

WHAT IS DLA?

This fact sheet has been written by parent carers for parent carers



Disability Living Allowance or DLA is a benefit you can claim for your child if they need more help or looking after than other children of the same age because of illness or disability. DLA is paid monthly and it isn't taxed or means tested. Your child must have had their additional needs for at least three months and be expected to have them for at least another six. DLA is payable in two parts: the care component and the mobility component. You can claim either or both and there are rules about what you can claim.

How is DLA awarded

The care component

You can claim this if your child needs significantly more help with 'personal care' or keeping safe. This help might be practical hands-on help, prompting, encouraging or being more watchful to guard against accidents or a deterioration in their health. It is payable from the age of 3 months for children with significant health or sensory needs. There are three rates at which it can be paid:

The lower rate: if your child needs some help during the day. This should amount to about an hour's extra help and may be split into a couple of chunks across the day.

The middle rate: if your child needs more help during the day or at night. This might be frequent attention throughout the day, if your child has speech and language needs for example, or almost constant supervision if your child has behavioural difficulties or health issues. Or if your child needs help for a significant part of the night but doesn't need help during the day.

The high rate: if your child needs help day and night.

The mobility component

You can claim this part of the benefit if your child needs extra help with getting around. There are two rates for this:

The lower rate (payable from age 5): if your child needs someone around to keep them safe or someone to help them find their way around. To get this you will need to show how much more help your child needs than other children of the same age. Most children awarded the lower rate mobility component are likely to have a significant learning or co-ordination difficulty, a communication or attachment disorder, anxiety or some sensory impairment.

The higher rate (payable from age 3): if your child's ability to get around is severely restricted by their disability. It is payable to children who are unable to walk independently. Children meeting this rule are likely to have a severe physical or sensory impairment, a life threatening neurological, cardiac or respiratory disorder. It is also payable to children who may be able to walk a little, say around the house, but do not have the stamina, balance, or co-ordination to walk very far outdoors. It is not unusual for 3-year-olds with Down Syndrome to meet these criteria and, under the law, they are deemed 'virtually unable to walk'.

You may also be able to claim the higher rate if your child has a severe impairment of cognitive and social functioning, for example severe autism and learning disability. You will need to show that your child's behaviour is so unpredictable, disruptive and extreme that they regularly require someone to





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physically intervene to prevent self-injury, injury to others or damage to property. It is very hard to claim. You will need supporting evidence. Also, to claim on these grounds, your child will already need to be getting the high rate of the care component.

If your child is coming up to three years old and already receives the care component of DLA at the higher rate, you should be contacted and asked if you wish to make a claim for the mobility component.

How to get DLA forms

Call the Department for Work and Pensions (DWP) on 0800 121 4600 and ask them to send you a copy. They will stamp the form with the date you phoned to ask for it. As long as you send it back within six weeks and it's successful, the claim can start from that date.

You can also download a claim pack by visiting www.gov.uk or apply online but be aware that any award will only be considered from the date the completed claim pack is returned. So it's best to get a dated paper claim pack from the DWP.

How to make a strong DLA claim

For both the care and mobility parts of DLA, you have to show that your child's needs for care or supervision are 'substantially in excess' of the needs of other children the same age, who do not have an illness or disability.

The DWP has recently introduced a new DLA claim pack. Many pages are laid out in columns and this can be tricky to navigate. There is very little space to write about your child's needs. We think it's worth attaching extra handwritten or (better still) typed notes so you can properly explain your child's needs.

You will also need to send supporting evidence from professionals working with your child, because whatever you say needs to be backed up.

Read our companion fact sheet 'Tips for claiming DLA', for more detailed advice about making a strong claim. You should keep a photocopy of all the papers so that you have a record of what you have written. Keep the copies in a safe place; you will need to refer to them if you want a decision looked at again, when the claim is reviewed or if the original gets lost in the post.

Consider returning your claim by special delivery. Doing this is expensive but you get a receipt, the claim can be tracked and the DWP has to sign to say they've received it.

What to do if you think the decision is wrong

If your child's claim for DLA is turned down, or you don't get the result you expected, don't give up. Over 50% of decisions are overturned when you ask another decision maker to look at the claim again and over 80% of appeals are successful.

You can challenge a non-award, the length of an award or argue that you feel your child should be entitled to a higher rate of either the care or mobility component.

First, you should request that another decision maker looks again at your claim. This is called requesting a 'mandatory reconsideration'. Once your claim has been reconsidered, you will receive two copies of a 'Mandatory Reconsideration Notice' that explains the outcome. If you are still unhappy with the award, you now have one month to appeal. You will need your Mandatory Reconsideration Notice to do this.





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Appeals are made directly to an independent Tribunal. You will need to fill in an SSCS1 notice of appeal. You can download this from www.gov.uk website or by ringing the DWP on 0800 121 4600 to get one posted out.

Make sure you stick to timescales for reconsiderations and appeals.

Extra benefits if you get DLA

If your child gets the high rate of the mobility component of DLA, you may not have to pay Road Tax on the vehicle used by your disabled child. They will also be entitled to a Blue Badge. You can also use the mobility part of your child's DLA to lease or buy a car or a wheelchair, under the Motability Scheme

If your child gets any rate of the care component of DLA, and you are claiming Universal Credit or tax credits, you should be entitled to extra money. If your child gets the highest rate of the care component, these extra amounts are paid at a higher rate.

If your child gets at least the middle rate of the care component and you are earning less than £132 per week after tax, National Insurance and expenses, you may be able to claim Carers Allowance.

Ask about

- Support from Amaze - Amaze can give you advice on making DLA claims. Alongside our fact sheets, we have more detailed resources to help you write about your own child's specific needs. If you need more support, we may be able to offer you a trained volunteer or member of staff to help you fill in your DLA form. Call Amaze on 01273 772289 or email sendiass@amazesussex.org.uk
- Support from your health visitor or social worker: they may be able to help you with the form.
- Support from local disability organisations - Possability People offer disabled adults and parent carers support with making claims for disability benefits. Call 01273 296747 (Brighton & Hove) or 01424 234460 (East Sussex). Assert may be able to support young people with high functioning autism and Asperger's Syndrome in Brighton & Hove with PIP and other benefits claims. Contact Assert via www.assertbh.org.uk
- Citizen's Advice can give help with benefits claims. Call 08082 787815 (Brighton & Hove) or 03444 111 444 (East Sussex). Or visit www.cabrightonhove.org or www.citizensadviceeastsussex.org.uk
- DLA Benefits helpline - call 0800 121 4600 for general help and advice on DLA
- Money Advice Plus can offer advice and support with debt and benefits. Call 0808 196 3699 (Brighton & Hove) or 01323 635 999 (East Sussex) or visit www.moneyadviceplus.org.uk
- Welfare Benefits helpline (East Sussex only) - free and confidential benefits advice from HARC. Call 0333 344 0681 or email benefitseastsussex@harcuk.com
- Transport help - You may be able to get a Blue Badge or a disabled parking bay outside your house. Visit www.brighton-hove.gov.uk/parking-and-travel/parking/blue-badge-scheme-and-disabled-parking or www.eastsussex.gov.uk/social-care/blue-badges. Or you may use the mobility component of your PIP or DLA award to lease a car or scooter via the Motability scheme. Call 0300 456 4566 or visit www.motability.co.uk

Further reading and useful links

- 'Tips for Claiming DLA?' - Download this companion Amaze fact sheet at amazesussex.org.uk/resources/fact-sheets
- Disability Living Allowance (DLA) overview - <https://www.gov.uk/disability-living-allowance-children>

