



Guidance on the use of DLA

Children's Social Care

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Policy Governance

Title	Guidance on the use of Disability Living Allowance (DLA), Personal Independence Payment (PIP) and Universal Credit / Employment and Support Allowance (UC/ESA) for Children Looked After –
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Guidance on the use of Disability Living Allowance (DLA), Personal Independence Payment (PIP), Universal Credit (UC) and Employment and Support Allowance (ESA) for Children Looked After

Background

This guidance document provides information on the use of DLA/PIP/UC/ESA by foster carers and/or staff in situations where a child looked after is in receipt of one or more of these benefits.

DLA/PIP (DLA up to age 16, PIP from age 16) is provided to meet any extra costs associated with supporting a child with a physical disability, learning difficulty or mental health difficulty. DLA/PIP is not means tested. [Disability Living Allowance for Children \(DLA\)](#)

UC/ESA (Universal Credit/Employment and Support Allowance) can be provided from the age of 16 where a child/young person is deemed 'sick or disabled' and has 'limited capacity for work' (and meets the eligibility criteria) and is provided to meet any day to day personal/living needs. UC/ESA is means tested. Being in receipt of high-rate DLA/PIP will make a claim for UC/ESA more straight forward but is not a prerequisite for an UC/ESA claim and cannot guarantee a successful claim.

Since December 2021 the rules for children/young people making a new claim for UC/ESA have changed. New regulations for those claiming Universal Credit made on, or after, the 15th December 2021 set out that to receive Universal Credit whilst 'receiving education', students must have 'Limited Capacity for Work' on a date before starting to receive education. In effect, most children (aged 16 & 17) engaged in education will no longer be eligible to claim Universal Credit whilst undertaking education until their 18th birthday. Those who have finished a course of education (end of year 11) or those who have left education will continue to be eligible to make a claim from the cessation of the education course.

The information set out in this policy (DLA/PIP/UC/ESA) defines the requirements of those acting as the child's 'Benefit Appointee'. Individual Telford and Wrekin Council staff cannot be named as a 'Benefit Appointee' for any child looked after by Telford and Wrekin Council.

Disability Living Allowance - DLA

DLA is normally paid to a parent, guardian or carer. Children living in foster care and certain residential schools can claim the Care and Mobility Components of DLA; and children living in residential care can generally only claim the Mobility Components of DLA. Where a child has been looked after for over 12 weeks, the DLA should be transferred to a 'Benefit Appointee' or 'Corporate Appointee'. Where a child who is looked-after is placed with a foster carer, the carer can choose to become the 'Benefit Appointee'. Where foster carers do not wish to become the 'Benefit Appointee', the local authority (Children's Services) will become the 'Corporate Appointee' (administered by the Finance Team). Where appropriate, the 'Appointeeship' can revert or transfer to the foster carers, and/or revert or transfer to the

local authority (Children's Services) where the foster carer/s or child's circumstances change.

In all other placements, the local authority will become the 'Corporate Appointee' (Finance Team).

DLA and Foster Placements

Where a child looked after (in receipt of DLA) is initially placed in a foster care (or where the child becomes eligible to claim DLA), the foster carers will be asked if they would be prepared to take on the role of 'Benefit Appointee' for the child. This means they will be responsible for correctly managing the DLA claim and associated DLA expenditure and notifying relevant agencies of any change of circumstances for either the foster child or foster carers.

Whilst the Department for Work and Pensions is the agency that has the legal recourse to audit and check on the use of the DLA, Telford and Wrekin Council also requires foster carers to keep records of the DLA income and expenditure. These records should be shared with their supervising social worker and the child's social worker periodically. This is needed for the following reasons:

1. The child is looked after by Telford and Wrekin Council. The local authority has associated corporate parenting, safeguarding and oversight responsibilities for looked-after children and is ultimately responsible for meeting the needs of the looked after child.
2. The foster carers provide a service to Telford and Wrekin Council (be they an in-house carer or a commissioned service foster carer) and as such are accountable to the local authority (Children's Services) for any support provided to any children looked after placed with them.
3. Telford and Wrekin Council has a responsibility to support foster carers so that children, young people and others are confident that the support and guidance being provided is appropriate and transparent.

