

CLAIMING DLA FOR CHILDREN WITH BRAIN CONDITIONS

FACTSHEET 1

These factsheets include conditions like Autistic spectrum conditions, Cerebral palsy, ADHD, Learning difficulties, Down's syndrome, Epilepsy, Global Developmental Delay and acquired brain injuries among others. Having to cover such a range of conditions, inevitably not all informations in these factsheets will be applicable to all.

Those claiming DLA have to complete the same generic claim form. The form is designed to ask what the child needs which is not only physical help, but non-physical such as help being prompted, encouraged, reminded, explained to and supervised.

Why claim DLA:

There can be all sorts of extra expenses if your child has a disability, ie high heating bills, taxi fares, extra laundry, special diets etc. DLA can help meet these additional expenses and you can spend it on anything you wish.

DLA is one benefit, with two components, a Care component and Mobility component.

- Care component can be paid at one of three rates;
lower, middle and higher
- Mobility component has only a lower and higher rate.

You can be awarded any combination of the two components. ie one child may be awarded high rate care and lower rate mobility, another high rate mobility and middle rate care, and a third child could get lower rate care only depending on their circumstances. Each child is individual with their own needs.

Although there are two components, only one payment is paid, usually into the parent/carers account every 4 weeks.

DLA is a non-means tested benefit and has no negative effect on other benefits you may be claiming so you may also qualify for Carers Allowance if you spend at least 35 hours a week caring for your child who receives the middle or highest care rate.

Is my child eligible for DLA:

If your child has a long term health condition, developmental disorder or disability which results in them needing substantially more supervision, attention, or guidance than a typically developing child of the same age; they have had their difficulties for at least 3 months before the claim and expected to continue having the same level of difficulties for at least the next 6 months, this means the earliest you can claim is when he/she is 3 months old.

The mobility component, isn't payable until the age of 3yrs for higher rate, and 5yrs for lower rate. However, if they are below these ages and have problems with mobility then you must explain in full giving the difficulties they have with their mobility and what help they need.

Eligibility for mobility component

Low rate mobility;

The lower rate of the mobility component is for those who require substantially more guidance or supervision than a typically developing child of the same age while outdoors in places that are not familiar to them.

This can be paid from the age of five. It's quite common for children with autism to qualify for low rate mobility, as it looks at what additional support your child needs from an adult when walking outdoors. Relevant factors may be ;

- sensory issues.
- lack of road safety.
- Anxiety.
- getting lost.
- running off.
- no understanding of stranger danger.
- need someone to monitor the route ahead for potential dangers.
- encouragement to continue a journey or
- if they become distressed, help on returning home

High rate mobility;

This can be paid from age three and can be much more difficult to qualify. There are seven possible ways to qualify for high rate mobility, two of which apply to some children due to autism etc.

These are the '**severe mental impairment**' and the '**virtually unable to walk**' criteria.

Only some children who have very disruptive, dangerous behaviour and require a very high level of care qualify. To qualify for the higher rate, your child must be unable or virtually unable to walk, or the effort required to walk be a danger to their health.

A child who has severe behavioural problems and mental impairment may also qualify, as may some children who have frequent, unpredictable 'refusal episodes'.

Eligibility for care component:

Your child must require more attention/supervision than a typical child developing of the same age.

How much supervision /attention they require will determine what rate of the care component they receive, if;

- they need care for more than 1 hour daily may, may qualify them for lower rate
- need supervision/attention throughout the day or night may, may qualify for middle rate
- should need supervision/attention throughout the day and a substantial part of the night to qualify for the higher rate.

Advice/Tips:

Don't assume the assessor or decision maker will know anything about your child's conditions, so it's imperative you explain all about the extra care your child needs and how their condition affects them. Don't be afraid of repeating yourself, give an accurate picture as possible of your child's difficulties.

- **Be accurate**, explaining all what your child needs help with, can be upsetting, however, it's important to detail their care needs. Some take all the help they give their child for granted, so what is normal with a child who has these conditions may be unusual for others. You need to focus on how the care you provide is different to what others have to do and the care the child needs is 'substantially in excess' of care needed by non-disabled children of the same age.
- **Your child doesn't need to have a diagnosis** of a recognised condition or disability for you to claim DLA. It can take a long time to receive a diagnosis, however, they need to be having the same difficulties as someone who has been diagnosed and you are able to show they need more guidance/supervision and attention than a typically developing child of their age.
- **Keep a diary**. Some find it useful to keep a diary for a few days detailing help they give their child, including how long it takes to do each daily task. This can be helpful when answering questions about how long activities like washing, dressing or eating take to complete.
- **Understand the criteria**. DLA is not awarded based on diagnosis, it looks at specific criteria that relates to the child's care needs and mobility difficulties.
- **Keep a copy of your completed form** and other documents you send to DWP. This information is all relevant to your claim should you need to appeal against a decision or review. It will also help when the award period ends and the claim is renewed, since you have to complete a renewal form giving almost the same information again, also if your form is lost you have a backup. Log all telephone calls with DWP, asking the call handlers name, noting the date/time to show when you made contact .
- **Claiming for your child** can be an emotionally difficult experience and the form itself is complex. Remember Fightback can help and advise you with this and also offer a form completion service as well as Mandatory Reconsideration and Appeal Support/ Representation.
- **Claim forms are available** from your local Jobcentre Plus or you can phone. On the front of the form there will be two dates. The first is the date you requested the form, second date is 6 weeks afterwards. Return the completed form to DWP by the second date, special delivery. They will pay your award from the date of request, or you can download and print off or complete a form online. Claiming this way, DLA will only be paid from the date the completed form is received at DWP's office rather than when you first download it or started completing it.
- **Ask for help from those involved** with your child ie Social workers, Paediatricians, Teachers, Speech and Language Therapists may all be able to help. Check with them in advance to ask if they are in a position to do this.