



# ***Disability Living Allowance Guidance***

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# **Disability Living Allowance - Children Looked After in Foster Arrangements**

## **1. Introduction**

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

Where a child who is Looked After is in receipt of DLA, this allowance must be properly administered and used to the benefit of the child.

Foster carers who wish to claim DLA on behalf of a child are eligible to make a claim, but it is expected that they will discuss this with their Supervising Social Worker and the child's social worker.

A record should be kept by carers of how the allowance is spent and this record should be shared with Local Authority social workers and the Agency on request.

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

## **2. Scope of Guidance**

This guidance will apply to all children who are fostered by the Agency. 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 and evolving. The Welfare Rights Service (see below for contact details) are able to give advice and assistance to social workers 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 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 gives some detail about the level criteria for qualification at the different rates.

Mobility payments can be made for children in foster care. 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 leaves residential care to move home or to another foster care arrangement.

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

At the start of a placement, where it seems possible that a child may be eligible for DLA it should be discussed at the Placement Planning Meeting. Once the child 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 should discuss this with the child's social worker. Parents should 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 the 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;
- Activities;
- Treats;
- Extra costs for holidays and activities;
- Extra washing costs;
- Wear and tear on furniture costs;
- Additional clothing and footwear (e.g. this may need to be specially made);
- Special dietary or allergy free products, etc;
- Additional clothing;
- Electricity and gas to keep the child warm; and
- 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;
- Towards the running costs of a vehicle to allow the child to be taken out;
- 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. 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 money and children 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 within Placement Planning Meetings and an agreement reached. The outcome of these discussions should be recorded within the Child / Young Person's Care 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's IRO may suggest a separate meeting for this e.g. if other matters take precedence at the LAC Review or if 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 their supervising social worker how information about DLA must be recorded. The agency will provide a template, which should be regularly updated.

The supervising social worker will from time to time 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 from time to time. The child's social worker will also have access to these records relating to the child 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. If they have two or more children receiving this benefit, they should have separate bank accounts for each individual child. The bank account should be in the child's name and signatory for the account can be the foster carer.

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.

## **9. Where a Child regularly spends time at Home**

Where a child goes home regularly a suitable calculation about the DLA allowance should be made. The child's 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.

## **10. When a Young Person reaches the age of 16**

It is particularly important in relation to young people approaching the age of 16 that advice from the Welfare Rights Service is sought as there are forthcoming changes to DLA which will affect young people aged 16 and over.

Once a young person reaches the age of 16, they can claim DLA 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.

## **11. 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 are the child's property and must move with them. Any DLA money that has been saved should also move with the child if they move placement.

## **12. Sources of Further Information**

- The Welfare Rights Service is able to provide advice to foster carers, social workers and other professionals.
- [FosterTalk](#)
- The [GOV.UK website](#) has information on benefits;
- The DWP has a leaflet on [DLA for children](#) (archived);