

GUIDANCE ON CLAIMING, PAYMENT MANAGEMENT AND USE OF DISABILITY LIVING ALLOWANCE (DLA) BY FOSTER CARERS

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This guidance details Suffolk County Council's 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, fostering supervising social worker and foster carer. It also covers eligibility and when to claim Disability Living Allowance.

This guidance document should be read in conjunction with the current Suffolk Fostering Service Schedule of Allowances and Fees, Savings Policy for Looked After Children and other national and local policies and procedures such as:

- Disabled Persons Act 1986
- The Children Act 1989
- Carers and Disabled Children Act 2000
- The Disability Discrimination Act 2005

We will on request produce this guidance, or particular parts of it, into other languages and formats, in order that everyone can use and comment upon its content.

Version Control	Reason for revision and summary of changes needed	Date
1.2	Section 7, changed the word "must" to "should"	23/10/2023
1.2	Appendix 1 removed	23/10/2023
1.3	Reviewed July 2025	16/07/2025

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1. Guidance Statement

The aim of this guidance is to achieve a consistent approach to dealing with Disability Living Allowance (DLA) for carers across Children and Young Peoples Services (CYPS), so that we can be sure that all children in Care have the same opportunities for claiming and receiving the advantages of additional allowances to meet their needs.

When a child in Care 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 the child's social worker. Foster carers should be reminded that DLA claims cannot be backdated. If it is felt a child or young person would meet the criteria for DLA a claim should be submitted at the earliest opportunity.

Whilst foster carers are not required to keep detailed logs of how they are spending the DLA money, discussions around how a young person's DLA is spent should take place during supervision which is recorded and/or at the child's CiC review where the types of things the DLA money is being spent on can be recorded.

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. This will be organised by the child's social worker and the supervision social worker.

2. Scope of Guidance

This guidance will apply to all Children in Care with Suffolk County Council within foster care placements, including those provided both "in house" and by fostering agencies. Requirements relate to those situations where a foster carer is the "appointee" who is claiming the DLA for the child.

3. What is DLA?

Disability Living Allowance (DLA) is a social security benefit available to disabled children who require help with personal care and/or supervision over and above that of other children of the same age because of their illness or disability.

The DLA benefit contains both a care and mobility component and is paid at different rates according to the child's needs. DLA care component is paid at a low, middle or high rate. [There is no lower age limit for the Care Component of DLA but there is a three-month qualifying period which means DLA](#) may be payable to a disabled child from the age of three months once the child's needs have been assessed. The mobility component is paid at low or high rate i.e. Higher Rate from aged three and Lower Rate from age five. Some children will receive either one or both elements.

As DLA is claimed for a child under the age of 16, it is usually paid to an adult with whom s/he is living. The DWP 'Appoints' the adult (an 'Appointee') to act on the child's behalf. This could be the child's parent or foster carer.

There are no conditions laid down by the DWP as to how the money should be spent. It is intended that the money be used to enhance the child's life so that the child derives maximum benefit from the payment of this benefit.

4. Claiming DLA on behalf of a child

Where a child is eligible or potentially eligible for DLA, it is the expectation of Suffolk County Council Fostering Service that the foster carer makes a claim on the child's behalf. DLA is provided by the Department for Work and Pensions to 'enhance a child's life' and therefore in the promotion of the best possible outcomes for a child, a carer must be willing to make the claim and manage any subsequent payments.

It is a requirement that a foster carer must notify their supervising social worker if they are considering making a DLA claim on behalf of a child in their care. A record of the discussion and any subsequent claim will be noted on the carer's supervision record.

It is also good practice for the child's social worker to inform the parent that the foster carer will be applying for DLA. If a child is in receipt of DLA, prior to becoming a Child in Care, the child's social worker should be involved in discussions with the parent concerning transfer of the DLA to the foster carer. The parent must notify the Department for Work and Pensions that the child is no longer in their care and the foster carer should be advised to make an application to receive it. In the same way if a child moves from one foster carer to another the foster carer must notify the DWP and any DLA money must be transferred to the new carer.

The application for DLA or transfer of DLA will be discussed and agreed at the Placement Planning Meeting and subsequent Child in Care Review. This will enable a record of any claim or proposed claim to be included within the Placement Plan or Review Record.

5. Outcomes

Once the DWP has made a decision about a DLA claim a decision letter will be sent to the child and their appointee. There are different rates for the Care Component and the Mobility Component, and consideration should be given as to whether the correct rates have been awarded to the claimant.

It is important to know that if it is felt that an incorrect rate of DLA has been awarded to a claimant then a Mandatory Reconsideration can be requested, which asks the DWP to look again at their decision.

The DWP may not award the claimant DLA at all and again a Mandatory Reconsideration can be submitted to review this decision.

