

Disability Living Allowance - Fostered Children and Foster Carers

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1. Introduction and Purpose

Relevant Legislation and guidance

Disabled Persons Act 1986

The Children Act 1989

Carers and Disabled Children Act 2000

The Disability Discrimination Act 2005

- 1.1 This Policy Procedure and Practice Guidance confirms Somerset County Council's position in respect of applications for Disability Living Allowance (DLA) for fostered children and how successful claims for DLA should be managed by the child's social worker and foster carer. It also covers eligibility and when to claim Disability Living Allowance
- 1.2 Somerset County Council's sufficiency statement states that "Our vision is that Somerset children and young people are safe, healthy, happy and ambitious for their future and develop skills for life". It is this authority's view that all available resources and supports should be pursued to achieve this vision. DLA is seen as an important resource in supporting a child to improve their life chances and to help them maximise their potential.

2. Scope of Policy

Disability Living Allowance (DLA) & Personal Independence Payment (PIP)

- 2.1 Disability Living Allowance (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. Personal Independence Payment (PIP) is a benefit replacing Disability Living Allowance (DLA) for people between 16 and State Pension age. PIP and DLA cannot be claimed at the same time.
- 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. A bank account in the child's name should be set up for the use of DLA.
- 2.5 At the age of 16 there will be an invitation to claim PIP. At the age of 16 PIP is paid directly to the young person (although can be held by an appointee if the child is unable 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 – depending on eligibility, if entitled to the Higher rate this can be claimed from the age of 3 years old, if only entitled to the Lower rate this can be claimed from the age of 5. If in receipt of the Higher Mobility rate this can potentially be used to lease a car on the Motability scheme and therefore it is anticipated that the car will be used for all transport for the child.
- 2.9 The care component is paid at three rates – Higher Rate, Middle Rate and Lower Rate 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.

<https://www.gov.uk/disability-living-allowance-children>

3. Definition of Additional Needs

3.1 To qualify for DLA at the Lower or Middle rate, a child must need additional help, above that of an average child of the same age, during the day. To qualify for the Higher rate they will also need the additional help during the night with everyday living tasks such as:

- a. Getting in and out of bed;
- b. Going to the toilet;
- c. Washing and bathing;
- d. Extra help at school;
- e. Dressing or undressing;
- f. Playing and learning;
- g. Eating and drinking;
- h. Taking medicines;
- i. Climbing stairs;
- j. Turning over in bed;
- k. Communicating with other people and learning social skills.

3.2 The child may need someone with them to:

- a. Stop the child from hurting themselves, or other people, because of behavioural difficulties;
- b. Protect the child from dangers of which the child is unaware;
- c. 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;
- d. Guide a hearing impaired or a partially sighted child to walk out of doors safely;
- e. Support a child with mental health problems to avoid becoming anxious and panicky in group/crowd situations.

4. Claims for DLA

4.1 If a child is not already in receipt of DLA, upon the child's admission to foster care, a claim for DLA 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. If a child is already in receipt of DLA when they come into care then it is the child's Social Worker who is responsible for

ensuring that the birth parents inform the Department for Works and Pensions regarding the child's change of circumstances.

- 4.2 If a decision is made to make a claim for DLA, the Child's social worker should obtain an application form by contacting:

Telephone: 0800 121 4600

Textphone: 0800 121 4523

Monday to Friday, 8am to 6pm.

- 4.3 The child should have his/her own bank account into which the DLA should be paid. The foster carer(s) for the child should be named as the trustee for the account.

- 4.4 Advice about completion of a claim can be sought from the child's social worker who should assist the foster carer to complete the claim pack.

5. DLA Expenditure

- 5.1 DLA should be spent by the foster carer in securing services and/or supports to meet the child's additional needs. DLA 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 to the manner in which the DLA is to be spent. This Agreement should be formally recorded on the child's file and discussed as part of the Child Looked After review.
- 5.3 DLA is not intended to be savings/investment plan for the child. DLA should be spent in the manner for which it is intended. If carers are unable to spend the full amount meaningfully every month (it can amount to over £400 p/month) this needs to be discussed with the child's Social Worker and a clear plan made for use of the monies. (We need to be mindful of benefit thresholds that may impact detrimentally on the future of a child).
- 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 foster carers file as a financial document, on a three-monthly basis by the Fostering Supervising Social worker.

*The Fostering Supervising Social Worker needs to complete the form 'Record of DLA Expenditure' on LCS and ensure this is copied to the child's file.

6. Carer's Allowance

- 6.1 If a child is awarded the high to middle rate of DLA Care component, the foster carer should be encouraged to make an application for Carer's Allowance (which is taxable).
- 6.2 If the foster carer is awarded Carer's Allowance, this will not affect any fees paid to the foster carer.

7. Monitoring

- 7.1 The Team Manager for the Fostering Service will be responsible for the overview regarding the expenditure and use of DLA.

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.

Fostering Supervising Social Workers will be responsible for ensuring that Foster Carers are aware of their duties within the policy.

Foster Carers will be responsible for retaining receipts over £10 and the SSW will support them in logging all expenditure on the LCS Expenditure form. The SSW will copy the expenditure form across to the Childs file.

Supervising Social Workers will be responsible for checking the receipts and expenditure during their supervision with Foster Carers.

Independent Reviewing Officers will have an overview of DLA claims and its use within individual care plans for children and young people. This should be discussed within the child care review.

The use of DLA should also be monitored during the Annual Review of the Foster Carer by the Fostering Reviewing Officer.