

Disability Living Allowance (DLA)

for children aged 16 and under



If you are looking after a child with a health condition or disability 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 a child with a health condition or disability who is under 16, they may be entitled to 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 aged 16+ and is not currently receiving DLA, they will have to claim Personal Independence Payment (PIP) instead.

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 (and your child does not need to have an actual diagnosis) 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.

▶▶ **Note:** If your child is terminally ill there are simpler rules which make it easier to apply - see page 8 for further details.

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.

	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. 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 a significant portion of the day (which generally means at least an hour a day - although this does not necessarily have to be all at once).
Middle rate care component	For children that have either daytime 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 higher rate if they are terminally ill.

Daytime test

To satisfy the daytime 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 continually (ie frequently or regularly) throughout the day to make sure that they are safe

Night-time test

To satisfy the 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 in 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. You need to show that your child is unable or virtually unable to walk and/or 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>

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 **0345 712 3456** (textphone: 0345 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 to download a claim form.

If you ask for a claim form by phone, it should be stamped with the date of issue. This is the date from which the benefit will be paid if the claim is successful, providing you return the form within six weeks. If you are not able to complete the form by this date, please let them know and seek advice.

If you download the claim form or get one from a local advice agency the claim will start from the date the completed form is received.

Read the form and the notes that go with it before you start to complete the form. You can attach pages to the application form if you think there is not enough space to explain the help that your child needs. Remember to add your name and national insurance number to the extra pages.

Completing the claim form

- The form is long and complex so take your time to complete the claim form, and remember that you don't have to complete it all in one go.
- 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.
- It can be very difficult to do, but try to concentrate on the difficulties your child has and the extra care and support they need compared to other children of the same age.
- Try to use examples to describe your child's needs where

possible. Don't just rely on the tick boxes.

- Remember that the person who is looking at the form will not know your child and may not know anything about their condition.
- The DWP (Social Security Agency in Northern Ireland) will normally need to see some supporting evidence from a medical practitioner or another professional. There is a page on the claim form called "Statement from someone who knows the child", and if there is a professional (ie a school teacher, GP, therapist etc.) who could write knowledgeably about your child, put their details on this page (if not you can fill it in yourself). Make sure the person is relevant, for example if your child's needs are mainly night-time needs there may be little point asking the school for details of their condition. The DWP (Social Security Agency in Northern Ireland) may write to one of the professionals you list on the form, so make sure you inform the professionals that you are putting their details down. If you give details of more than one professional on the form, make it clear which one knows your child the best.
- Keep a copy of your form.
- You could ask for help to complete the claim form from a local advice agency. To find out about advice agencies in your area, please contact the Carers UK Adviceline - see final page for contact details.

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 see 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 (DWP) (England, Wales & Scotland) or the Department for Communities (DfC) (Northern Ireland) 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 the Tribunal Service (England, Wales & Scotland) or the Appeals Service (Northern Ireland) 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

▶▶ **Note:** If you live in Northern Ireland and are challenging a benefit decision made before 23rd May 2016 then the process is different. Contact Carers NI for further information – see final page for contact details.

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 DWP (Social Security Agency in Northern Ireland) and ask for your child's award to be looked at again.

If 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 agency before you contact the DWP (Social Security Agency in Northern Ireland). To find out about advice agencies in your area, please contact the Carers UK Adviceline - see final page for contact details.

If your child is 16 and you ask for a DLA award to be looked at again, it is likely to instead be treated as a new claim for PIP – see page 15 for more details.

Going into hospital or a care home

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

Stays in hospital

From 29th June 2016 (in England, Wales & Scotland) and from 6th July 2016 (in Northern Ireland) the rules regarding DLA for children in hospital changed. The new rules mean that if your child is under 18 when they enter hospital, their DLA can continue to be paid for the whole time they are there.

These new rules replace the previous rules, which were that if your child was in hospital, their DLA might have stopped after they had been in hospital for 12 weeks (84 days).

If your child has been in hospital for over 12 weeks and if their DLA has stopped, then if they were under 18 when they went into hospital you should contact the DWP (Social Security Agency in Northern Ireland) and ask for their DLA to be re-instated.

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.

Stays your child has in 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

Means-tested benefits and tax credits

If your child has been awarded DLA it is always a good idea to check if you are entitled to an increase in any means-tested benefits or tax credits that you are already getting, or if you might be entitled to any means-tested benefits or tax credits that you are not currently getting.

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 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 Child 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 higher 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 to pay 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.

Getting a benefit check

Contact the Carers UK Adviceline for a benefits check – see final page for contact details.

▶▶ **Note:** You can get a benefits check online by visiting either of the following websites:

www.entitledto.co.uk/benefits-calculator
www.turn2us.org.uk/benefits_search.aspx

It will take about 20 minutes to complete.

These online tools are not suitable for everyone. Special rules apply to some groups of people, for example students, people under 18, people in permanent residential care, UK nationals who live abroad and people who are not British or Irish citizens.

Exemption from the benefit cap

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

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.

