Credits

Child Tax Credit is assessed more generously when a child receives DLA. This is because families will qualify for an extra disability element which will increase the amount of tax credits they are awarded.

If your child is awarded the higher rate care component of DLA, a severe disability element will increase the amount of Child Tax Credit even more.

DLA and Income Support

If you still receive an amount for your child in your Income Support award, your child's award of DLA means you will qualify for a disabled child premium in your income support calculation. If your child is awarded the highest rate of the care component of DLA, an enhanced disability premium will increase the amount of Income Support even more.

DLA and Housing Benefit

If you get Housing Benefit then getting DLA for your child may increase the amount of Housing Benefit you are awarded if you are not already getting your rent covered through Housing Benefit in full. If you do not receive any Housing Benefit but you are liable for rent, your child being in receipt of DLA may mean you now qualify for Housing Benefit. Housing Benefit is means-tested so your income and capital will affect whether you qualify for the benefit.

Motability

If your child is awarded the higher rate mobility component then you may be able to apply to the Motability scheme. Through this scheme you can use your child's mobility component to lease or buy a car, wheelchair or scooter. If you're unable to drive and need help with paying for lessons or require help in getting a deposit for a car through the scheme then you may qualify for a grant.

To find out more or apply for the scheme contact Motability – see page 18 for contact details.

Blue badge

If your child is awarded the higher rate of DLA mobility component then you should qualify for a Blue Badge which will give you parking concessions. You might also qualify for a blue badge if your child meets certain conditions. Contact your council for further information. In Northern Ireland, contact the Blue Badge Unit on **0300 200 7818**.

Exemption from road tax (vehicle excise duty)

You may be exempt from paying road tax if your child gets the higher rate mobility component of DLA. For information on how to apply contact the Carers UK Adviceline – see final page for contact details.

Public transport concessions

All local authorities operate schemes for disabled people to help with the cost of travel. Such help is not directly linked to whether or not your child receives DLA. In some areas, a named carer accompanying the disabled person is also entitled to free travel.

Such schemes vary from one council to another so get in contact with your local council for further information on what is available in your area. In Northern Ireland contact Translink on **028 90 66 66 30**.

Companion Entitlement (Scotland only)

If your child receives the middle/highest rate of the care component of DLA, or if they are registered blind, or live in a care home and eligible to receive the middle/ highest rate of the care component of DLA, you can apply for a Companion Card, allowing a companion to travel with them for free. You should contact your council or visit Transport Scotland for further information at www.transportscotland.gov.uk/public-transport/concessionary-travel/Companion-entitlement

What happens when your child turns 16 years old?

About Personal Independence Payment (PIP)

In April 2013, a new benefit was introduced called Personal Independence Payment (PIP) which is gradually replacing DLA for people who are aged 16 years and over, but under the age of 65.

In England, Wales and Scotland, children turning 16 years of age will be gradually invited to claim PIP. However, this is happening on an area-by-area basis. There is a PIP postcode map which explains which areas are currently affected by PIP – visit www.gov.uk/government/publications/pip-postcode-map-uk to download the latest version. You should also be able to find this page by typing ‘PIP postcode map’ into an internet search engine.

If you do not have access to the internet and would like to know if your child is in one of the areas that will be invited to claim PIP, you can contact the Carers UK Adviceline – see final page for contact details.

To find out more about PIP visit www.carersuk.org/pip to download our factsheet or contact the Carers UK Adviceline – see final page for contact details.

In Northern Ireland PIP is due to be introduced from April 2015. However as yet there is no timetable for its introduction, until PIP is introduced your child will continue to claim DLA when they turn 16 years. To find out more contact Carers Northern Ireland – see final page for contact details.

Personal Independence Payment decision

If a young person makes a claim for PIP, their DLA will continue to be paid until a decision is made on their PIP claim. When the decision on their PIP claim is made, their DLA will end even if they currently have a long term or indefinite award. If the young person is awarded PIP it may be the same amount, or more or less than their current DLA. This could affect other benefits that the young person, or others in their household, may receive.

Special rules for terminally ill people

Those who are being paid DLA under the special rules for the terminally ill will be invited to claim PIP at the end of their existing DLA award. If that date is after October 2015, they will be invited to claim PIP when DWP invite the bulk of DLA claimants to claim PIP from October 2015.

Residence and presence

To satisfy the residence and presence tests your child must meet both the following conditions:

- They must have been present in Great Britain for 104 weeks out of the 156 weeks before claiming (two out of the last three years).
- They must be habitually resident.

