

Disability Living Allowance

Disability Living Allowance - sometimes referred to as DLA - is a tax-free benefit for children and adults who need someone to help look after them, have walking difficulties because they are physically or mentally disabled. You may be able to get Disability Living Allowance if you are under 65 and have needed supervision or help with personal care. You may also be able to claim if you have had walking difficulties because of a physical or mental disability. This must have lasted for three months and you are likely to need this help or have these difficulties for at least another six months.

Who can get Disability Living Allowance

You may get Disability Living Allowance if:

- you have a physical disability (including a sensory disability, such as blindness) or mental disability (including learning disabilities), or both
- your disability is severe enough for you to need help caring for yourself or someone to supervise you, for your own or someone else's safety, or you have walking difficulties, or both
- you are under 65 when you claim

Normally, you must have had these care or supervision needs or walking difficulties for at least three months and they are likely to continue for at least a further six months. However, if you are terminally ill, there are special rules for claiming the benefit.

If you are aged 65 or over, you may be able to get Attendance Allowance.

The Care Component – Disability Tests

To get the care component of Disability Living Allowance, your disability must be severe enough for you to either:

- need help with things such as washing, dressing, eating, getting to and using the toilet, or communicating your needs
- need supervision to avoid you putting yourself or others in substantial danger
- need someone with you when you are on dialysis
- be unable to prepare a cooked main meal for yourself (if you had the ingredients), if you are aged 16 or over

There are three rates of care component depending on how your disability affects you:

Lowest rate

If you need help or supervision for some of the day or you are unable to prepare a cooked main meal.

Middle rate

If you need help with personal care frequently or supervision continually throughout the day only, or help with personal care or someone to watch over you during the night only, or someone with you while you are on dialysis.

Highest rate

If you need help or supervision frequently throughout the day and during the night.

You can get Disability Living Allowance for your care needs even if no one is actually giving you the care you need, even if you live alone.

For the **lowest** rate DLA care component you must satisfy one of the following conditions:

- Need attention in connection with bodily functions for a significant part of the day which can be during one or more periods.
- Be age 16 or over and unable to prepare a cooked main meal.

For the **middle** rate DLA care component you must satisfy one of the following conditions:

- Reasonably need frequent attention throughout the day in connection with your bodily functions.
- Need continual supervision throughout the day to avoid substantial danger to you or others.

- Reasonably need prolonged or repeated attention at night in connection with your bodily functions.
- Reasonably need another person to be awake at night for a prolonged period or at frequent intervals to watch over you in order to avoid substantial danger to you or others.

For the **highest** rate DLA care component you must satisfy either of the following:

- Have one of the day needs and one of the night needs shown in the middle rate conditions.
- You are terminally ill.

Children must satisfy one of the above tests but, in addition, their care, supervision or watching-over needs must also be greater than those of a child of the same age who is in normal physical and mental health.

Definitions of Care Component test rules

need - This is help that is reasonably needed, not what is given, nor what is medically essential. This is help to lead as normal a life as possible. This includes help you need outside your home. For example you can be given help to do your own shopping or to take part in "reasonable" social activities.

attention - This is help of an active nature required to be given in your physical presence. This can include help given to you to wash, dress or to go to the toilet. It can also be more indirect help such as signing, reading aloud or prompting and encouragement.

bodily functions - These include hearing, eating, seeing, washing, reading, communicating, walking, drinking, sitting, sleeping, dressing or undressing, using the toilet, shaving, shampooing, help with medication and thinking.

significant - This is around an hour in total.

cooking test - This is a test of whether or not you can cook a main meal for yourself if you have the ingredients (and regardless of whether you are a good cook or not).

frequent - Means more than twice.

throughout - This means spread over the day.

continual - Means regular checking but not non stop supervision; does not have to be constant.

supervision - This is watching over, ready to intervene.

substantial danger - The danger must be real, not just remotely possible.

prolonged - Means some little time (at least 20 minutes).

repeated - Means two or more times.

night - This is when the household has closed down for the night. It is generally the time when an adult is in bed but must be more or less within night time hours - generally between the hours of 11pm and 7 am.

terminally ill - You are terminally ill if you are suffering from a progressive disease where death can be expected within 6 months. Since 25 September 2006 an award made because you are terminally ill will be for a fixed period of three years. After that period it will be reviewed.

