

# Derbyshire Welfare Rights Service

## Disability Living Allowance for Under-16s

Disability Living Allowance (DLA) is payable when someone needs a great deal of personal care and/or they have problems with mobility.

For people over the age of 16, DLA is being replaced with Personal Independence Payment (PIP) but for young people under the age of 16, DLA is still the correct benefit to claim.

This is a brief outline of DLA for under-16s. It is always best to seek advice before claiming, as the rules are complicated.

### What is DLA?

Disability Living Allowance is paid where someone has a physical or mental illness or disability or learning disability which means they have a lot of personal care needs and/or they have mobility problems.

It does not matter what other benefits or income you have, or what savings you may have.

DLA is also not taxable and does not count as income for other benefits. Getting DLA for a child may mean that you qualify for additional help with benefits such as Child Tax Credit, Housing Benefit or Council Tax Support.

### DLA for Care Needs

'Care' can mean actively helping someone in their bodily functions (for instance to get in and out of bed, wash and bathe, use a toilet, dress, eat and drink) and/or watching over them to avoid danger to themselves or others.

DLA may be paid at one of three rates:

**Low rate** (£23.60 weekly) - where the child's care needs occupy a 'significant portion' of the day, (this could be as little as an hour, added up during different periods of the day) but don't extend throughout the day or the night.

**Middle rate** (£59.70 weekly) - where the child needs frequent attention from another person to manage bodily functions or needs to be watched over to avoid danger, or both.

**High rate** (£89.15 weekly) – where the child's care needs extend throughout the day and there is also a need for prolonged or repeated attention with bodily functions at night, or the child needs to be watched over during the night to avoid danger, or both.

It can be difficult to work out which rate applies in your case— seek advice before you claim.

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## DLA for Mobility

**Low rate** (£23.60 weekly) - where the child may be able to walk, but needs supervision and guidance most of the time when walking out of doors on an unfamiliar route. This may apply where the child has a physical disability, or a mental health problem or learning difficulty, and for instance they may get lost, or get in to danger if not supervised.

**High rate** (£62.25 weekly) – where the child cannot walk at all, or is so disabled physically that they are ‘virtually unable to walk’

The high rate may also be payable where a child is blind, or both deaf and blind, or has severe mental impairment and behavioural problems and also gets the highest rate of DLA for care. This can be a very complex claim – seek advice.

## Age limits on claiming DLA for a child

The ‘care component’ can be claimed when the child has had care needs for at least three months (see below for more information).

*It is possible to claim DLA care for a very young child, but DLA will only be paid if it can be shown that the child’s needs for care are greater than those of a child of a similar age. You will usually need advice and lots of supporting evidence to demonstrate this.*

The ‘higher rate’ for mobility can only be paid when the child is at least 3 years old.

The ‘lower rate’ for mobility can only be paid when the child is at least 5 years old. It will only be paid if it can be shown that the child’s needs for supervision and guidance are much greater than those of a child of a similar age.

## Qualifying period and Special Rules

DLA is usually only payable when the child has had care/mobility needs for at least three months.

If a child is terminally ill, there are special rules which mean that the claim should be dealt with quickly and the qualifying period does not apply. If form DS1500 has been issued by the doctor or specialist and it is agreed that the child cannot reasonably be expected to live for a further six months, DLA highest rate care is payable. You will not have to complete the full form – but you will need to apply for the mobility component if this is needed.

Always seek advice and support with making a claim in this situation.

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## **Claiming DLA**

You can start a claim by contacting our Benefits Helpline – we can send you the forms, and once they are complete we can send the claim on to DWP.

We will stay in touch with you until you get a decision on your claim, and can give advice and support if you are not happy with the outcome.

For guidance on completing the DLA form, see our leaflet 'Disability Living Allowance under 16 – tips on completing the form'.

## **How long is DLA paid for?**

An award of DLA may be for a fixed period, or may be 'indefinite' – if the award is for a fixed period you will receive renewal forms well in advance of the renewal date.

Remember to advise the DWP of any changes of circumstances that may affect benefit entitlement.

## **Who is paid DLA?**

If you are claiming for a child you will be their 'appointee' for benefits and DLA can be paid on their behalf into your bank account.

Can I claim Carer's Allowance for looking after a child who gets DLA?

If a child gets DLA for personal care at the middle or higher rate, and you spend 35 hours a week or more caring, you may be able to claim Carer's Allowance (CA). You must not be earning £123 a week or more from any work, and you must not be in full-time education.

For more details about CA, call our helpline or ask for our information leaflet on CA. Information is also available on the Welfare Benefits pages of the Derbyshire County Council website.

## **What happens when my child becomes 16?**

You will receive a letter from the Department for Work and Pensions inviting you to make a claim for Personal Independence Payment (PIP).

It is very important to make this claim – if you do not make a PIP claim, payment of DLA will stop after 4 weeks and the entitlement will end altogether after a further 4 weeks.

Seek advice – and also see our leaflets on PIP, which are also available on the website.

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Additional information can be found on our website, visit [www.derbyshire.gov.uk/welfarebenefits](http://www.derbyshire.gov.uk/welfarebenefits)

To keep up-to-date with benefit changes in Derbyshire go to  
[www.derbyshire.gov.uk/benefitnews](http://www.derbyshire.gov.uk/benefitnews)

**Benefits Helpline – 01629 531535 or email**  
**[welfarebenefits@derbyshire.gov.uk](mailto:welfarebenefits@derbyshire.gov.uk)**

**Monday, Tuesday, Thursday, Friday**  
**11.00am – 4.00pm**