Help with transport costs

Motability

If your child is awarded the higher rate mobility component of DLA 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 17 for contact details.

Blue Badge scheme

If your child is awarded the higher rate mobility component of DLA 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**.

Road tax

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 councils 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 **02890 66 66 30**.

Companion Entitlement (Scotland only)

If your child receives the middle/higher rate of the care component of DLA, or if they are registered blind, or live in a care home and are eligible to receive the middle/ higher 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.transport.gov.scot/public-transport/concessionary-travel-people-aged-60-or-disability

What happens when your child turns 16 years old?

About Personal Independence Payment (PIP)

PIP is gradually replacing DLA for people who are aged 16 to 64. Children who get DLA who are turning 16 will be invited to claim PIP shortly after their 16th birthday, even if they have an indefinite award of DLA.

The DWP (Social Security Agency in Northern Ireland) will write to the appointee of children coming up to 16 years old to explain about PIP and to check whether the child will continue to need an appointee to act on their behalf. If they do not, then once the child turns 16 the DWP (Social Security Agency in Northern Ireland) will write to them directly inviting them to claim PIP. If they do still need an appointee because they can't manage their own affairs the DWP (Social Security Agency in Northern Ireland) will begin the process of making the appointeeship.

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.

PIP 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 an 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.

▶▶ **Note:** In Northern Ireland some measures have been put in place for people who were receiving DLA and who are financially worse off after they have been assessed for PIP. Contact Carers NI for further information – see final page for contact details.

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.

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 (which for this purpose also includes Northern Ireland) 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 Great Britain, although some people may be treated as being in Great Britain 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. You can also contact the Carers UK Adviceline - see final page for contact details.

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 precise 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 the appeals process for benefit decisions in Northern Ireland.

w: www.nidirect.gov.uk/the-appeals-service-northern-ireland-tas

Contact a Family

A national charity that supports the families of children with additional needs.

w: www.cafamily.org.uk | **t:** 0808 808 3555

e: helpline@cafamily.org.uk

Citizens Advice

Provides free, independent, confidential and impartial advice.

w: www.citizensadvice.org.uk

HM Courts and Tribunals Service

To search for a court or tribunal in England or Wales, or a tribunal in Scotland.

w: <https://courtribunalfinder.service.gov.uk/search/>

Independent Case Examiner

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

England, Wales, Scotland & Northern Ireland

w: www.ind-case-exam.org.uk

t: 0345 606 0777 (textphone: 18001 0345 606 0777)

Motability

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

w: www.motability.co.uk

t: 0300 456 4566 (textphone: 0300 037 0100)

NI Ombudsman

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

Northern Ireland

w: www.ni-ombudsman.org.uk/

t: 02890 233821 (textphone: 028 90897789)

Parliamentary and Health Service Ombudsman

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

England, Wales & Scotland

w: www.ombudsman.org.uk

t: 0345 015 4033 (textphone: 0300 061 4298)

Benefit helplines

Attendance Allowance

England, Wales & Scotland

t: 0345 605 6055 (textphone: 0345 604 5312)

Northern Ireland

t: 028 9090 6178 (textphone: 028 9031 1092)

Benefit Enquiry Line

Northern Ireland

t: 0800 220 674 (textphone: 028 9031 1092)

Carer's Allowance Unit

England, Wales & Scotland

t: 0345 608 4321 (textphone: 0345 604 5312)

Northern Ireland

t: 028 9090 6186 (textphone: 028 9031 1092)

Disability Living Allowance

England, Wales & Scotland:

- *If you were born on or before 8 April 1948:*

t: 0345 605 6055 (textphone: 0345 604 5312)

- *If you were born after 8 April 1948:*

t: 0345 712 3456 (textphone: 0345 722 4433)

Northern Ireland

t: 028 9090 6182 (textphone: 028 9031 1092)

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

Jobcentre Plus

England, Wales & Scotland:

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

Existing claims **t:** 0345 608 8545 (textphone: 0345 608 8551)

Social Security or Jobs & Benefits Office

Northern Ireland: The address can be found in the phone book under Government – Social Security Agency.

Pension Credit

England, Wales & Scotland

t: 0800 99 1234 (textphone: 0800 169 0133)

Northern Ireland

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

Help line **t:** 0300 123 3014 (textphone: 0808 100 1165)

Pension Service

England, Wales & Scotland

w: www.thepensionservice.gov.uk | **t:** 0345 60 60 265 (textphone: 0345 60 60 285)

Northern Ireland

w: www.dsdni.gov.uk | **t:** 0808 100 2658 (textphone: 0808 100 2198)

Personal Independence Payment

England, Wales & Scotland:

New claims **t:** 0800 917 2222 (textphone: 0800 917 7777)

Enquiry line **t:** 0345 850 3322 (textphone: 0345 601 6677)

Northern Ireland

New claims **t:** 0800 012 1573 (textphone: 0800 012 1574)

Enquiry line **t:** 0300 123 9221 (textphone: 0300 123 1008)

Tax Credits

England, Wales, Scotland & Northern Ireland:

t: 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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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