

Disability Living Allowance (DLA) (for up to age 16)

OxFSN's guide to applying for DLA for someone with a disability

Why would your child claim DLA?

- To help meet the costs of disability. DLA is the main benefit for a child with a disability.
- Your child does not need to have a diagnosis to apply for DLA however you do need to be able to evidence that their disability impacts their ability to function at the same level as their peers.
- DLA is not means tested. It is paid in addition to other benefits and it can be the gateway to an increase in means tested benefits and tax credits
- It has two components – mobility and care
 - **Mobility** – looks at the ability of the child to go out, not just walk. For example - your child may not be able to tolerate noises of public transport which may result in melt downs. You may have additional transport costs due to hospital and therapy appointments or cost of parking that you would not normally have.
 - **Care** – your child's need for care and supervision must be substantially greater than a non-disabled child of the same age. Does your child have sensory issues, are they only able to tolerate certain brands of food for example? Are your utility bills higher? Do you have to do extra washing, buy specific clothing or purchase extra bedding? Do you have to replace household items more often?

Eligibility for Claiming DLA

To claim for both care and mobility components your child will have needed extra care and support for at least three months and be expected to have them for at least six months more. This means the earliest DLA can be paid is from three months of age.

DLA Care Component

To qualify for

- **Low rate:** you need to be doing one hour of extra care over 24 hours a day
- **Middle rate:** you need to be doing more than one hour of care during the day or night
- **High rate:** you need to be providing care during both the day and night. Day time is from when the household get up to when the household go to bed. You need to be up during the night at least twice and be with your child for a specific reason for at least 20 minutes. This could include needing to take them to the toilet, turning them in bed, them waking more due to anxieties, sensory issues, their inability to self-settle so you need to go through social stories or rituals and routines to help them settle.

DLA care component

- From **3 months** or **birth** if child has terminal illness
- Child must require either substantially more help with 'bodily functions' or substantially more supervision than a child of same age

Paid at one of 3 different rates:

- **Low rate** - if need care for portion of the day
- **Middle rate** - if need care frequently throughout day
OR need prolonged or repeated care at night
- **High Rate** – if need frequent care by day **AND** prolonged/repeated care at night

DLA Mobility Component

To qualify for

- **Low rate of mobility** your child requires more guidance or supervision than a child of the same age without a disability in places they do not know well. The low rate of mobility is paid from five years and upwards.
- **High rate of mobility which can be paid from the age of three years,** your child will have substantial difficulty walking, be unable to walk or have a condition such as asthma or a heart condition which causes exertion or be deaf or blind. They may also have a severe mental impairment or behaviour that challenges
(NB. It is hard to get a higher rate of mobility for behaviour that challenges if they can walk. Your child will have to meet five criteria in order to qualify for the high rate of mobility. They will need to:

1. Get the high rate of care
2. Have an arrested or incomplete development of the brain which is also the case for children with Autism Spectrum Disorder (ASD) as they may be cognitively bright but they are often unable to apply that intelligence to everyday situations. Evidence from a professional will be needed to support this
3. Exhibit behaviour that is disruptive (head banging, shouting etc)
4. Require regular intervention by another person to keep them or others safe
5. Show unpredictable behaviour even if everything else is in place)

How to claim

- For under 16-year-olds you use claim form [DLA 1A Child](#)
- For babies three months old is usually the earliest you can get the DLA Care component (unless your child has a terminal condition). It can often be harder to show that a child at this age needs more help than other babies of the same age so we would recommend getting specialist help to fill in the form.

Useful Tips

- It is always best to call for a DLA form as it will then be backdated to the day that you asked for a form. DLA Helpline is 0800 121 4600
- Forms need to be submitted within 6 weeks of receipt. Take your time to fill it in, don't try and do it all in one go and if you need extra time to fill in the form let the DLA know.
- Always try and get support when applying for DLA especially when filling out the form and try and do this as early as possible – organisations such as Contact, Citizens Advice Bureau, OxFSN can help.
- Keep a diary the week before tackling the form including details of the amount and type of care your child needs during the day and night. It may be useful if you have to challenge by giving examples of what a day/night looks like and how long it takes to do things.
- Cross out mistakes rather than using correction fluid
- When writing about how many times your child needs help, do not use the wording "I need to help my child..." use "My child needs help to ..."
- Don't try and play down your child's condition as you are trying to give an insight in to the full extent of your child's needs. Compare their needs at the same age to your older children or to a friend's child.
- Don't use good day/bad day – use the terms 'bad days' and 'better days' to show how your child's condition fluctuates
- Give as much information as possible and think of as many professionals as possible who can help you support the claim and ask them to provide evidence
- If you ask the school for supporting evidence, make sure that you let them know that you are applying for DLA for your child and that you need evidence about the

things that your child needs help with. Schools tend to give positive supportive letters and play down difficulties which may undo what you are saying in the form

- It's not just about the physical help that your child needs it's also about the support they need to help them do an activity such as extra supervision, the help they need to stay focused and stop being distracted, the amount of encouragement and explaining that you need to do and the constant prompting and reminding. It may take a long time to calm someone down or they may not be able to bear certain smells due to sensory issues.
- Ask yourself whether you have included enough evidence to convince someone who has not met your child how their disability impacts them. Include medical reports, speech and language assessments, psychological reports, statement of educational needs. If you do not have all the information let the decision makers know you will be sending it.
- Keep a copy of your form.
- Respond to every letter that is sent to you.
- No one can tell you how to spend DLA.

Getting a decision

- You should get an acknowledgement of receipt of your form within two weeks
- You should get a decision on eligibility within three months
- Most awards are usually for a fixed period. If your child's is under 16 and still eligible to receive DLA the department handing DLA will usually write to invite you to reapply for DLA on your child's behalf. (See section on Renewing an Existing Claim).

