



A RISKY BUSINESS!

THE DANGERS INVOLVED IN TRYING TO GET MORE DISABILITY LIVING ALLOWANCE FOR YOUR CHILD

TRYING TO INCREASE YOUR CHILD'S DISABILITY LIVING ALLOWANCE AWARD

This factsheet provides guidance for parents/carers of disabled children who are considering asking the DLA Unit for a higher level of Disability Living Allowance (DLA) because they think their child's care and/or mobility needs have increased.

This factsheet is concerned with DLA for children, i.e. aged under 16. See our other factsheets for young people and adults, aged 16 and over.

If you are thinking of asking the DWP to increase your child's DLA, you should read all of this leaflet carefully before you contact the DLA Unit.

CAN I GET THE EXISTING DISABILITY LIVING ALLOWANCE AWARD INCREASED?

If you already receive DLA for your child but think that their condition has got worse since it was awarded, you can ask for the award to be increased (unless, of course, you already get the highest rate).

You can write to the DLA Unit and you will then be sent a new form to complete.

Disability Living Allowance

If you are getting DLA, there are two possible ways the award could be changed. Firstly DLA has two "components" - Care and Mobility. If your child is only getting one of these, you could ask for the other one to be added on. Secondly both components have more than one level of

payment (lower and higher for Mobility, lower, middle and higher for Care). You could ask for the level of either component (or both) to be increased.

ARE THERE ANY RISKS INVOLVED?

Once you have asked for the DLA to be reconsidered, the DLA Unit have the right to look at - and change - all of it. This means the DLA can be reduced as well as increased.

Even if you only ask for one component to be looked at, the DLA Unit can still look at the other one if it believes that the evidence suggests your child may not still be entitled.

BE CAREFUL!

Even if you think your child's condition has not improved since the DLA was last awarded, the DLA Unit may take a different view.

HOW MUCH COULD I LOSE?

This depends on your personal circumstances.

Some people risk losing a great deal. This is because other benefits may depend on entitlement to DLA so, if the DLA is reduced you could have then get less of other benefits, or lose them altogether.

Here are some examples:

- If you receive Carers Allowance this will be lost if your child's DLA Care is reduced to the lower rate only or lost altogether.
- Losing Carers Allowance may then mean you can no longer claim Income Support. It will certainly reduce how much Income Support you receive.
- DLA often triggers off extra elements in benefits such as Housing Benefit (Rent Rebate) and Child Tax Credit. If you lose DLA, or get it reduced, you will see a reduction in these other benefits too. (Over the next few years these benefits will be replaced by Universal Credit).
- If your child loses entitlement to the higher level of DLA Mobility Component it will mean no longer being entitled to get a vehicle via 'Motability'.

**Cautionary
Tale:**

Jenny care for her son Liam for whom she received DLA Care at the highest rate.

She claims Carers Allowance topped up by Income Support. She also gets the Severely Disabled Child element in her Child Tax Credit.

Jenny feels that Liam has mobility problems when out and about and so applies for the Mobility Component as well.

The DLA Unit agree about the Mobility Component and award the lower rate.

However, based on the skimpy details that Jenny put on the form, they feel that Liam's care needs are much reduced. They drop his Care Component to the lower rate.

Jenny therefore loses both Carers Allowance and Income Support, and her Child Tax Credit is significantly reduced.

Jenny will appeal, but in the meantime, she has to sign on to claim JSA and is overall worse off by over £110 per week.

BENEFIT CAP

Some people who have high levels of Rent Rebate or who have 3 or more children may be affected by the Benefit Cap. However, where a household contains someone on DLA the Cap does not apply. So, if you lose DLA that exemption may also be lost, and some may then be hit by the Benefit Cap.

WHAT SHOULD I DO?

If you think your child now has more care and/or mobility needs than when DLA was last awarded, TAKE ADVICE BEFORE YOU DO ANYTHING. Go to your local advice agency (see page 4) first and make sure you understand exactly what is at risk for you.

Check the rules to see if your child really entitled to an increase of benefit – the fact that their condition is worse doesn't necessarily mean that you can get more benefit.

Talk to your child's doctor or school. The DLA Unit may ask them for a report so you need to be sure you will have medical evidence to support your claim – not only the increase but what us being received now.

If you do go ahead with a request for an increased rate of DLA, make sure you fill in the new claim form with full details of all your child's care and mobility needs, not just the extra help you think they need. Ask your advice agency for help with the forms.

WHAT IF MY BENEFIT IS REDUCED?

Ask your local advice agency (see below) about how to appeal against the decision. You only have one month from the date on the decision letter so don't delay!

AND FINALLY...

The purpose of this factsheet is not to prevent people from getting more benefit.

On the contrary, we believe you should be able to get the allowances increased if you are entitled, so we are not saying, don't try at all.

What we are saying is:

GET ADVICE FIRST!

For further information contact any of the following agencies:

CITIZENS ADVICE

Rugby

[CAB]

1st Floor, Chestnut House
North Street
Rugby, CV21 2AQ

Bedworth & District

(Covers Nuneaton & Bedworth)
Old Market Tavern
25 Congreve Walk
Bedworth, CV12 8LX
(To book appt in Nuneaton
call 024 7635 1049)

North Warwickshire

The Parish Rooms
Welcome Street
Atherstone, CV9 1DU

Warwick District

10 Hamilton Terrace
Leamington Spa, CV32 4LY

Stratford-upon-Avon

25 Meer Street
Stratford-upon-Avon, CV37 6QB

Switchboard number for ALL CABx: 0844 855 2322

The information in this factsheet is correct as of April 2016

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Produced by: Warwickshire Welfare Rights Advice Service

Funded by: Warwickshire County Council

Charity Registration No. 1113524

Company No. 5730678

