

10 April 2007

**14 - 16 Verney Road
London SE16 3DZ**

National Freephone Helpline: 0800 915 4666

Website: www.actionforblindpeople.org.uk

Email: benefit.check@actionforblindpeople.org.uk



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Action for blind people

Disability Living Allowance (Children)

for Blind and Partially Sighted Children 2007/08

This fact sheet explains what is important when claiming Disability Living Allowance (also known as DLA) for a child. It is useful for those who work with blind and partially sighted children, such as social workers, rehabilitation officers, teachers and local society workers. Parents of blind and partially sighted children will also find it helpful.

It supplements our DLA fact sheet that explains more about the disability conditions.

Please note that the new term for being registered blind or partially sighted is 'severely sight impaired' and 'sight impaired'. However, we refer to the old terms throughout this fact sheet as many people are still unfamiliar with the new terms.

Basic rules

Claim this benefit if:

- you are a parent of a child aged under 16 with severe sight problems; **and**
- your child has had these problems for at least 3 months; **and**
- s/he is expected to have these problems for at least 6 months

Why claim DLA for your child?

DLA is a very useful benefit to get for a child because:

- you get it as well as any other income - it is non-means tested
- it is not taxable
- it does not reduce any other social security benefits - if you get Income Support or Child Tax Credit, Housing Benefit and/or Council Tax Benefit, getting DLA sometimes increases them.



So, getting DLA for your child usually means extra cash in your pocket whatever your circumstances.

The Components

DLA is made up of two parts - a care component and a mobility component. You can get one rate from each component. The rates are:

The mobility component:

- £17.10 per week - the lower rate, available from age five onwards
- £45.00 per week - the higher rate, available from age three onwards

The care component:

- £17.10 per week - the lower rate
- £43.15 per week - the middle rate
- £64.50 per week - the higher rate

Each rate of the care component is available from birth.

The extra needs of disabled children

The key to getting DLA for your child is showing his or her needs are a lot greater than a child without a disability. However, all very young children require constant care and supervision. We therefore recommend looking at the following:

Very young children

Blind and partially sighted children lack the visual stimulation necessary for learning about the world around them and for developing communication and social skills. They will therefore require more active stimulation and attention than a fully sighted child.

Communication and social skills

Blind and partially sighted children require much more physical and verbal contact to compensate for sight loss. For example, simple forms of communication like smiling may not be possible, and this in turn will affect social skills and bonding. Therefore a blind or partially sighted child will need far more touching, cuddling and verbal reassurance than a fully sighted child. According to the RNIB survey 'Blind and partially sighted children in Britain: the RNIB survey 1992', it is stated that 26% of blind and partially sighted children have speech difficulties. And, there has been no significant change to this figure. Therefore a blind or partially sighted child may also need extra help to develop speech and language skills. This extra attention could consist of formal speech therapy as well as more intensive verbal communication by parents.

Development of daily living skills

Although children do not all develop physical skills in exactly the same way, it is possible to identify ages by which most children develop particular skills. Since visual impairment affects mobility, spatial orientation, depth perception, balance, co-ordination and manipulation, a child may well take longer to develop life skills. For example, the RNIB survey showed that whereas most non-disabled children could walk by 18 months, one third of the blind and partially sighted children were still not walking by two years of age. The following guide gives an idea of the average ages by which most children have acquired specific skills. Any help required with a particular task beyond the relevant age band should be counted as attention for DLA purposes.

- **6-10 months:** sits up without support, crawls, pulls him/herself up to stand, passes objects from hand to hand
- **8-12 months:** picks up and eats food
- **10-16 months:** walks unaided, drinks from a cup
- **14-24 months:** uses a spoon to pick up and eat food, plays with building bricks, removes easy clothing, throws a ball
- **18-24 months:** scribbles with a pencil or crayon, kicks a ball
- **2-3 years:** pedals a tricycle, draws straight lines
- **3-5 years:** uses a knife and fork
- **4-5 years:** hops on one leg.

Development through play

Blind and partially sighted children will require much more active attention to assist and encourage them to play. Specially adapted or tactile toys alone do not solve the problem. A blind or partially sighted child may need help locating toys and picking them up after dropping them. Difficulties with locating or manipulating toys will inevitably frustrate a child. They may need assistance and coaxing so that they persevere with particular activities like drawing or painting.

In CSDLA/655/2002 the Commissioner said:

"I consider that carrying a child around to introduce her to the world by tactile means and what was involved to enable the claimant to sit up unsupported could properly be regarded as attention in connection with the bodily function of sight..."

