



**Children and Families Integrated Support and Social Care
FOSTERING SERVICE**

**Disability Living Allowance Policy for children in the care of
Milton Keynes Council**

Disability Living Allowance (DLA) is a tax-free benefit for adults and children with a severe disability who need:

- help with getting around, or
- help with personal care, or
- help with both of these

A child aged three months or older may be able to get DLA for help with personal care based on the help they need because of disability. This can apply even if no one actually gives them that help.

POLICY

A child becomes looked after by Milton Keynes Council because:

- It is with the voluntary agreement with the child's parent(s) Section 20 Children Act 1989.
- Milton Keynes Council has a court order giving permission for the child to be looked after without agreement of the parent(s). Section 31 Children Act 1989.

When a child is being looked after by Milton Keynes Council it has a duty to ensure that a child's welfare is paramount and that his/her needs are fully met.

When a child is subject to an Interim Care Order or a Care Order made to Milton Keynes Council, the parental responsibility for that child is shared between the Council and the child's parent(s).

There are some looked after children who have a disability and are in receipt of DLA.

Responsibility for the child's day-to-day care rests with Local Authority and this includes any care the child receives in respect of a disability.

Milton Keynes Council who place children in foster care delegates the day-to-day care of children to their foster carers.

Where a foster carer believes a child could be eligible for DLA, they should discuss this with the child's social worker. If considered appropriate, the foster carer would make the application for DLA for the child on behalf of Children's Social Care.

It would be usual practice that a foster carer looking after child who is in receipt of DLA would be made an appointee for the child's DLA for the period that the child is placed with the foster carer.

When a child is in receipt of DLA and that child is placed with foster carers, Milton Keynes Council has responsibility to ensure that the allowance is used for the purpose it is intended.

A foster carer caring for a child would reapply for DLA as appropriate and the child's social worker would need to write to support the application to become an appointee.

It should be made clear at the point of placement or subsequent DLA application what the DLA is intended for and this information should be recorded on the 'Child in Care' paperwork that is given to the foster carer. Regular recorded discussions about how the additional benefits are being spent, to promote the best interests of the child will take place within the foster carer supervision. (Foster Care NMS 28.9)

It is also expected that a discussion regarding the use of DLA is incorporated into any Looked After Child/rens reviews.

In the same way that foster carers are expected to keep payment receipts on items/activities that are paid to the foster carer for a child's direct care, this principle applies to payments made for DLA. This will ensure that an appropriate audit trail can be followed if required by Milton Keynes Council.

If a child has any period of care (including respite) away from the placement whether this is with another foster carer, parent(s) or significant other, that person should receive the pro-rata amount of DLA whilst the child is in that person's care.

If there are any changes in the circumstances for the child which could affect the eligibility for the allowance, the child's social worker will need to be informed immediately.

If DLA is paid for a child under 16, and a child is admitted to a hospital, the DLA would usually stop after the child has been in hospital for 12 weeks.

Further information on Disability Living Allowance can be found at www.direct.gov.uk

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