



Disability Living Allowance

What is Disability Living Allowance?

Disability Living Allowance (DLA) is an additional payment for claimants with longer-term illnesses or disabilities that mean they have significant difficulties with getting around and/or have difficulties with daily living tasks. It is primarily a benefit for children aged under 16 years since the introduction of Personal Independence Payment in 2013.

There is no restriction on how Disability Living Allowance payment is spent. Disability Living Allowance is a non-taxable benefit and there is no means testing of the claimant or their family; there is no national insurance contributions requirement.

Disability Living Allowance for adults

The relevant disability benefit for working age claimants is Personal Independence Payment (PIP) and those 65 or over should claim Attendance Allowance.

Some working age claimants will have been awarded Disability Living Allowance before the introduction of Personal Independence Payment. DLA claimants aged 65 or over on 8 April 2013 can continue to receive this benefit on an ongoing basis and will not change to PIP.

Qualifying Conditions for Disability Living Allowance

There are a number of 'non-disability' tests that apply including age, residency & presence and immigration status and access to public funds.

DLA is only awarded where the disabled person has had the care/ mobility needs for at least three months and where these are expected to last for at least a further six months (*except where claimant is terminally ill).

What are the different parts of Disability Living Allowance?

Disability Living Allowance is split into two components – care and mobility. The **care component** is paid at one of three different rates – low, middle and high, and the **mobility component** is paid at either the low or high rate.

Care Component

This component looks at whether the disabled person has a reasonable need for assistance from another person in connection with their bodily functions AND/OR whether they need supervision to avoid the risk of danger to themselves or others. A child should have care needs **substantially in excess** of another child of the same age – for example because it takes longer to assist to complete an action or the care need is more frequent. The need must arise as a result of a disability or health condition. 'Bodily functions' are actions related to the necessary functioning of the body – including:

- eating & drinking,
- washing,
- using the toilet,
- dressing & undressing,
- moving around and
- taking medication.

The rate of Disability Living Allowance depends on the level of additional care needed.

Low rate care: where the claimant requires attention for a significant portion of the day, or is unable to prepare and cook a simple meal (the 'cooking test').

Middle rate care: where the claimant requires either frequent attention throughout the day; prolonged and repeated attention at night; continual supervision throughout the day or another person to be awake at night for a prolonged period/at frequent intervals in order to avoid substantial danger.

High Rate care: where the claimant has BOTH daytime and night time care needs at a level equivalent to the middle rate conditions.

For Children: the 'cooking test' does not apply as a route to the low rate of the care component.

A child who, as a result of an illness or disability, requires additional help with learning, playing, socialising or understand the world around them may qualify for Disability Living Allowance.

Mobility Component

This component looks at whether the disabled person has difficulties when walking. The high rate considers the restrictions on the claimant's walking ability as a result of physical health difficulties and the low rate considers the impact of mental health conditions or learning disabilities.

High rate mobility: where the claimant is unable to walk, 'virtually unable to walk' considering the time, distance, speed and gait or where the exertion required to walk would constitute a risk to health. There are also a number of other specific conditions – eg severe mental impairment or visual impairment.

The high rate of the mobility component can be considered for children over three years

Low rate mobility: where the claimant is unable to go out without guidance or supervision from another person for the majority of the time. **Note:** There is no reduced rate for claimants' whose physical mobility is restricted but not enough that they would qualify for the high rate of the mobility component.

The low rate of the mobility component can be considered for children over five years.

Is it necessary to have a formal diagnosis?

Any care and/or mobility needs must arise as a result of the claimant's health condition. It is important to understand that it is not the diagnosis or health problem that leads to an award of DLA but the individual's care and/or mobility needs. It isn't necessary to have a formal diagnosis, but obviously it can help Disability Living Allowance understand the claimant's care and/or mobility needs if there is one.

Disability Living Allowance do seek some corroboration of the information given by the claimant – which can be from a GP, other specialist doctor or healthcare professional, any other professional (eg school) who know the claimant. It is therefore important to have sought medical advice and assistance.

How do I claim Disability Living Allowance?

To order a claim form for a child (under 16 years) you can **call 0800 121 6179** or you can download a form.

We can help with the completion of Disability Living Allowance claim or renewal forms, but appointments are limited and can get filled some weeks in advance – so don't leave it too late to contact us if you do need help.

What else should I check if Disability Living Allowance is awarded?

An award of Disability Living Allowance in respect of a child can lead to additional payments from Tax Credits, Universal Credit or Housing Benefit/Council Tax Reduction (the 'disabled child' and 'severely disabled child' elements). It is a good idea to tell all offices that pay you benefit straight away of an award as it can be difficult to backdate additional payments.

Where an award is made at the middle or high rate for the care component another person (including a parent) can claim Carers Allowance if they provide regular and substantial care of at least 35 hours per week to the disabled person/ child (subject to meeting other qualifying conditions).



Community Law Service offer specialist benefit advice to assist with identifying benefit entitlement, claiming benefits, understanding benefit decisions and registering benefit challenges and appeal. We can offer appointments to give advice and assistance to prepare for benefit appeals.