Where a child is living in a foster care placement, the use of the DLA should be agreed via a Care Planning or Placement Planning meeting. In principle the DLA should only be used to meet any extra or additional costs associated with supporting the child and meeting their needs resulting from their disability.

DLA Mobility Component and Foster Placements

The Mobility Component should be used to cover any additional costs associated with the mobility needs of the child or their transport needs. The foster care maintenance allowance contains an element of funding for transport expenses and therefore the DLA Mobility Component should only be used once the standard transport element/amount of the maintenance allowance is used and exceeded.

Where a child is in receipt of the High-Rate Mobility Component, foster carers may choose to access the [Motability](#) Scheme. Foster carers will need to consider the requirements and

limitations of the Scheme, particularly where children/young people may not be living with them long term. A Motability car is provided for use in relation to journeys for the child; the child's needs/requirements must be prioritised at all times. Where foster carers have a Motability car, any additional mileage above the standard fostering allowance of 200 miles per week, will be paid at the Telford and Wrekin Council lease car rate.

How the Mobility Component is used; will need to be agreed on a case by case basis. Examples of what the Mobility Component could be used for (but not exclusively), include the cost of wheelchairs or mobility adaptations, the cost of an adapted bicycle, hire of a specific vehicle (including Motability) or a percentage of the hire cost/s, taxi fares and cost of an escort for essential journeys.

Foster carers who have a Motability car on behalf of the child, will need to be aware that the Motability car would need to be returned or transferred (lease relinquished) if the child moves placement, returns home, or loses the high-rate mobility component of DLA (or PIP).

DLA Care Component and Foster Placements

The Care Component should be used to cover any additional costs associated with the care/disability needs of the child and should be agreed as part of the Care Planning or Placement Planning meetings process. Examples of expenditure could include, specific equipment (not provided through the NHS or the Occupational Therapy (OT) Service), excessive wear and tear on household items (furniture and furnishings, electrical goods) above the average wear and tear expected to be covered by the fostering allowance, additional clothing and footwear, specific activities, day and night activities/breaks for the child/foster carer where appropriate, communication aids, educational learning aids, games and activities etc. A key principle being that any expenditure should be within the DLA rate and should be sustainable in order to manage future expectations of the child, particularly when the child reaches the age of 18. Foster carers should be aware that some benefits that an adult services client receives, may be taken into account when assessing the claimant's contribution to their care/support package. This is important for foster carers who will become the young person's 'shared lives/adult placement carers'.

Foster carers should note that as a result of the DLA claim, the child looked after by them may qualify for a range of other benefits and services and foster carers themselves may be also be eligible for Carers Allowance, help with Council Tax and a range of other benefits.
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Where the local authority (Children's Services) is undertaking the role of 'Corporate Appointee' for a child in foster care the agreed DLA expenditure can be provided to the foster carer as a separate payment and in addition to the fostering maintenance allowance and/or skills fee payments. These could be provided as one-off payments and/or ongoing payments and could be paid at the same time as the fostering allowance and fees. The level and frequency of any payments would be set out in the child's Care Plan or Placement Plan.

In the unlikely event that the DLA Care Component or Mobility Component is higher than the disability expenditure, and in very exceptional circumstances, the unused amount of the DLA claim may be added to the child's Junior ISA. If appropriate, this can be done at the end of the financial year. It should be noted that once any unused DLA has been deposited into the Junior ISA, the child will be unable to access these funds until after their 18th birthday. Where unused DLA has been accumulated in the short term for a specific purpose/item, the balance can be carried forward. In principle, all DLA (and PIP) income should be used and spent, in order to meet the needs of the child, rather than be saved.

Process and Framework for Agreeing the use of DLA

The overall process for agreeing the use of any DLA should involve the social worker, the child (where appropriate), the foster carer/s and their supervising social worker or the residential social worker / keyworker. The primary use of any DLA should be to improve the life chances, functioning and outcomes for the child / young person. Given that each child will have an individual set of needs, therefore the agreed use will be specific to that child.