The Mobility Component – Disability Tests

To get the mobility component of Disability Living Allowance, your disability must be severe enough for you to have any of the following walking difficulties, even when wearing or using an aid or equipment you normally use:

- because of a physical disability, you are unable or virtually unable to walk without severe discomfort, or at risk of endangering your life or causing deterioration in your health by making the effort to walk
- you have no feet or legs
- you are assessed to be both 100 per cent disabled because of loss of eyesight and not less than 80 per cent disabled because of deafness and you need someone with you when you are out of doors
- you are severely mentally impaired with severe behavioral problems and qualify for the highest rate of care component
- you need guidance or supervision most of the time from another person when walking out of doors in unfamiliar places

Definitions of Mobility Disability Rules

Unable to walk

This means exactly what it says. You cannot take a step by putting one foot in front of the other. If you have one artificial leg, your ability to walk with that leg will be considered.

Virtually unable to walk

This is the most common test under which people qualify for the higher rate mobility component. It is your ability to walk independently out of doors and on the flat that counts. The test is purely a physical one. There are a number of factors that are taken into account when assessing your walking ability.

Distance - It is advisable to measure the distance you can walk because it is difficult to estimate.

Length of time - How long does it take you to walk the distance mentioned above?

Speed – It may be useful to time yourself and take note of any fluctuations in your speed.

Manner – This refers to the way in which you walk; for example you may limp, stagger or shuffle.

Claiming for a disabled child

Your child must need a lot more help or supervision than other children of the same age.

You can claim for care needs before a child is aged three months, but benefit will not be paid before the child reaches the age of three months unless they are paid under 'special rules'.

You can claim for mobility needs from:

- age three, if your child is unable, or virtually unable, to walk or would be at risk if they tried to walk
- age three, if your child is both 100 per cent disabled because of loss of eyesight and not less than 80 per cent disabled because of deafness
- age three, if your child is severely mentally impaired with severe behavioural problems and qualifies for the highest rate of care component
- age five, if your child needs guidance or supervision when walking out of doors

Special Rules

If you have a progressive disease and are not reasonably expected to live for more than six months, you can get Disability Living Allowance more quickly and easily.

You can get the highest rate of the care component whatever your care needs are, you can get the care component and (if you meet the conditions) the mobility component, without waiting three months.

You can make a claim for someone under the special rules without them knowing or without their permission. If they satisfy the relevant conditions, they will get a letter saying that they have been awarded Disability Living Allowance, but special rules will not be mentioned.

To claim under these special rules, complete a Disability Living Allowance claim form and get a separate completed form DS1500 from your doctor, specialist or consultant to send with it.

Disability Living Allowance - rates and how to claim

There are three rates of care component depending on how your disability affects you:

- **Lowest rate** If you need help or supervision for some of the day or you are unable to prepare a cooked main meal.
- **Middle rate** If you need help with personal care frequently or supervision continually throughout the day only, or help with personal care or someone to watch over you during the night only, or someone with you while you are on dialysis.
- **Highest rate** If you need help or supervision frequently throughout the day and during the night.

You can get Disability Living Allowance for your care needs even if no one is actually giving you the care you need, even if you live alone.

There are two rates of the mobility component depending on how your disability affects you:

- **Lower rate** If you need guidance or supervision out of doors.
- **Higher rate** If you have any of the other, more severe, walking difficulties.

You may be entitled to only the care component or only the mobility component or you may be entitled to both.

Claim straight away - if you delay you may lose benefit.

You can claim online or get a claim pack by phoning the

- Benefit Enquiry Line Telephone: 0800 88 22 00
- Claim online [http: www.dwp.gov.uk/eservice](http://www.dwp.gov.uk/eservice)

Call the Benefit Enquiry Line

This is a confidential freephone service for disabled people and carers. You can call the Benefit Enquiry Line and ask them to send you a claim pack. They can send you the claim pack in an alternative format if required - for example, Braille.

They can also arrange for someone to help you fill out the form if required. Please note that the person you speak to may need to arrange for someone to phone you back.

Telephone: 0800 88 22 00

Textphone: 0800 24 33 55

The Benefit Enquiry Line is open 8.30 am to 6.30 pm Monday to Friday and 9.00 am to 1.00 pm Saturday.

If you request a form from the Benefit Enquiry Line, the date of request will be treated as your date of claim from which Disability Living Allowance can be paid, as long as the form you receive is returned within six weeks of that date. If you delay making a claim, you may lose out on benefit.

The person taking your call will not have your personal details but will be able to give you general advice. This advice must not be taken as a decision about your claim.