



**BIRMINGHAM  
CHILDREN'S TRUST**

**Disability Living Allowance (DLA)  
and  
Personal Independence Payments (PIP)  
Policy and Procedure  
for Children and Young People in Care  
in Internal and External Foster  
Placements**

Version 3

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## **1. Policy Statement**

The aim of this guidance is to achieve a consistent approach to dealing with Disability Living Allowance (DLA) for carers across Children Services (CS), so that we can be sure that all children and young people Looked After have the same opportunities for claiming and receiving the advantages of additional allowances to promote their needs and best outcomes.

Where a child/young person who is Looked After is in receipt of DLA, this allowance must be administered and used to the benefit of the child or young person only.

Foster carers who wish to consider claiming DLA on behalf of a child/young person must have consulted and gained prior agreement from the child's social worker and any other relevant person who has Parental Responsibility.

A written record should be kept by foster carers of how the allowance is spent and this record should be shared with social workers, the fostering service and other members of the team around the child on request.

Any items and equipment purchased using DLA are the child or young person's property and must move with them. Any DLA money that may have been saved should also move with the child if they move placement.

## **2. Scope of Policy**

This policy will apply to all children and young people who are Looked After by Birmingham Children's Trust within foster care placements, including those provided both 'internally' and by independent external fostering agencies. Requirements relate to those situations where a foster carer is the "appointee" who is claiming the DLA for the child.

### 3. Background

The criteria for qualification for DLA are complex. The Welfare Rights Service (see below for contact details) is able to give advice and assistance to social workers, fostering service and to foster carers or residential staff in relation to DLA and other benefits.

There are two parts of Disability Living Allowance - care and mobility. A child or young person may be eligible for one or both of them. There are three rates within the care part: a low rate - middle rate and high rate. There are two mobility rates - a higher and lower rate. Mental and physical disabilities are widely defined and may include children with ADHD and behavioural problems.

A leaflet is available from the Department for Work and Pensions which provides information about the criteria for qualification at the different rates.

Mobility payments can be made for children and young people both within residential and foster care placements. The care component is only payable to children in foster care. However, if the care component can be established it would then become payable if the child or young person leaves residential care to move home or to foster care.

#### **Eligibility**

Usually, to qualify for Disability Living Allowance (DLA) for children the child must:

- be under 16
- need extra looking after or have walking difficulties
- be in Great Britain, another European Economic Area (EEA) country or Switzerland when you claim - there are some exceptions, such as family members of the Armed Forces
- have lived in Great Britain for 2 of the last 3 years, if over 3 years old
- be [habitually resident](#) in the UK, Ireland, Isle of Man or the Channel Islands
- not be subject to [immigration control](#)

There are some exceptions to these conditions if the child is [living or coming from another EEA country or Switzerland](#).

### **Children Under 3**

A child under 6 months must have lived in Great Britain for at least 13 weeks.

A child aged between 6 months and 3 years must have lived in Great Britain for at least 26 of the last 156 weeks.

The rules on residence do not normally apply if a child is terminally ill.

Disability Living Allowance (DLA) for children may help with the extra costs of looking after a child who:

- is under 16
- has difficulties walking or needs more looking after than a child of the same age who doesn't have a disability

They will need to meet all the [eligibility requirements](#).

## **4. Claiming DLA on Behalf of a Child**

At the start of a placement, where it appears possible that a child or young person may be eligible for DLA, it should be discussed at the Placement Planning Meeting/or in the Children/Young People in Care Reviews. Once the child/young person becomes looked after, the child's social worker should contact the Department for Work and Pensions (DWP) regarding any existing claims for DLA. If DLA is already being claimed on behalf of the child, the existing "appointee" (the person claiming the allowance, usually a parent) can continue to claim, unless the period of care lasts, or is intended to last for more than 12 weeks. However, the child's social worker should be involved in discussions with the parent concerning the transfer of the DLA to the foster carer if appropriate.

Foster carers can claim on behalf of looked after children (including section 20 accommodated). Foster carers who wish to claim DLA on behalf of a child or young person should discuss this with the child's social worker and the fostering service. Parents must be consulted and kept informed of a claim for

DLA by the child's social worker unless it would not be in the child's best interest or against the wishes of a competent child. Where a child is Section 20 accommodated the agreement of the parent should be sought.