The initial agreement as to what the DLA should be used for, should be based on the intended positive outcomes. The 'Every Child Matters' outcomes framework provides a helpful approach to setting out the intended outcome for the use of the disability benefits. The 'Every Child Matters' framework has been adapted and adjusted below and provides a useful tool to set out what positive outcomes the DLA/PIP/UC/ESA will be supporting and what it will be aiming to achieve. See Appendix One.

The framework uses six broad indicators and headings which can be used to evidence the intended use and broad outcomes.

- Be Happy
- Be Independent
- Be Ambitious
- Be Safe
- Be Resilient
- Be Healthy

The foster carer/s, the supervising social worker and the child's social worker should meet to agree the initial outcomes to be achieved through the use of DLA/PIP (when the child becomes looked after or when the DLA/PIP is initially awarded). The targets, goals and intended outcomes would then help to inform the overall care plan and placement plan and be endorsed at the statutory review. Where the intended outcomes are not achieved, this does not mean it was not an appropriate or valid use of the DLA/PIP, however, an evaluation of the required changes would need to take place and updated goals, targets and outcomes set.

The new and up-dated targets, goals, and outcomes (or adjustments to existing goals) should be agreed by the foster carer/s, supervising social worker and the child's social worker.

A key principle involved in the use of the DLA/PIP is that the items required, and activities agreed are sustainable once the child / young person reaches the age of 16 and then age 18 and is more independent, and that the items/activities can be evidenced to improve the 'broad based' well-being and benefits to the child / young person.

It should be noted that an element of the fostering allowance paid to all foster carers is available to meet the broad-based needs of the child / young person and therefore that should be combined with the DLA/PIP.

Whilst every child (and young person) will have different needs, the following examples provide a list (not exhaustive) of items and activities that the DLA/PIP could be used for:

1. Specific clothing and footwear;
2. Specific furniture, household items, bedding, laundry etc.;
3. Transport aids, adapted bicycles/bicycles/wheelchairs, taxi journeys, support with travel training and escorts to accompany travel/travel training;
4. Leisure items and activities or support to access these.
5. Day and night activities/breaks for the child and/or the foster carer;
6. Educational items and activities, or support to access these;
7. Holiday and residential activities for the child (agreement will be required as to the purpose, length and location of the activity) for example, overseas activities versus UK activities.

The primary mechanism for agreeing the item/activity is through evidencing the intended outcome and the process of evaluating the outcomes and setting further targets and goals.

The foster carer should keep a record of expenditure which will be overseen by the supervising social worker at the quarterly supervision meeting; this will then be shared with the child's social worker. The DLA/PIP income and expenditure may not tally in the short/medium term as foster carers may be saving some of the DLA/PIP on a short/medium term basis for a specific activity.

Resolution Process

In situations where concerns are raised about the use of the DLA, these should be considered in the first instance by the supervising social worker, foster carer and child's social worker. If this does not resolve the situation the supervising social worker's manager, the child's social workers manager and the foster carer should meet to resolve the situation.

DLA Mobility Component and Residential Care Placements

In situations where children are living in a residential care setting and are only entitled to the DLA/PIP Mobility Component, this will be claimed on their behalf by the social worker/case worker/residential worker and administered by the Finance Team as the 'Corporate Appointee'. The use of the Mobility Component will be set out in the child's Care/Pathway or Placement Plan. The Mobility Component will be transferred to the independent placement budget to subsidise the travel costs of the individual placement and any contact arrangements whereby the child travels to see family members. Independent placements are required to identify the transport/travel element within the commissioned agreement.

In the event that the DLA/PIP Mobility Component is higher than the contracted transport / travel expenditure, and in exceptional circumstances, the unused amount may be added to the child's Junior ISA, this will be done at the end of each financial year and following confirmation that it would not be accrued on a short-term basis for a specific journey/item/need. It should be noted that once any unused DLA/PIP Mobility Component has been deposited into the Junior ISA, the child will be unable to access these funds until after their 18th birthday.