There is an initial deadline of 1 month to request a Mandatory Reconsideration, and advice should be sought as soon as a decision about a claim is known.

If this is the case, then Foster carers should be advised to seek independent advice from an advice agency such as Citizens Advice (Suffolk Infolink).

Social Workers are able to contact the FIAS Welfare Rights Helpline for support and advice on such situations (01473 264545).

6. 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 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.

Examples of how the money could be spent

- Activities that are costly e.g. horse riding, after school clubs;
- Provision of an escort to enable social events to be attended.
- Extra helper for an outing or holiday.
- Taxi fares for trips out.
- Holidays where the foster family also go whilst still caring for the child and meeting their needs.
- Caravan expenses so that the child can have regular breaks in a familiar place.
- Extra support such as child sitting service, using individuals who are DBS checked.
- Individual equipment such as computer, communication aids.
- Laundry service and appliances.
- Replacement clothing where there is excessive wear and tear on clothing.
- Additional help with personal care.
- Special toys to meet child's needs - which may be of therapeutic value.
- Domestic help to allow carer to spend more time with child.

Please note that all escorts or helpers must have a current DBS check to ensure their suitability.

Examples of hidden costs:

- Higher use of utilities which could include, heating, extra water use for cleaning and washing, cleaning products / incontinence products / extra bedding and waterproof sheets and allergen free foods.
- Dieting e.g. greater use of convenience foods to allow carer to spend more time with the child;
- Additional wear and tear on domestic appliances e.g. washing machine, tumble dryer, microwave etc;
- Damage to property.
- Road tax, insurance and maintenance costs of second or larger car (exempt from road tax if paid higher rate of mobility allowance and this allowance can also be used to lease a car through mobility scheme, which then includes servicing costs).

If you are in any doubt about what is appropriate use of DLA you can contact the **DLA Helpline on 0800 121 4600, Monday to Friday, 9am to 5pm** (<https://www.gov.uk/disability-benefits-helpline>)

7. Agreement on 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 Plan and can be reviewed via the Child in Care Review process if appropriate.

It may be relevant to agree arrangements within the child's Child in Care Reviews or the child's IRO may suggest a separate meeting for this e.g. if other matters take precedence at the Child in Care Review or if more appropriate for this to be done with different attendees.

8. Recording Expenditure

DLA is not intended to be saved for the child for use in later years as this should be to promote wellbeing and needs of the child/YP. If financial advice is needed about savings in the future please refer to DLA helpline on 0800 121 4600.

Unless savings are to be placed in a discretionary trust, it may not be advisable to build up a large amount of savings for a disabled child who is likely to claim welfare benefits when they reach the age of 16 or over, as any savings in excess of £6000 will reduce the amount of means-tested benefit that they can claim. For Universal Credit any capital above £16,000 means you cannot claim the benefit.

Discussion of ensuring that the DLA is being spent appropriately is the responsibility of the child's social worker, supported by the supervising social worker. If there is evidence that the DLA is not being spent by the foster carer in the child's best interest, it would be appropriate for the practitioner to arrange a meeting with the foster carer to discuss, and to escalate this to the Fostering Service manager if necessary.

Social work staff and other Directorate staff will, from time to time, ask to see the record of allowance monies which have been spent and/or saved. This will be discussed within a foster carer's supervision and review. It will also form part of the discussion at the Child in Care Review.

Recording is an important part of the foster carer's role. It is advisable for the foster carer to record the DLA expenditure on a recording form, which should be regularly updated.

The supervising social worker will from time to time discuss this with the foster carer within supervision meetings and foster carer reviews. 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.

9. Banking Arrangements of DLA

Foster carers must 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 must be in the child's name and signatory for the account can be the foster carer.

10. Where a child regularly spends time at home

Where a child goes home regularly, a daily rate should be calculated by the fostering worker and childcare worker to make sure that the child/YP has their needs met irrespective of who is caring for them.

The child's social worker should discuss this with the foster carer and with the child's family before a decision is made regarding how this will be claimed for.

11. Where a child regularly spends time in Residential Short-term Care – the 28 day rule

This does not apply to children who receive short breaks in another foster placement.

If a child (under 16) receiving DLA has short break care of 28 days or more in publicly funded accommodation (such as a children's home), the DLA will not be paid for the days spent in that accommodation. If going over the 28 days is a regular occurrence, the DLA payments will be withdrawn, and the carers will be asked to fill in a form giving days in and out of care and the carer may be paid in arrears. This form must be completed and returned to the DWP.

The mobility component of DLA is not affected by the 28-day rule, only DLA care component.