‘Present’ means physically present in the UK, although some people may be treated as being in the UK while abroad. Special rules apply to countries in the European Economic Area (EEA) and several others who Britain has agreements with. If you think this applies to your child, you should seek advice. The AIRE Centre can provide advice on individual rights in Europe and can be contacted on **020 7831 4276** or by email at info@airecentre.org

If the child is under six months old, a 13 week presence test applies until their 1st birthday. If they are aged 6-36 months, the test is 26 weeks in the last 156 weeks.

The habitual residence test is a test to see if your child normally lives in the United Kingdom, the Channel Islands, the Republic of Ireland or the Isle of Man. The test will be applied if they have been living abroad. There is no legal definition of ‘habitual residence’. Relevant factors are where they normally live, where they expect to live in future, their reasons for coming to this country, the length of time spent abroad before they came here, and any ties they still have with the country where they have come from.

Further help

For information and advice contact the Carers UK Adviceline on **0808 808 7777** (open Monday to Friday, 10am to 4pm) or email advice@carersuk.org

Information is also available on our website – visit www.carersuk.org

If you live in Northern Ireland you can contact Carers Northern Ireland for advice on **028 9043 9843**.

Other organisations

The Appeals Service Northern Ireland

The service that handles appeals process for benefit decisions in Northern Ireland.

028 9054 4000 | Appeals.Service.Belfast@dndni.gov.uk
www.nidirect.gov.uk/the-appeals-service-northern-ireland-tas

Contact a Family

A national charity that supports the families of disabled children.

0808 808 3555 | helpline@cafamily.org.uk
www.cafamily.org.uk

Citizens Advice

Provides free, independent, confidential and impartial advice.

www.citizensadvice.org.uk

HM Courts and Tribunals Service

To search for a court or tribunal in England and Wales, or a tribunal in Scotland: courttribunalfinder.service.gov.uk

Independent Case Examiner

A free complaints review service for people who have made complaints about their claim for benefits.

England, Wales and Scotland

0845 606 0777 (typetalk 18002 0151 221 6500)
www.ind-case-exam.org.uk

Motability

Motability help people get mobile by exchanging their mobility allowance to lease a car, scooter or powered wheelchair.

0300 456 4566 (textphone: 0845 675 0009)

www.motability.co.uk

Parliamentary and Health Service Ombudsman

The government official responsible for dealing with complaints about state services.

England, Wales and Scotland

0345 015 4033

www.ombudsman.org.uk

Benefit helplines

Attendance Allowance

England, Wales & Scotland

0345 605 6055 (textphone: 0845 604 5312)

Northern Ireland

028 9090 6178 (textphone: 028 9031 1092)

Benefit Enquiry Line

Northern Ireland

0800 220 674 (textphone: 028 9031 1092)

Carer's Allowance Unit

England, Wales and Scotland

www.gov.uk/carers-allowance

0845 608 4321 (textphone: 0845 604 5312)

Northern Ireland

028 9090 6186 (textphone: 028 9031 1092)

Disability Living Allowance

England, Wales and Scotland

845 712 3456 (textphone: 0845 722 4433)

Northern Ireland

028 9090 6182 (textphone: 028 9031 1092)

Jobcentre Plus

For Jobseekers Allowance, Income Support and Employment and Support Allowance.

New claims: 0800 055 6688 (textphone: 0800 023 4888)

Helpline: 0345 608 8545 (textphone: 0345 608 8551)

Pension Credit

England, Wales and Scotland

0800 99 1234 (textphone: 0800 169 0133)

Northern Ireland

New claims: 0808 100 6165 (textphone: 0808 100 1165)

Enquiry line: 0845 601 8821 (textphone: 0845 601 8841)

Personal Independence Payment

New claims: 0800 917 2222

Enquiry line: 0845 850 3322 (textphone: 0845 601 6677)

Tax Credits

England, Wales and Scotland

0345 300 3900 (textphone: 0345 300 3909)

This factsheet is designed to provide helpful information and advice. It is not an authoritative statement of the law. We work to ensure that our factsheets are accurate and up to date, but information about benefits and community care is subject to change over time. We would recommend contacting the Carers UK Adviceline or visiting our website for the latest information.

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Carers UK Adviceline

For expert information and advice about caring.



0808 808 7777

(open Monday to Friday,
10am-4pm)



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Carers UK

20 Great Dover Street
London SE1 4LX

020 7378 4999
info@carersuk.org

Carers Wales

029 2081 1370
info@carerswales.org

Carers Scotland

0141 445 3070
info@carerscotland.org

Carers Northern Ireland

028 9043 9843
info@carersni.org

Carers UK makes life better for carers.

Caring will affect us all at some point in our lives.

With your help, we can be there for the 6,000 people who start looking after someone each day.

We're the UK's only national membership charity for carers. We're both a support network and a movement for change.

Visit us at our website to join us, help us or access more resources:

carersuk.org