Child Reaching 16 Years of Age

Once a child reaches the age of 16, they are presumed to have 'Capacity' and as such should manage their own benefit claim (with support where required). Consideration should always be given to undertaking a 'Capacity' assessment in terms of the child's ability to manage a benefit claim and/or their financial arrangements. Consideration should also be given to a child having an advocate to ensure further independent support and oversight is available. Only in situations where a child is deemed to lack 'Capacity' can the 'Benefit Appointee' or 'Corporate Appointee' arrangements continue. In these cases, the benefits will continue to be managed in the same way. In situations where a young person is deemed to have 'Capacity' and requests support to manage their claim and benefits, the appointeeship arrangement can continue subject to the young person providing a written and signed request. In such situations appointeeship can be relinquished at any point.

DLA is only payable to a child up to the age of 16. From age 16, clients in receipt of DLA will be reassessed regarding eligibility for a [Personal Independence Payment \(PIP\)](#). All people over the age of 16 will be transferred from DLA to PIP in a phased re-assessment that should be completed by 2023-2024.

Where a child (aged 16 and above) is in receipt of UC/ESA (the social worker/case worker should make the application with support from the foster carer/residential worker) the pocket money and clothing allowance previously provided by the foster carer or residential provision will cease. The Care/Pathway or Placement Plan should set out how the UC/ESA is to be used.

Children Reaching 18 Years of Age

Where a child reaches the age of 18, is deemed to lack 'Capacity' and is eligible for services from Adult Social Care (ASC), the 'Corporate Appointeeship' will transfer to the person or provision deemed appropriate by ASC. For those who do not meet the ASC eligibility criteria the Finance Team will act as the 'Corporate Appointee' until the age of 21/25 or until an appropriate 'Benefit Appointee' can be identified, or until the young person ceases to be a 'Care Leaver'. In the period approaching the cessation of the leaving care service, work will be undertaken to identify a suitable 'Benefit Appointee'.

Appendix One

Developing a positive outcomes framework for the use of the DLA/PIP/UC/ESA

An outcome is a change that results from something having been done; it is not an activity but, rather, the result of that activity. Outcomes can be positive, negative or benign.

The six outcomes below based on the 'Every Child Matters' framework is inter-linked and can be used to show and evidence what positive outcomes the use of the child/young person's disability benefits is aiming to achieve. Whilst it is difficult to look at one outcome in isolation the aim of the framework is to help social workers, foster carers, supervising social workers and residential social workers / keyworkers show the purpose of the disability benefit expenditure and the intended outcome.

The layout broadly reflects the psychologist Maslow's thinking about needs.

Each of the headings covers an outcome area, or domain, rather than a single change; for example, be healthy means many different things depending on the child / young person being supported, so can be individualised.

Having a clear outcomes framework for the use of the disability benefits sets out an approach that everyone can agree to and provides the structure to set goals, targets and audit if these have been achieved or need adjusting.

The framework can then explore both outcome measures and outcome indicators to consider how well these activities/services/items are meeting such targets and goals. Outcome measures are factors that can be measured directly; for example, the number of activity sessions that children can attend due the disability benefit income as a direct measure. Alternatively, the number of sessions attended could be chosen as an outcome indicator, that is, a proxy measure rather than a direct measure. The direct measure could be what the activity has achieved, i.e., the child / young person now has more activities, hobbies, and friendships that they enjoy, which improves their overall wellbeing.

The Disability Benefits - Expenditure and Audit Tool should be used to show how the disability benefits income will be used and the intended targets, goals and outcomes aiming to improve the life chances of the child / young person.

