

Wirral Fostering Service

Disability Living Allowance - Fostered Children and Foster Carers

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SCOPE OF THIS POLICY

This Policy details Wirral Borough Council's Fostering Service 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 DLA.

RELEVANT LEGISLATION AND GUIDANCE

Disabled Persons Act 1986

The Children Act 1989

Carers and Disabled Children Act 2000

The Disability Discrimination Act 2005

1. Introduction

1.1 This Policy confirms Wirral Borough Council's Fostering Service position in respect of applications for DLA for fostered children and how successful claims for DLA should be managed by the child's Social Worker and Foster Carer.

1.2 Wirral Borough Council's vision statement is that "we will work together to provide integrated services for all children and young people in Wirral aged 0-19 to improve their life chances and to help them maximise their potential". All available resources and support should be pursued to achieve this vision. DLA is an important resource in supporting a child to improve their life chances and to help them maximise their potential.

2. Disability Living Allowance (DLA)

2.1 DLA can only be claimed for children under 16- anyone over 16 must apply for Personal Independence Payment (PIP). DLA and PIP are both non means-tested, tax free benefits which you do not have to declare on your tax return.

2.2 DLA is a benefit paid to children who have care or mobility needs as a result of a disability or ill health.

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 care or mobility needs may be able to claim Carer's Allowance for looking after the child. DLA is usually paid to the main carer to enhance the child's life.

2.5 DLA is payment for the child and not the carer. 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 care component is paid at three rates depending on the level and type of additional care needed. DLA can be claimed from birth, but the child must have needed the extra help for at least three months to qualify and is likely to need help for a further six months.

3. Definition of Additional Needs

3.1 To qualify for DLA a child must need additional help, above the needs of an average child of the same age, during the day and/or with everyday living tasks such as:

- They must need care, attention or supervision because of a physical or emotional health condition;
- They must have needed this care, attention or supervision for at least three months, and be likely to need this care, attention or supervision for a further six months;
- They must need substantially more care, attention or supervision than other children of the same age who do not have a disability or health condition;
- They must have no immigration conditions attached to their stay in the UK subject to some exceptions (if they have immigration restrictions on their stay in the UK claiming benefits may affect their future right to remain in the UK, so seek specialist immigration advice before claiming).

NB: exceptional rules apply for children who are at end of life care, with six months or less to live.

You can contact the DLA helpline to start your claim. You should ask a medical professional for form DS1500. The medical professional will either fill in the form and give the form to you or send it directly to the Department for Work and Pensions.

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 outdoors. 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 outdoors 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, when they are placed into foster care and it is considered that they may be eligible for DLA. A claim for DLA should 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 If a decision is made to make a claim for DLA, the Child's Social Worker should obtain an application form by making a telephone call to the DLA Helpline on 0800 121 4600 (textphone: 0800 121 4523).

A DLA claim must be recorded in the child's plan by the allocated child Social Worker and reviewed through care planning and the Child Looked After review process.

4.3 The child should have their own bank account which the DLA should be paid into. The Foster Carer(s) for the child should be named as the appointee for the account. The Appointee (Foster Carer) should keep a record all spending from the DLA monies.

If a child leaves a placement all DLA monies saved must move with the child and passed to the new foster carers or parent/s if the child returns home. When a child leaves a foster carer, it will be the **responsibility of the foster carer** to inform the DLA service that the child is moving and to provide necessary details, the claim will then be reopened by the new carer or parent/s.

Any items and equipment purchased using DLA are the child's property and must move with them.

Once a child reaches 16+ the DLA will automatically become PIP and the child has full control of this unless they do not have capacity, in this case the foster carer or parent(s) can take control of the payment for the child.

4.4 Advice about completion of a claim can be sought from the child's Social Worker who can provide information that would support a claim, this could also include information from other professionals i.e., GP's, Consultants, and Educational Psychologists.

Parents should be consulted and kept informed of any 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 accommodated under section 20 of the Children Act 1989 the agreement of the parent should be sought.

5. DLA Expenditure

5.1 The primary purpose of DLA is to promote the child's welfare and assist the carer in caring for the child in the present time. DLA is intended to support everyday living and can be used on a range of activities and equipment to meet the child's individual needs, with written agreement from the child's social worker and fostering supervising social worker.

5.2 DLA monies belong to the child, and they should be consulted in an age-appropriate manner, along with the child's Social Worker, Foster Carer and Supervising Social Worker who should agree on what the DLA will be spent on. This agreement should be formally recorded in the child's plan and Foster Carers file once a child has been awarded DLA. Recording is an important role for Foster Carers and **all** DLA money spent and saved are required to be recorded and receipts maintained. Any expenditure over £100.00 **should** be agreed by the child's Social Worker in writing prior to purchases being made. Expenditures over £250.00 **should** be agreed in writing by the relevant Team Managers.

5.3 DLA is not intended to be a savings/investment plan for the child. DLA should be spent in the manner which it is intended at the present time. Excess DLA can be carried over and saved for future needs to purchase items with the child's Social Workers agreement.

5.4 The child's bank statement details should be kept by the Foster Carer, along with DLA records of detailed expenditure and be available for review at any time. It will be the responsibility of the foster carers Supervising Social Worker to share the DLA expenditure records with the child's Social Worker to upload on a three-monthly basis to children's files.

5.5 The Supervising Social Worker will discuss DLA monies and recording of expenditure with the Foster Carer at each supervision meeting and annually within Foster Carers annual reviews.

6. DLA and Additional Fostering Allowances

6.1 If a child is awarded DLA, this will have an impact on the child's eligibility for additional fostering allowances i.e., additional clothing due to assessed needs. The child's receipt of DLA will not affect the Foster Carer's receipt of fostering allowance.

6.2 If a child is awarded the highest rate of DLA, the child will not be eligible for consideration of additional fostering allowances, unless exceptional expenditure is anticipated. Additional costs arising from a child's dietary and clothing needs, household expenses, excessive wear and tear on the home, medical/health needs, learning needs, social and educational needs should be funded by DLA.

7. Carer's Allowance

7.1 If a child is awarded the high to middle rate of DLA, 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 fostering fees paid to the Foster Carer. However, it is the **Foster Carers responsibility** to notify the DLA immediately if they are no longer eligible for Carers Allowance, for example if a child moves placement.

8. Monitoring

8.1 Team Managers for the Fostering and Children services will be responsible for agreeing any approved expenditures over £250.00.

8.2 Children's Services Team Managers will be responsible for ensuring Children's Social Workers are aware of the policy and oversee their duties within the policy.

8.3 Fostering Service Team Managers will be responsible for ensuring Supervising Social Workers are aware of the policy and oversee their duties within the policy.

8.4 Foster Carers will be responsible for retaining **all** receipts and recording **all** expenditure used upon the expenditure document provided.

8.5 Supervising Social Workers will be responsible for ensuring that Foster Carers have a copy of and adhere to this policy. Foster Carers will be required to sign and agree to this policy on a yearly basis when their Supervising Social Worker updates their Foster Carer agreement during the carers annual review process.

9. Disagreements with DLA Decision Making

In the event of disagreement with any decisions relating to DLA, all challenges are referred to mandatory reconsideration and are directed to the office dealing with the original claim. Alternatively they can be raised with the Corporate Director for Wirral Children's Social Care.

[links and sources for further information/guidance.](#)

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

<https://www.gov.uk/mandatory-reconsideration>