If it is decided that DLA should be applied for, it should be outlined within a Child/Young Person's Care Plan.

Either the social worker or the foster carer may contact the Welfare Rights Service to gain advice and assistance in making the claim.

## **5. What Should DLA be Spent On?**

DLA can be spent on items and services which benefit the child or the carer in looking after the child. The spending of the allowance will depend on the needs of the child and whether the DLA has been granted for care or mobility.

The care components can be used for needs over and above those that are provided on a statutory basis for children, especially where this helps the child cope with the effects of his/her disability including:

- Outings:
- Special equipment, e.g. adapted bike; toys.
- Activities;
- Physio
- Specialist Therapy
- Treats;
- Extra costs for holidays and activities;
- Extra washing costs;

- Additional clothing and footwear (e.g. this may need to be specially made);
- Special dietary or allergy free products, etc;
- Electricity and gas to keep the child warm; above and beyond normal household utility bills;
- Specialist equipment;
- Other additional goods or activities that will enhance the quality of the child's life, especially where this helps the child cope with the effects of his/her disability.

The mobility part may be used to assist with:

- Extra transport costs;
- Taxis;
- Travel adaptations to cars;
- Specialist child car seats;
- Bus passes;
- If the higher rate mobility part of DLA is paid carers may be eligible to lease a car through the 'Motability Scheme'. (N.B. In this case the lease car would have to be returned or transferred to new carers if the placement ended).

Where Additional Cost payments have been made by Children and Family Services and/or the Fostering Service to cover the cost of such items, these payments should be reviewed with a view to the costs now being covered by the DLA payments for the child. It is important that where possible DLA and Additional Cost allowances are not claimed/used for the same things.

The primary purpose of DLA payments is to promote the child's welfare and assist the carers in caring for the child in the present time. This will enable the child/young person to enjoy and achieve their aspirations and full potential. It is not intended to be saved in its entirety but any excess DLA can be saved for future needs.

## **6. Agreeing How DLA Will be Spent**

DLA is the child's/young person's money and they should be consulted about its use in an age appropriate way. How DLA will be spent should be discussed with the child's social worker and supervising social worker, and within Placement Planning Meetings and an agreement reached. The outcome of these discussions should be recorded within the Child / Young Person's Plan and can be reviewed via the LAC Review process if appropriate. It may be relevant to agree arrangements within the child's **Looked After Child Reviews** or the child or young person's IRO may suggest a separate meeting for this e.g. if other matters take precedence at the LAC Review or if it is more appropriate for this to be done with different attendees.

## **7. Recording Expenditure**

Recording is an important part of the foster carer's role and the foster carer should agree with the fostering social worker how information about DLA will be recorded. The carer may have a special book or file with the information in it, which should be regularly updated.

The fostering social worker will discuss this with the foster carer within supervision meetings and ask to see any record of DLA money which has been spent and/or saved. They will also ask to view the record and receipts of purchases. The child's social worker will also have access to these records relating to the child or young person they are responsible for. It may also form part of the discussion at the child's Looked after Child Review (see above).

## **8. Banking Arrangements for DLA**

Foster carers should have DLA money in separate bank accounts to their own wherever possible. If they have two or more children receiving this benefit, they should have separate bank accounts for each individual child or young person. The bank account should be in the child's or young person's name and signatory for the account can be the foster carer. In the event this is not possible a foster carer should open a bank account with the child's name solely for DLA finances until such time that the account can be transferred solely into the young person name.

The allowance will normally be paid into a current account; if more than £500 is accrued the balance over £500 should be paid into an interest bearing account/junior IFA.

## **9. Where a Child Regularly Spends Time at Home**

Where a child regularly spends time away from their care placement a suitable calculation about the DLA allowance should be made. The child's social worker and supervising social worker should discuss this with the foster carer and with the child's parent/s before a decision is made regarding how this will be claimed for and considered based on the child/young person needs.

## **10. Where a Child Regularly Spends Time in Residential Respite Care – the 28 Day Rule**

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***Note: This does not apply to children who receive respite in another foster placement.***

If a child (under 16) receiving DLA has respite care of 28 days or more in publicly funded accommodation (such as a children's home), the DLA will not be paid for the days spent in that accommodation. If going over the 28 days is

a regular occurrence, the DLA payments will be withdrawn and the carers will be asked to fill in a form giving days in and out of care and the carer may be paid in arrears. The mobility component of DLA is not affected, only DLA care component.