Version One – 2024-2025

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Target Outcome	Outcome to be Achieved – Item/Activity/Service
Be Happy:	<ul style="list-style-type: none"> • Have a sense of belonging and a sense of purpose and be part of a family/community • Feel valued, loved and cared for • Have a good quality of life • Undertake activities that matter to the person and have a social life they enjoy and of their choice • Have a voice and opinions that are heard and valued. • Feel that life is positive and has meaning
Be Independent:	<ul style="list-style-type: none"> • Is able to make good/positive choices for life chances • Gets the help needed to manage benefits and money • Developing the skills needed to be self-sufficient/manage own care, health and support • Engaged in further education, employment, or training on leaving school • Given the preparation and support needed to move into adulthood • Supported to work and to make a positive contribution to society
Be Ambitious:	<ul style="list-style-type: none"> • Ready and able to access learning at school, college or another setting. • Attend, engage and enjoy school/college/other learning settings • Has the motivation and opportunity to learn and develop • Supported to perform to the best of ability • Encouraged to learn and try new things, both in and outside the classroom and home • Engages in hobbies, leisure and a range of positive activities • Develops the skills needed to transition from care to independence or adulthood
Be Safe:	<ul style="list-style-type: none"> • Protected from abuse, neglect, violence and sexual exploitation • Safe from accidental injury and death • Safe from bullying and discrimination, including through social media • Safe from crime and anti-social behaviour • Safe relationships and feels safe and cared for in a home / nurturing environment • Makes safe choices and can resist and manage peer pressure
Be Resilient:	<ul style="list-style-type: none"> • Aware of and can express - rights and responsibilities • Good relationships with friends, family and in the community • Is self-confident and able to deal with life's challenges • Can understand and manage / regulate emotions and manages new situations/change

	<ul style="list-style-type: none"> • Positive about identity and accepts self for who they are • Talents and strengths are recognised and nurtured
Be Healthy:	<ul style="list-style-type: none"> • Physically healthy • Mentally and emotionally healthy • Positive and respectful approach to sexual health and relationships • Healthy lifestyle and makes healthy choices relating to diet and exercise • Spiritual wellbeing – enjoys today and looks forward to the future • Information needed to understand risks, make the right choices

Target Outcome	Set Out – Item/Activity/Service - Aim and Outcome
Be Happy:	
Be Independent:	
Be Ambitious:	
Be Safe:	
Be Healthy:	

Be Resilient:	
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Child/Young Person Name: [LCS Ref]		[Add LCS Ref here]		Placement Start Date:	
Foster Carer(s) Name:				Placement End Date:	
Period Covered:		From	To	Balance in Hand at start of period:	£
Benefits received	DLA/PIP	Frequency of payment: Weekly/ 2 weeks /4 weeks <i>(delete as appropriate)</i>	£ Amount	Total Income in the period:	£
				Total actual outgoings in the period:	£
	UC/ESA	Frequency of payment: Weekly/ 2 weeks /4 weeks <i>(delete as appropriate)</i>	£ Amount	Balance in Hand at end of period:	£

Date of Planned/Actual Activity or Purchase	Brief Details of: Item/Activity/Service	One-off/Recurring	Planned Cost	Actual Cost (in the period)	How does this meet positive outcomes? 1. Be Happy 4. Be Safe 2. Be Independent 5. Be Healthy 3. Be Ambitious 6. Be Resilient
			£	£	
			£	£	
			£	£	
			£	£	
			£	£	
			£	£	
			£	£	
Date of Planned/Actual	Brief Details of: Item/Activity/Service	One-off/	Planned Cost	Actual Cost	How does this meet positive outcomes? 1. Be Happy 4. Be Safe

Activity or Purchase		Recurring		(in the period)	2. Be Independent 3. Be Ambitious Resilient	5. Be Healthy 6. Be Resilient
			£	£		
			£	£		
			£	£		
			£	£		
			£	£		
			£	£		
			£	£		
Total Expenditure in the Period			£	£		

Foster Carer: <i>I confirm that this is the agreed planned/actual expenditure during the period</i>	Supervising Social Worker: <i>I have reviewed the actual/planned expenditure & confirm that this is the agreed plan</i>	Social Worker/Case Worker <i>I have reviewed the actual/planned expenditure & confirm that this is the agreed plan</i>
Name:	Name:	Name:
Signature:	Signature:	Signature:
Date:	Date:	Date: