

CHILD DLA

CARE COMPONENT

FACTSHEET

Disability Living Allowance is split into two parts, mobility and care, but you apply for both on the same form. In this factsheet we have detailed information about the Care criteria for children under 16. This can be very useful if you are trying to work out if your child should qualify.

Care can be paid at three rates: Low, Middle or High

- **Low rate** is awarded if the child needs additional care for over an hour per day.
- **Middle rate** is awarded if the child needs additional care or supervision all through the day or at night time.
- **High rate** is awarded if the child needs additional care and supervision all through the day and at night time.
- **DLA** criteria only takes into account certain types of care.

Additional care:

DLA rules take into account care the child needs which is 'substantially in excess' of the care needed by a non-disabled child of the same age.

If a child needs help with an activity that another child the same age doesn't, that would count. eg a 14 year old who needs someone with them for support and to prompt them through the bathing process.

Care could be 'substantially in excess' if it's the help all children of that age need, but your child takes a lot longer, eg if it takes a long time due to refusals or get them undressed/dressed.

They are looking to see what extra care is needed so it's really important to give lots of detail about the exact care you provide and how long it takes, this shows that care is 'substantially in excess' of other children of the same age.

Attention and Supervision:

DLA rules take into account two types of care:

Attention with a bodily function:

- This is anything to do with the body and how it works, eg eating, drinking, washing, dressing and sleeping, toileting where they need attention eg practical help such as washing a child's hair or
- doing buttons up on a coat (if they are old enough for other children of the same age to be able to do this without help), or
- can be non physical help such as prompting a child through the stages of getting dressed, or
- encouraging a child to eat.

Supervision:

When there is a need for someone to supervise the child to avoid substantial danger. All children need a degree of supervision, so it's important to give lots of detail to show the quality and degree of supervision is greater than other children reasonably requires.

What DWP look for is the care that's 'reasonably required' rather than the care that's provided, is available or the child accepts. eg if it's very stressful/time consuming to get them to brush their teeth you might be impossible to

to this twice a day, but help with brushing teeth is still needed twice a day, so that's what counts. Another example is a child who needs help to eat, but doesn't get this at school, you can argue the fact that they come home from school having not eaten their lunch shows they 'reasonably require' help to eat lunch, even if this help is not provided.

Definition of night time and day time

Night time is defined at home when everything closes down for the night, or would shut down for the night if it wasn't for the caring responsibilities.

For example if you would go to bed at 10.30pm if you could and then get up at 6am, that's night time, even if you are up frequently through the night caring for your child.

This meaning getting your child ready for bed and settling them to sleep counts towards the day time needs, because it happens in the evening when adults would usually be up anyway. If a child then wakes in the middle of the night where you have to get up, that would usually count towards night time needs, because if it wasn't for the child waking, you would be still in bed.

How does my child qualify for lower care rate?

To qualify for DLA care component at the lower rate your child must need 'attention' in relation to 'body functions' which is 'substantially excessive' of the care required by other children of the same age and this additional help must be needed for an hour or more per day.

How does my child qualify for middle or high rate care?

To qualify for middle care your child must meet one of the four rules below.

To qualify for high care your child must meet one of the day time rules and one of the night time rules listed below.

The two day time rules are:

1. Frequent attention is needed throughout the day in connection with bodily functions.
The attention must be needed frequently and spread throughout the day. eg a child needing a couple of hours additional help in the morning to get up, washed and dressed but needed no more additional care the rest of the day would not qualify for middle or high care because the care needed is not spread throughout the day, instead they would qualify for low care due to the additional help being more than an hour.
2. Continuous supervision is needed throughout the day to avoid substantial danger.
It's important to explain how the supervision that's needed is a lot more than supervision needed by other children of the same age. Detail what dangers are being avoided by providing the additional level of supervision.

The two night time rules are:

1. Repeated or prolonged attention is needed at night in connection with bodily functions.
Prolonged means approx 20 minutes and repeated twice or more, eg if you have to be up at night time for more than 20 minutes to help a 14 year-old to get up, use the toilet and then return to bed you could qualify under this rule. Soothing a child back to sleep can count as attention with a bodily function, but only if it is 'substantially in excess of the sort of help that other children of the same age need.
2. Your child needs watching over at night for a prolonged period or at frequent intervals to avoid substantial danger.
'Watching over' means someone being awake to watch over the child. Prolonged means about 20 minutes and repeated twice or more, eg if a child wakes in the middle of the night, and you have to get up to watch over them because it's dangerous to leave them alone, you could qualify under this rule.