

Disability Living Allowance (Children)

For Blind and Partially Sighted People 2009/2010

This fact sheet explains how to claim Disability Living Allowance (DLA) for a child. It is useful for parents of severely sight impaired (blind) or sight impaired (partially sighted) children, and those individuals and organisations which support them.

It supplements our **Disability Living Allowance** fact sheet which explains more about the disability conditions.

Basic rules

You can claim this benefit if:

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

Why claim DLA for your child?

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

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



Action for blind people

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 explained below.

The mobility component:

- £18.65 per week - the lower rate, available from age five onwards
- £49.10 per week - the higher rate, available from age three onwards

The care component:

- £18.65 per week - the lower rate
- £47.10 per week - the middle rate
- £70.35 per week - the higher rate

Each rate of the care component is available from birth.

What the law says

The rules for claiming DLA are set out in the **Social Security Contributions and Benefits Act 1992 (SSCBA)**. The meaning of these rules is not always clear, so interpretation of the rules is carried out by the law courts and Judges of the Upper Tribunal.

Commissioners' decisions

In the following paragraphs we make reference to Commissioners' decisions. These are decisions made by the Social Security and Child Support Commissioners' on how the law should be interpreted, not just in a particular case, but in general. This guidance can then be applied to future applications for Disability Living Allowance.

Please note that following changes introduced under the **Tribunals, Courts and Enforcement Act 2007**, Social Security and Child Support Commissioners are now officially referred to as Judges of the Upper Tribunal. Commissioner's decisions are however still referenced in the same way.

The 'Disability Handbook'

We also mention the 'Disability Handbook'. This is a document which the Department for Work and Pensions (DWP) issues to its Decision Makers to help them make decisions on DLA claims. It contains guidance on a wide range of illnesses and disabilities, as each Decision Maker will not be an expert on all conditions that s/he has to decide upon.

The extra needs of disabled children

The key to getting DLA for your child is showing his or her needs are greater

than a child without a disability. All very young children require constant care and supervision. We therefore recommend you consider 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 'Blind and partially sighted children in Britain: the RNIB survey 2004', showed that whereas most non-disabled children could walk by 18 months, 13% 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’ recognises 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, 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 recognise 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, and 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 ‘Blind and partially sighted children in Britain: the RNIB survey 2004’, 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.
- **Additional help** maybe required by blind and partially sighted school children in 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 that children have avoiding obstacles or tripping over, crossing roads and following directions are all relevant to your child’s DLA claim, but you also need to explain the other ways in which your child needs additional help to those 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 five 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 SSCBA 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 SSCBA 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 SSCBA 1992** says a person qualifies if s/he:

‘...requires attention from another person in connection with [her/his] 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 SSCBA 1992**, which says you must show that your child needs:

‘...frequent attention throughout the day...in connection with [her/his] bodily functions.’

Much of the help we describe in the ‘**Extra needs of disabled children**’ 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.

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) SSCBA 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 SSCBA 1992** 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 CA92/92 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). Telephone the Benefit Enquiry Line on 0800 88 22 00 to get a claim pack. It will be stamped with that days date , so that if your child qualifies, you get the benefit from the day you contacted them. You can also complete a claim form online at **www.direct.gov.uk/disability-dla**

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 help you with completing it. If this is not possible, you can contact the Benefit Enquiry Line and they can arrange someone to assist you to complete the form over the telephone. The DWP will send you a transcript of your answers in your preferred format for example Braille or large print. 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.

A statement of special educational needs may also provide useful evidence to back up a DLA claim.

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 your claim is turned down, or you are not happy with the level of your award, you can make use of the dispute process. The letter you get from the DWP usually implies that you need to appeal in order to dispute their decision. However, there are actually two stages:

1. Revision

If your child's claim for DLA is turned down, you should ask the DWP to look at the decision again. You have one month in which to do so. 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 emphasise 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. We strongly recommend you opt for an oral hearing where you can present your case in person. If you want to appeal, we recommend that you seek assistance from an advice agency such as a Citizens Advice Bureau. If you think your child satisfies the daytime attention condition, you should also read our briefing paper, **Making use of Mallinson**. If you miss the deadline of one month, 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 you care for is awarded either the 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 telephone the Benefit Enquiry Line on 0800 88 22 00 or the Carer's Allowance Unit on 01253 856123.
- **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, or contact your local advice centre or Citizens Advice Bureau.

Action for Blind People's Welfare Rights Service can also provide advice:

Action for Blind People
Welfare Rights Service
14 - 16 Verney Road
London SE16 3DZ
National Freephone Helpline: 0800 915 4666
Email: benefit.check@actionforblindpeople.org.uk

You can find all of Action's fact sheets, briefings and checklists on our website at:
www.actionforblindpeople.org.uk/welfare-rights

This is only a brief guide about how blind and partially sighted people and their carers can benefit from Disability Living Allowance for Children. It is not a complete or exhaustive statement of law.

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