

Disability Living Allowance for under 16's

If your child is under the age of 16 and has Care and Mobility needs, they may be entitled to DLA (Disability Living Allowance). There are 2 components and 2-3 rates of award to this benefit, which are tax free. Your child may be entitled to one or both of the components. Your child must have had these difficulties for at least 3 months and be expected to have them for at least 6 months.

DLA Components and Award Rates

Care Component. The Disability(ies) / Condition(s) must be severe enough to need help with things such as washing, dressing, eating, getting to and from the toilet, communicating, and/or supervision required to avoid putting the child or others in substantial danger.

Mobility Component. The Disability(ies) / Conditions must be severe enough to need help with getting around. **HOWEVER**, until a child reaches the age of 5, they will not be entitled to the Lowest rate of this Component. To qualify for the Highest rate of this Component, the child must be aged 3 and above.

Award Rates. The Mobility Component has 2 rates of award: Lower and Middle. The Care Component has 3 rates of award; Lowest, Middle and Highest.

The Component and Rate is decided by the DWP on Health Assessment*.

To Consider

For a child under the age of 1

Because of the amount of care and supervision all infants need, the amount needed by an infant with Disability(ies) may not be much greater than that needed by a healthy infant, but may differ. For example:

- An infant with certain Disability(ies) / Condition(s) may need more specific stimulation or physiotherapy to develop muscle tone in their limbs, but the amount of care or supervision they need may not be greater than that given to a healthy infant.

Some infants with certain Disability(ies) / Condition(s) may well need extra care; for example:

- An infant with Cystic Fibrosis
- An infant with Cerebral Palsy
- Feeding / Medication by Tube
- Regular administration of oxygen, etc.

In General

Your child's needs must be "substantially in excess" of what is normally required by a child of the same age, or your child must have substantial needs that non-disabled children of the same age would not have.

Evidence

You will need to provide evidence of the Child's conditions. Wherever possible, the evidence must not be over 2 years old. Some examples are as follows:

- Doctors letter(s) confirming Condition(s) and how they affect your child.
- Diagnosis report(s) from Consultant(s) and letter(s) from the Hospital.
- Autism report (you will need to ask the Doctor to refer you for the assessment)
- Statement Letter from Occupational Therapist, Social Worker, Teacher, etc. to highlight up your Child's Disability(ies) / Condition(s) and how this effects them in their daily life.

Process

1. Telephone the Disability Living Allowance Helpline to request a form. They are open Monday to Friday from 08:00 to 19:30.

Telephone: 0800 121 4600

Textphone: 0800 121 4523

NGT Text Relay (if you cannot hear or speak on the phone): 18001, then, 0800 121 4600

2. Once you have received the form, please check the deadline date to return the completed form by. This will generally be 4 weeks from the date of your phone call.
3. Complete the form accordingly, then return in the envelope provided with the evidence. It is recommended that you send a copy of any evidence and keep the originals and where possible take a copy of the completed form for your records as this will aid if needing to do a Mandatory Reconsideration and go through Appeal. Send by Recorded Delivery to ensure that you have a record of postage.
4. *Health Assessment. The DWP will write to you to request that your child attend a Health Assessment. You will be given the location of where this will take place. You have a right to request a different location; if this is the case, contact the DWP using the number provided on the letter to change. The Assessment is carried out by a Healthcare Professional who is there to assess how a condition or conditions affects you. There may be a need to carry out a physical examination. Extra information or medical evidence can be brought along with you to aid with their report. A companion can attend with you for support and to supply additional information; this is recommended. Once the Healthcare Professional has gathered the necessary information, the Assessment will end. This will be reviewed and a report created which will be passed to the decision maker in the DWP.
5. You will then await the decision of the DWP. A letter will be sent to you detailing their decision(s).

Decision and Appeals

You will receive notification by post of the decisions made by the DWP and the reasons they have come to the decisions. You have a right to appeal. There are 2 stages:

1. **Mandatory Reconsideration.** In the first instance, if you are not in agreement with the decisions, you will have a finite amount of time to action what is known as a "Mandatory Reconsideration". This is a letter from you to the DWP where you go through each point that they have included in their decision and decide which points you don't agree with. Include each

point you don't agree with in your letter and the reasons as to why you disagree with each. If you have additional evidence you wish to include, please do so. Send the letter to the address given by Recorded Delivery within the deadline they have provided. Please ensure that you include the reference number given to you in the DWP letter.

2. **Appeal.** If the DWP does not agree with your Mandatory Reconsideration request, you will need to go through Appeal. This is where you will need to complete an SSCS1 form. This is available as an online form that you can download. In the letter to you, the DWP should state what the deadline for appeal is. A downloadable form is available online which you can then print and complete: <https://www.gov.uk/government/publications/appeal-a-social-security-benefits-decision-form-sscs1>

You will need to complete the form as per instructions and return to the DWP along with any additional evidence you have. It is crucial to have some additional evidence (letters / reports, etc.) that will support the reason(s) as to why you wish to appeal. This will need to be sent by Recorded Delivery within the deadline they have provided. The following is a link to advice given by the DWP in appealing: <https://www.gov.uk/government/publications/how-to-appeal-a-decision-by-dwp-sscs1a>

The DWP will arrange for an Appeal Hearing. It is recommended that you attend. A letter confirming date and time will be sent to you. You have a right to have a friend or advocate with you.

The following page provides Useful Contacts and links to Factsheets produced by Disability Rights UK related to applying for the DLA and the Appeals Processes.

Useful Contacts / Web Pages

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| Support for Families with Disabled Children | <p>Contact Charity: Telephone: 0808 808 3555 Website: https://contact.org.uk</p> <p>Contact guide for claiming DLA for your Child: https://contact.org.uk/media/1212211/claiming_disability_living_allowance_for_children.pdf</p> |
| Department of Work and Pensions | <p>Up to date UK Government information on Benefits: https://www.gov.uk/browse/benefits</p> |
| Benefits Advice and Support | <p>Citizens Advice (Portsmouth) Telephone: 023 9285 5855</p> <p>Advice Portsmouth Telephone: 023 9279 4340 or 023 9279 4345</p> |
| Advocacy to assist with Assessments and Appeals | <p>Enable Ability Telephone: 023 9267 0012 or 023 9267 1846 Email: advocacy@enableability.org.uk</p> |
| Resided outside the UK? | <p>UK Government advice on applying for benefits: https://www.gov.uk/claim-benefits-abroad</p> <p>Citizens Advice on changes coming up in 2020: https://www.citizensadvice.org.uk/benefits/claiming-benefits-if-youre-from-the-EU/before-you-apply/check-if-you-can-get-benefits-if-youre-from-the-eu/</p> |

Disability Rights UK Related Factsheets

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| Does your child qualify? | https://www.disabilityrightsuk.org/does-your-child-qualify-dla |
| How much is DLA? | https://www.disabilityrightsuk.org/how-much-dla |
| How to Claim | https://www.disabilityrightsuk.org/how-claim-dla |
| Going into Hospital | https://www.disabilityrightsuk.org/disability-living-allowance-hospital |
| Where to get more help & information | https://www.disabilityrightsuk.org/more-information |
| Disagreeing with a DLA decision | https://www.disabilityrightsuk.org/what-if-i-disagree-dla-decision |
| Mandatory Reconsiderations & Appeals | https://www.disabilityrightsuk.org/appeals-and-mandatory-reconsideration |