Supervision

Most young children are continually supervised. However, a 'safe' play area for a sighted child can be a hazardous obstacle course for a blind or partially sighted child. There will be an increased risk of tripping over toys or bumping into furniture. This may require a much more direct form of supervision.

The 'Disability Handbook' that the Department for Work and Pensions (DWP) uses to help it assess claims, recognizes potential problems that blind and partially sighted children have. In paragraph 3.1 of chapter 39, it advises that:

'If the child is to overcome the disability by being trained to develop effective means of communication, considerable attention must be given by others to this task. In addition a child who is severely blind or severely deaf initially requires substantially more attention and supervision throughout the day than that required by a child of the same age to protect the child from danger'.

School age children

Children above the age of five will encounter new problems when they start to attend school. Poor visual acuity will inevitably hamper educational progress. Poor mobility and orientation will make a school environment much more dangerous. A blind or partially sighted child may therefore require a sighted person to provide help with the following in relation to schooling:

- **Reading** books and text where enlargement is not practical, reading for long periods of time, reading from boards and overhead projectors, reading notice boards and identifying coins and notes.
- **Describing** pictures, maps, diagrams, charts, scientific experiments, computer graphics - it may be impossible to represent these in tactile or non-picture forms. Blind and partially sighted children may require verbal assistance to recognize other people at a distance.
- **Guiding** to and from school should count as 'attention'. Blind and partially sighted children will also need more assistance to enable them to find their way around their school, operate in the playground, avoid bumping into obstacles or other children and take part in physical education. School age children with a visual impairment may still have poor mobility skills. According to the RNIB survey, only 16% of blind and partially sighted children under 12 and 36% of those over 12, have had mobility training. The need for guiding on unfamiliar routes will count towards the mobility component. Older children who undertake journeys on their own may still require guidance to enable them to follow directions along the route.
- **Other help** blind and partially sighted school children may require is help locating and cutting up food at mealtimes, ensuring they are clean after eating,

ensuring they are clean after using paints and ensuring they are dressed and groomed properly after physical education. Blind and partially sighted children may take longer to master certain dressing skills such as tying shoelaces or ties. Any assistance with homework, in the form of reading or describing texts or diagrams, should also count as attention.

Lower rate mobility component

Problems children have avoiding obstacles or tripping over, crossing roads and following directions are relevant to your child's DLA claim but you also need to explain that your child needs a lot more help than other children without a disability.

You need to be particularly conscious of this if your child is very young, as all young children need an adult to keep an eye on them when they are outside. However, the fact that younger children are not allowed to travel unsupervised should not, in itself, stop your child from qualifying. Whereas non-disabled children may only require adults to keep an eye on them outdoors, your child may need to be physically guided or more closely watched. Commissioners' decision CDLA 76/1998 says this is a very important point to consider, and CDLA 2268/99 says an example of this is:

"...constantly keeping a deaf 5 year old child within arms reach."

The 'Disability Handbook' also addresses this issue. In paragraph 2.1 of chapter 39 it states that:

'...when moving around, the child is exposed to dangers which a sighted child would not encounter.'

Consequently, in paragraph 4.1 of chapter 39, the handbook advises that:

'Outdoors in unfamiliar surroundings, the great majority of children with blindness will require guidance or supervision from another person'.

Extra rules for the lower rate mobility component

The extra needs for children are important because section 73(4) of the Social Security Contributions and Benefits Act 1992 states that in order to qualify for the lower mobility component, disabled children must show that, either:

'...they require substantially more guidance or supervision than a non-disabled child of the same age' **or**

'...non-disabled children of the same age would not require such guidance or supervision.'

This is in addition to the rule in section 73(1)(d) of the Social Security Contributions and Benefits Act 1992 that says your child must be unable to walk outdoors on unfamiliar routes:

'...without guidance or supervision from another person most of the time.'

Higher rate mobility component

There are no extra rules for the higher rate mobility component, though severe sight problems alone are not sufficient grounds for your child to qualify. However, your child could still qualify for higher mobility if he or she is:

- both deaf and blind; **or**
- severely mentally impaired with behavioural problems; **or**
- physically 'unable or virtually unable to walk'.

Lower rate care component

If the amount of help your child needs is an hour or more a day, you should get this rate of benefit. Commissioners' decision CDLA 58/1993 (*94/94) said this is enough to be a significant portion of the day. Section 72(1) of the Social Security Contributions and Benefits Act 1992 says you qualify if you:

'...require attention from another person in connection with your bodily functions for a significant portion of the day, (whether during a single period or a number of periods).'