Challenging a decision

- If your child is refused DLA or they get a lower rate than expected you can challenge the decision. There are two possible stages when challenging a decision
 - **Reconsideration Request** – when you can ask for the decision to be looked at again
 - **An Appeal** if you are not happy with the outcome of the reconsidered decision

Reconsideration Request

- If you disagree with the initial decision, you have 28 days to appeal.
- The first thing you need to do is to call the DLA and ask for the reasons for their decision to be sent to you in the post so you can see what you need to argue against. If the written statement of reasons is provided within that month, the 28 day time limit for disputing the decision is extended by 14 days. If it is provided outside the month time limit, you have 14 days from the day it is provided.
- You then need to call the DLA and ask for a **Mandatory Reconsideration**

- You may be asked to provide further supporting information. This will be looked at by a different decision maker who may try to contact you if they need more clarity. They will make at least two attempts to contact you. If they cannot make contact, they will base their decision on the information they have available.
NB. If the reasons were included in the original decision letter the time limit will not be extended. Sometimes the reasons given are brief and general and can be easily missed so it is always a good idea to ask for a reconsideration within the month time scale if you are not sure. This way you will get confirmation directly from the DWP whether you will get an extension or not.
- Once the DWP has made their decision they will send two Mandatory Reconsideration Notices. One is your copy; the other is for you to send to the Courts and Tribunal Service if you decide to appeal against the Reconsideration Decision.
- If you have missed the 28 day deadline, and you have reasonable grounds for missing it, you can have up to thirteen months from the date of the decision letter to still apply for a Mandatory Reconsideration if you can show evidence of difficult circumstances such as illness, a bereavement etc.

Appeal

- If you are not happy with the outcome of the reconsidered decision because the DWP turned you down or you did not get the rate you were expecting, the next step is to take it to Appeal.
- You must make the appeal in writing, explaining why you think the decision was wrong using the form [SSCS1](#). You need to include a copy of the Mandatory Reconsideration Notice sent to you by the DWP and they need to receive it within one month of the date on the notice.
- You have the choice of either a paper hearing (where the decision is based on submitted paperwork) or an oral hearing (where you are able to attend the hearing yourself). We recommend you ask for an oral hearing as they tend to be more successful. All expenses are reimbursed and you can also take someone with you.
- Decisions at appeal are based on the evidence that was submitted at the time. This could be from as long as a year ago as there are long waiting times for appeals to be heard. You will not receive DLA payments until a decision has been made.
- If you can, try and get specialist advice to help you prepare. A specialist adviser will be familiar with the law and will know what information you need to submit and may even be able to go to the appeal court with you. Contact [Citizen's Advice](#), [Disability Rights UK](#), [Oxfordshire Specialist Advice Service](#) who may be able to help.
- Make notes ahead of time about what you want to say and take supporting evidence to back up your points. State which component (care and/or mobility) and what level you think your child should be awarded.
- If you succeed, the DLA payments will be backdated to the date from which the appeal was submitted.
- You should hear on the day of the hearing or soon after if you have been successful or not.
- If you are not successful and want to take it further you may be able to appeal to the Upper Tribunal but you will need advice on how to do this

Changing an existing DLA award

- If your child is already in receipt of DLA but you think their needs have changed and that they should be on a higher rate of one or both components you can ask the DWP to look at your child's award before their next review is due.
- This is known as a **Supersession Request**.
- For this to happen you need to call the DLA and ask them for a change of circumstances form.

NB. If your child is already receiving a reasonable award, we recommend that you get advice from an organisation like the Citizens Advice (CA) before asking for a review as there is a risk that your child's award may go down rather than up.

Renewing an existing claim

- If your child is in receipt of DLA, (and they are not about to turn 16 which is when they will start to claim Personal Independence Payment (PIP)) and they have been awarded DLA for a fixed period of time you should be contacted about 20 weeks before the award is due to end with a renewal claim pack.
- If you do not receive this, contact the DLA office as soon as possible as the renewal forms need to be completed before the current award finishes otherwise you will lose the benefit.
- A renewal form is treated in exactly the same way as a new claim so make sure you get support to fill out the claim and include all supporting evidence to back up your claims.
- You can use your old form as guidance but make sure to update it with any changes.

If your child is away from home for any length of time

- If your child attends residential school or residential care even for short term breaks and this is paid for by 'public funds', the DLA care component (not mobility) will stop after 28 days. Long lengths of stay may also impact other benefits such as Carers Allowance
- If your child is funded by NHS continuing care, we recommend that you seek further advice either from Contact or the Citizens Advice Bureau
- If your child is in a residential setting, they are still entitled to the care component on a daily rate on the days they are at home.
- If your child spends more than 28 days at home the care component should not be stopped again until they have spent another 28 days in residential school/care.
- If your child is under the age of 16 and goes in to hospital, DLA does not stop. This means Carers Allowance does not stop providing you are still continuing to provide 35 hours a week of care
- It is your responsibility to tell the DWP each time your child is away from home in a residential setting when the costs are being paid by public funds

When your child turns 16

- Once your child reaches 16 you need to apply for Personal Independence Payment (PIP). (18 in Scotland). As your child may not be having as many appointments with professionals, make sure you keep all the letters that you have from professionals that describe the difficulties your child has as they will be needed for evidence.

DLA and how it affects other benefits

Claiming DLA can lead to an increase in other benefits. Getting DLA at an increased rate may also entitle you to other benefits. However, before you claim or change any benefit, we highly recommend that you seek specialist advice. The benefit system can be complicated and sometimes difficult to navigate.