

Derbyshire Welfare Rights Service

DLA – and the over 65s

Changes to DLA

It is no longer possible to make a new claim for DLA unless you are under the age of 16. Please see our information on DLA for under 16s.

If you have an illness or disability which means that you have care needs and/or problems with mobility and you are over 16 but under state retirement pension age (for people born on 6/12/1953 or later), see our information on Personal Independence Payment (PIP)

If you are over state retirement pension age and you have an illness or disability which means you have care needs, see our information on Attendance Allowance.

HOWEVER, if you were age 65 or over on 8th April 2013 and you already got Disability Living Allowance, you will remain on this benefit and will not be moved to PIP.

This leaflet explains what to do if you are asked to renew your DLA claim or your condition has worsened and you wish to claim a higher rate of benefit.

Please only use this information if you were born before 8th April 1948 and you are already getting Disability Living Allowance.

If you are not sure what to do, call our Helpline.

Disability Living Allowance is a tax-free benefit for people who have a lot of needs for personal care and/or mobility needs.

You can get DLA even if you do not actually receive help from someone – it is your reasonable need for help that counts. For this reason, you can get DLA even if you live alone.

DLA is paid on top of any other income that you may get, and is not affected by any savings you may have.

Receiving DLA may mean that you are entitled to additional help with other benefits – contact our Helpline for details.

It may not be possible to claim a new element of DLA for the first time if you are over 65. For instance it is not usually possible to claim the mobility element of DLA for the first time, even if your condition has changed. Contact the Helpline if you are in any doubt.

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If you receive a renewal pack for DLA or if you request a review of your benefit because your condition has become worse

It is important to complete the new form as fully as possible - don't assume that the person looking at the form knows about you from your previous applications.

Try to list all your health problems and give as much detail as requested. Include a repeat prescription list if you have one and make sure it covers all the medication you take. Don't forget to mention any medical equipment you may use (TENS machine, nebuliser, etc.).

Provide the name and address of your doctor and also the person most involved with your care, if there is someone. You should only put down people who are familiar with your difficulties as they may be contacted for further information when your claim is being assessed.

When you fill in the sections about care and mobility, don't just tick boxes, use the additional spaces on the pages and extra pages at the back of the form to explain more about your situation and how it affects you. Try to show how often you have problems, how many times a day, and for how long each time.

Mobility Component

High Rate Mobility (£62.25 a week) - The form will ask questions about your physical ability to walk. All the questions are important, but especially important is how far you can normally walk.

There is no specific distance in the rules but you should bear in mind that you are unlikely to qualify if you can usually walk more than about 50 yards. However, if you can walk, but you do so very slowly or in a particularly difficult manner owing to your condition, you may qualify. Seek advice if you are not sure what to say.

Answer all the questions that apply to you and try to give examples: try to describe how walking affects you (any pain, breathlessness etc), how far you can go before you need to rest, how long you need to rest, and any effect upon your health after you have walked.

If you have mobility problems arising from sight problems or sight and hearing problems, contact the Helpline for specialist advice.

Low Rate Mobility – (£23.60 a week) This part of DLA is payable if you can physically walk, but you need guidance and support most of the time if you walk out of doors on a route that is not familiar to you. This may be because you would be unable to find your way, you would be in danger, you would panic, you cannot manage crossing roads, etc.

You should provide some explanation of the difficulties that you have when trying to go anywhere unfamiliar on your own. If you have not walked anywhere unfamiliar for some time you should explain why - as long as this was due to the difficulties you have. You should explain what sort of guidance or supervision from someone else might help you to walk in unfamiliar places.

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Care Component

There are three levels of DLA for personal care: low rate, middle rate and high rate.

The low rate (£23.60 a week) may be payable if you cannot prepare and cook a meal for yourself or you need help on and off which adds up to a 'significant period' but not throughout the day.

The middle rate (£59.70 a week) may be payable if you need help throughout the day.

The high rate (£89.15 a week) may be payable if you need help throughout the day and twice or more, or for more than 20 minutes at a time, during the night. There is no fixed time for 'the night' to start or end. It is usually taken to be the period from when you go to bed to when you get up. If you keep unusual hours owing to illness or disability, seek advice.

'Personal Care' refers to the help you need with daily activities such as getting in and out of bed, washing, bathing, dressing, undressing, preparing and cooking a meal, eating and drinking, using the toilet, communicating with other people, and if you have activities such as hobbies or religious observances that you can no longer undertake without help.

It counts as 'care' if you need direct help from someone to do a task, or you may need them to encourage and motivate you to do things for yourself, or you may need someone to watch over you and make sure you are safe. If you can only do something with difficulty, slowly or with pain, make sure that you mention this.

DLA will not usually take in to consideration and help that you need with shopping, gardening or housework.

However, if you need someone to help you to do something yourself (such as shopping) due to sight problems or you need to be encouraged to do them due to mental health problems then they may count this help.

Remember that the questions are trying to find out what care you need – so you can claim even if you need help but do not get it.

You will be asked about care you need during the day – and care you need during the night. If you need help during both the day and the night, it is important to be clear about this.

It is always helpful if you provide some further explanation of the problems you have as well as completing all the relevant boxes. You should not assume that they will understand that you need help unless you have recorded it on the form.

Make sure that you show when you started to have care and/or mobility needs, and when your needs increased, if this is the case.

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There is a section of the form which asks for a statement from someone who knows your circumstances to confirm your medical condition and level of need. It may help your claim if it is completed in a helpful way by someone involved with your care or treatment. However, if it is not easy to get this section completed then send the form off without it. It is not necessary to complete this page and it is not worth delaying sending the form to get it completed.

Make sure you sign and date the form – the claim won't be valid if you don't.

If you have received your form via Derbyshire Welfare Rights: when you have completed your form and signed the authorisation letter, please return it to our office in the prepaid envelope provided. When we get it, a Welfare Benefits Officer will check through your form. If it seems there is enough information on it for your claim to be successful it will be posted (by recorded delivery) to the appropriate office of the Department for Works and Pensions (DWP). If, after checking your form, the Welfare Benefits Officer thinks more information is needed they will contact you.

Even though we make these checks the DWP may telephone you to clarify details of your claim. If you are not confident about dealing with them over the phone then you should ask them to put whatever questions they want to put to you in writing. You may have to be a little firm but you are perfectly within your rights to do this.

If your claim is refused you should discuss this with us as we may be able to help challenge the decision. We help people with hundreds of successful challenges every year.

You may receive a letter saying that you need to attend an assessment to check the level of help you need. The letter explains why an assessment is needed, and where you must go. Your benefit may be stopped if you don't go. Seek advice if you are not sure what to do, or if you think a home visit would be appropriate.

Additional information can be found on our website, visit www.derbyshire.gov.uk/welfarebenefits

To keep up-to-date with benefit changes in Derbyshire go to
www.derbyshire.gov.uk/benefitnews

Benefits Helpline – 01629 531535 or email
welfarebenefits@derbyshire.gov.uk

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