Middle rate care component

If you need to give your child extra help most days in the morning, the afternoon and the evening you should get this rate of benefit. This is because you meet the condition in section 72(1) of the Social Security Contributions and Benefits Act 1992. This says you must show that your child needs:

'...frequent attention throughout the day...in connection with (their) bodily functions.'

Much of the help we describe in the 'extra needs' section is help with the bodily function of seeing. The meaning of 'frequent attention' is explained in more detail in our 'Disability Living Allowance' fact sheet. Please contact us on 0800 915 4666.

Higher rate care component

If your child also needs help during the night you may get this rate of benefit. If you get up for your child once for twenty minutes or twice or more during the night, this should be enough to show your child satisfies the rules in section 72(1) of the Social Security Contributions and Benefits Act 1992. This states that any help you give at night must be 'prolonged' or 'repeated'.

Extra rules for the care component

The extra needs for children are important because section 72(6) of the Social Security Contributions and Benefits Act says you must show that your child, either:

'...has requirements substantially in excess of the normal requirements of a child of the same age' **or**

'...has substantial requirements which a younger child in normal health would have but which a healthy child of the same age would not have.'

Paragraph 3.1 of chapter 39 of the Disability Handbook advises that:

'...a child who is severely blind...initially requires substantially more attention and supervision throughout the day than that required by a child of the same age to protect the child from danger.'

Commissioners' decision CA 92/92 says the care or supervision you provide may be substantially in excess of normal requirements because of the extra time you spend or 'by virtue of the quality or degree' of that assistance.

How to claim

To claim DLA for your child you must complete a self-assessment claim form (DLA1 Child). Ring the Benefit Enquiry Line on 0800 88 22 00 to get a claim pack. They will stamp it with the day's date, so that if your child qualifies, you get the benefit from the day you rang them.

The 'DLA1 Child' is a self-assessment form. Do not be put off by the length of the form. An experienced worker from an advice centre, social services or a local society for blind and partially sighted people may be able to give you valuable help with completing it. A statement of special educational needs may also provide useful evidence to back up a DLA claim. We would advise you to try and get help through an independent adviser first but if this is not possible, the Benefit Enquiry Line offers a telephone form completion service. It may not be necessary for your child to see a DWP Doctor. However, the DWP may write to your child's Doctor or ask for your child to undergo a medical examination.

If you can, **make a copy of the form before you send it away**. This could be useful if you are unhappy with the DWP decision about your child's claim.

If in doubt, appeal!

If you are not happy with the decision about your child's DLA claim, **you only have one month** to use the dispute procedure. Unfortunately, lots of blind and partially sighted people have to do this to get DLA. The letter you get from the DWP implies that you need to appeal to dispute their decision. However, there are actually two stages of dispute:

1. Revision

If your claim for DLA is turned down, you should ask the DWP to look at the decision again. This is called a 'revision'. The decision letter you receive does not

make it clear that you can ask for a revision before an appeal, therefore you should emphasize that you are asking for a revision at this stage. You can also send in additional evidence or information to help your claim.

2. Appeal

If you are not satisfied with the outcome of the revision you can appeal to a tribunal. Again you have one month to do this. You should opt for an oral hearing where you can present your case directly and take a representative. If you want to appeal, we strongly advise you to seek assistance from an advice agency, such as the Citizens Advice Bureau. If you think your child satisfies the daytime attention condition, you should also read our briefing paper, '**Taking Mallinson Cases to Tribunal**'.

If you miss the time limit, you may be able to ask the DWP to reconsider its last decision. This is called a 'supersession'. You can ask for a supersession if your child's condition gets worse or for other specific reasons. We recommend contacting an advice agency to help you do this.

DLA and other benefits

An award of DLA for your child may entitle you to extra benefits:

- **Carer's Allowance:** If a child is awarded either middle or higher rate DLA care component, you can claim Carer's Allowance. You do not have to be related to, or living with the child you are caring for in order to qualify. As Carer's Allowance affects other benefits, you should obtain advice before claiming. For further information see our 'Carer's Allowance' fact sheet. For a claim pack, you can ring the Benefit Enquiry Line on 0800 88 22 00 or the Carer's Allowance Unit on 01253 856 123.
- **Disabled child's premium:** If your child is awarded DLA at any rate you may qualify for this premium if you get Housing Benefit, Council Tax Benefit or Child Tax Credit.

Further information

To find out more, visit www.direct.gov.uk/disability, contact your local advice centre, Citizens Advice Bureau or:

Welfare Rights Service
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You can also find all our fact sheets, briefings and checklists on our website at: www.actionforblindpeople.org.uk - then click on the link to '**Welfare Rights**'.

This is only a brief guide about how you can benefit from DLA for your child. It is not a complete or exhaustive statement of law.

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