The 28-day limit may be reached in a single block or as the total of a series of days over a period of time e.g. 14 weekends. Any days going into or out of residential care do not count as a day in care. For example, if a child has short break care from Saturday to Sunday, this will not count towards the 28 days; if a child has short break care from Friday to Monday, this will count as two days.

If 28 days are spent without residential short break care, the link will be broken and the calculation towards the 28 days will start again.

If a child, under the age of 18 and in receipt of DLA, is admitted to Hospital or a similar institution, their DLA claim remains in payment, indefinitely. If they were admitted when under the age of 16 they will not need to apply for Personal Independence Payment (see below) if they turn 16, they can renew their DLA claim.

It is advisable to seek advice from the FIAS Welfare Rights Service ([01473 264545](tel:01473264545)) if short break in residential care is being planned in order to get a realistic picture of its likely impact on DLA.

12. When a Young Person reaches the age of 16

DLA is normally for Children under the age of 16, from the age of 16 a young person who has a disability or health condition would claim Personal Independence Payment (PIP).

Children under the age of 16 in receipt of DLA will be invited to claim PIP around their 16th Birthday. The Child or their appointee will be sent a letter explaining that their DLA claim will be coming to an end and inviting them to apply for PIP within 4 weeks.

If no claim is made for PIP within 4 weeks then the Child's DLA claim will end.

It is possible to request an extension of this time by phoning the PIP Helpline, a 14 day extension is granted on request, if further time is required then the DWP may ask for reasons as to why this is.

If the Child or appointee does not receive this letter, then they should contact the PIP Helpline on 0800 121 4433.

PIP differs from DLA in that it is a points-based system, which means that the qualifying conditions for PIP are not the same as DLA and there is no automatic transfer from one benefit to another. It is possible that a child who meets the qualifying conditions for DLA may be awarded a lower rate or are not awarded PIP as they do not meet the qualifying conditions.

Support and advice for practitioners is available from the Welfare Rights Helpline.

Fosters cares can seek independent advice from agencies, such as Citizens Advice, details can be found via Suffolk info link website. The quickest way to get advice is to call Suffolk Adviceline on 0808 278 7868.

Savings levels could potentially affect future entitlement to means tested 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. For information about how savings affect entitlement to means tested benefits contact the FIAS Welfare Rights Helpline.

13. When a Child moves Placement or Leaves to Live Independently

Before the child moves placement, a meeting must be held with the social worker or YPA with the child and their carer so the carer can advise them of any items and equipment purchased using DLA for the child which may move with them.

All DLA money that has been saved must also move with the child/YP with the knowledge of their social worker/YPA. All arrangement of transferring the DLA payments to either another carer or to the Young person should be no later than 1 week before the young Person moves

Other helpful information

If a child is receiving middle to high rate DLA the carer is entitled to claim carers allowance and any fostering income is disregarded when making a claim for carers allowance. Carers allowance is a taxable benefit and has to be declared at self-assessment each year. A carer can only claim carers allowance for one child at a time, but if you have two carers with two children, the carers can put in a claim for one child each, to qualify for carers allowance you must only be earning up to £196 per week (fostering income is not counted towards this).

A childcare provider who offers places for any 3- or 4-year-olds who receive [disability living allowance \(DLA\)](#), is eligible to receive [disability access funding](#), which is £800 more per child per year."

14. Sources of Further Information

Government Website-

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

Disability Living Allowance

If your child currently lives in England or Wales you can apply by either:

- printing off and filling in the [DLA claim form](#)
- phoning the Disability Living Allowance helpline and asking for a printed form

Disability Living Allowance helpline

Telephone: 0800 121 4600

Textphone: 0800 121 4523

[Relay UK](#) (if you cannot hear or speak on the phone): 18001 then 0800 121 4600

British Sign Language (BSL) [video relay service](#) if you're on a computer - find out how to [use the service on mobile or tablet](#) Monday to Friday, 9am to 5pm

[Find out about call charges](#)

DWP - PIP claims

Telephone: 0800 917 2222 Textphone: 0800 917 7777

[Relay UK](#) (if you cannot hear or speak on the phone): 18001 then 0800 917 2222

British Sign Language (BSL) [video relay service](#) if you're on a computer - find out how to [use the service on mobile or tablet](#)

Calling from abroad: +44 191 218 7766

Monday to Friday, 8am to 5pm

[Find out about call charges](#)

You can start a claim by post, but it takes longer to get a decision. Send a letter to the address below and you will be sent a form to complete and return, after which another form will be sent to you to complete and return.

Personal Independence Payment New Claims

Post Handling Site B

Wolverhampton

WV99 1AH

Carers Allowance Unit

Telephone: 0800 731 0297

Welfare Rights

Telephone: **01473 264545**

E-mail: welfare.rights@suffolk.gov.uk