The 28 day limit may be reached in a single block or as the total of a series of days over a period of time e.g. 14 weekends. Any days going into or out of residential care do not count as a day in care. For example, if a child has respite care from Saturday to Sunday, this will not count towards the 28 days; if a child has respite care from Friday to Monday, this will count as two days.

If 28 days are spent without residential respite care, the link will be broken and the calculation towards the 28 days will start again.

The rules for care in hospital are slightly different: for NHS funded care the limit is 84 days.

It is advisable to seek advice from the Welfare Rights Service if respite in residential care is being planned in order to get a realistic picture of its likely impact on DLA.

## 11. When a Young Person Reaches the Age of 16

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### **When the Child Turns 16**

An application for [Personal Independence Payment](#) (PIP) should be made when the child turns 16.

### **When you apply for PIP**

The child will get a letter inviting you to apply for PIP. The letter will be sent:

- shortly after their 16th birthday
- when they leave hospital, if they were in hospital on their 16th birthday
- about 20 weeks before their DLA award ends, if they were awarded DLA under the rules for people who are terminally ill

The child's DLA payments will stop unless PIP is applied for by the date given in the letter.

If an application is made by the date given in the letter, the young person will continue to receive DLA until their claim is assessed.

Once a young person reaches the age of 16 the young person can claim PIP (Personal Independence Payment) in their own right and it is for them to decide what the money is spent on. A "Welfare Rights Benefit Check" should be obtained for the young person as they approach the age of 16.

Savings levels could potentially affect future entitlement to benefits for a young person. Therefore, once a young person reaches the age of 17 the level of savings should be reviewed, prior to claiming possible benefits at the age of 18 and over.

### **Personal Independence Payment (PIP)**

1. [Overview](#)
2. [Eligibility](#)
3. [What you'll get](#)
4. [How to claim](#)
5. [Change of circumstances](#)

### **Eligibility**

The guidance states that you must be aged 16 to 64 and have a [health condition or disability](#) where you:

- have had difficulties with daily living or getting around (or both) for 3 months
- expect these difficulties to continue for at least 9 months (unless you're terminally ill with less than 6 months to live)

You must have lived in England, Scotland or Wales for at least 2 of the last 3 years, and be in one of these countries when you apply. If you've recently returned from living in another [EEA country](#), you might be able to get PIP sooner.

The process is different in [Northern Ireland](#).

You can get PIP whether you're working or not.

There are additional rules if you live abroad or if you're not a British citizen.

### **Living Abroad**

You might still be able to get PIP if you:

- live in another [EU or EEA country or Switzerland](#) - you can only get help with daily living needs
- are a member or family member of the Armed Forces

### **If You Are Not a British Citizen**

You must:

- normally live in or show that you intend to settle in the UK, the Republic of Ireland, Isle of Man or the Channel Islands
- not be subject to [immigration control](#) (unless you're a sponsored immigrant)

You might still be able to get PIP if you are a refugee or have humanitarian protection status.

### **Daily Living Difficulties**

You may get the [daily living part](#) of PIP if you need help more than half of the time with things like:

- preparing or eating food
- washing, bathing and using the toilet
- dressing and undressing
- reading and communicating
- managing your medicines or treatments
- making decisions about money
- engaging with other people

### **Mobility Difficulties**

You may get the [mobility part](#) of PIP if you need help going out or moving around.

### **How You Are Assessed**

[You'll be assessed](#) by an independent healthcare professional to help DWP work out the level of help you need.

## 12. When a Child moves Placement or Leaves to Live Independently

When the child moves placement or leaves to live independently, any items and equipment purchased using DLA or PIP (personal Independence Payment) are the child or young person's property and must move with them. Any DLA or PIP money that has been saved should also move with the child if they move placement.

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## 13. Sources of Further Information

### **Disability Living Allowance**

Telephone: 0345 712 3456

### **DWP - PIP claims**

Telephone: 0800 917 2222

Textphone: 0800 917 7777

Calling from abroad: +44 191 218 7766

Monday to Friday, 8am to 6pm

### **Welfare Rights**

Telephone: 01387 266 888

### **Disability and Carers Service**

Telephone: 0300 123 3356

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