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| **8.10 Disability Living Allowance - Fostered Children and Foster Carers** | Top of Form    Bottom of Form |

**SCOPE OF THIS CHAPTER**

This chapter details Borough of Poole’s position in respect of applications for Disability Living Allowance (DLA) for fostered children and how once awarded, DLA should be managed by the child's social worker and foster carer. It also covers eligibility and when to claim Disability Living Allowance.

**RELEVANT LEGISLATION AND GUIDANCE**

Disabled Persons Act 1986

The Children Act 1989

Carers and Disabled Children Act 2000

The Disability Discrimination Act 2005

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**1.****Introduction**

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| 1.1 | This Policy Procedure and Practice Guidance confirms Borough of Poole's position in respect of applications for Disability Living Allowance (DLA) from fostered children and how successful claims for DLA should be managed by the child's social worker and foster carer. |
| 1.2 | DLA is seen as an important resource in supporting a child to improve their life chances and to help them maximise their potential.  DLA is being replaced by Personal Independence Payments for people over 16 years and those already claiming DLA will continue to receive this until they are invited by the Department of Work and Pensions to apply for PIP. |

**2.****Disability Living Allowance (DLA) (for under 16s)**

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| 2.1 | DLA is a tax free benefit payable to people aged from birth to 16 who need help looking after themselves and/or find it difficult to walk or get around because of an illness or disability. |
| 2.2 | Claims for a child under 16 are only paid when the child's disability means that they have substantial/additional needs above those of an average child of the same age. |
| 2.3 | DLA is not affected by a family's income or savings. It does not reduce other benefits. The receipt of DLA may entitle a family to extra support, tax credits, housing benefit and council tax benefit. |
| 2.4 | The person caring for a child with additional needs may be able to claim Carer's Allowance for looking after the child. DLA is usually paid to the main carer of the child with additional needs and is intended to meet the extra costs of the child's disability. |
| 2.5 | Upon reaching the age of 16, the benefit can be paid to the child, if they are able to manage their own finances. |
| 2.6 | DLA is paid in two parts - the mobility component and the care component. Either or both of these payments can be claimed. |
| 2.7 | The mobility component can be claimed from the age of 3-5 years if the child has had difficulty in walking for at least three months. The 3 month qualifying period can be the 3 months prior to the child's third or fifth birthday. From age 5 the claim is for guidance and supervision, not walking. |
| 2.8 | The mobility component is paid at two rates - the Higher Rate from age 3, the Lower Rate from age 5. |
| 2.9 | The care component is paid at three rates depending on the level and type of additional care needed. It can be claimed from birth but the child must have needed the extra help for at least 3 months to qualify and likely to need help for a further six months. |

**3.****Definition of Additional Needs for DLA**

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| 3.1 | To qualify for DLA, a child must need additional help, above those of an average child of the same age, during the day and/or with everyday living tasks such as:   1. Getting in and out of bed; 2. Going to the toilet; 3. Washing and bathing; 4. Extra help or school; 5. Dressing or undressing; 6. Playing and learning; 7. Eating and drinking; 8. Taking medicines; 9. Climbing stairs; 10. Turning over in bed; 11. Communicating with other people and learning social skills. |
| 3.2 | The child may need someone with them to:   1. Stop the child from hurting themselves, or other people, because of behavioural difficulties; 2. Protect the child from dangers of which the child is unaware; 3. Prevent accidents. Children with little road sense could be at risk out of doors. This could be the case with children with learning disabilities or children with autism; 4. Guide a hearing impaired or a partially sighted child to walk out of doors safely; 5. Support a child with mental health problems to avoid becoming anxious and panicky in group/crowd situations. |

**4.****Claims for DLA / PIP**

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| 4.1 | If a child is not already in receipt of DLA / PIP, upon the child's admission to foster care, a claim for DLA / PIP should always be considered, at the beginning of a foster placement, by the child's social worker in conjunction with the child's foster carer and supervising social worker. |
| 4.2  4.3 | If a decision is made to make a claim for DLA / PIP, the Child's social worker should obtain an application from using the websites.  <https://www.gov.uk/disability-living-allowance-children/how-to-claim>  <https://www.gov.uk/pip/how-to-claim>  If a decision is made, not to make a claim for DLA, this decision should be reviewed at regular intervals. |
| 4.4 | The child should have his/her own bank account into which the DLA / PIP should be paid. The foster carer(s) for the child should be named as the trustee for the account. |
| 4.5 | Advice about completion of a claim can be sought of the child's social worker. |

**5.****DLA / PIP Expenditure**

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| 5.1 | DLA / PIP should be spent by the foster carer in securing services and/or supports to meet the child's additional needs. DLA / PIP is intended to support everyday living. It can be spent on a range of activities and equipment to meet the child's additional needs. It can be spent on additional foster household expenses such as laundry and heating costs. It can be spent on replacing clothing, shoes, glasses etc if excessive wear and tear/destructive behaviour is indicated. |
| 5.2 | The child's social worker and foster carer should agree as the manner in which the DLA/ PIP is to be spent. This Agreement should be formally recorded on the child's file and reviewed at regular intervals. |
| 5.3 | DLA is not intended to be savings/investment plan for the child. DLA / PIP should be spent in the manner which it is intended. |
| 5.4 | The child's bank statement details should be kept by the foster carer, along with records and details of expenditure. These records should be entered onto the child's file as a financial document, on a three-monthly basis by the child's social worker. |

**6.****DLA / PIP and Additional Fostering Allowances**

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| 6.1 | If a child is awarded DLA / PIP, this will have an impact on the child's eligibility for additional fostering allowances. The child's receipt of DLA / PIP will not affect the foster carer's receipt of the Regular Weekly Allowance. |
| 6.2 | If a child is awarded the highest rate of DLA / PIP, the child will not be eligible for consideration of additional fostering allowances, unless exceptional expenditure is indicated. Additional costs, arising from a child's dietary and clothing needs, household expenses, and excessive wear and tear on the home, medical/health needs, play/learning needs, social needs and educational needs should be met from the DLA / PIP. |
| 6.3 | If a child is awarded the middle or lower rate of DLA / PIP, the child's social worker and foster carer should determine the amount of weekly expenditure required to meet the child's additional needs. If a shortfall is identified between the DLA / PIP and projected costs, the difference should be considered for payment from an additional fostering allowance. |

**7.****Carer's Allowance**

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| 7.1 | If a child is awarded the high to middle rate of DLA / PIP, the foster carer should be encouraged to make an application for Carer's Allowance (which is taxable). |
| 7.2 | If the foster carer is awarded Carer's Allowance, this will not affect any fees paid to the foster carer with the exception of Child Specific Fees. In such situations an amount, commensurate to the carer's receipt of the weekly Carer's Allowance, will be deducted from the payment of the weekly Child Specific Fee. |
| 7.3 | The supervising social worker is responsible for informing the service manager (fostering) of a foster carer's receipt of Carer's Allowance when a Child Specific Fee has been authorised. |

**8.****Monitoring**

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| 8.1.  8.2  8.3  8.4 | The Service Manager for the Fostering Service will be responsible for the overview regarding the claims and use of DLA / PIP.  Children's Services Team Managers will be responsible for ensuring that Children's social workers are made aware of the policy and complete their duties within the policy.  Supervising social workers will be responsible for ensuring that Foster Carers are aware of their duties within the policy.  Independent Reviewing Officers will have an overview of DLA / PIP claims and its use within individual care plans for children and young people. |

**End**