

LEICESTERSHIRE COUNTY COUNCIL'S POLICY ON THE USE OF DLA and PiP FOR CHILDREN IN CARE

Title/Status-	DLA and PiP FOR CHILDREN IN CARE
New Document or Revised	New
Date Approved SMT	September 2023
Responsible Head of Service	Children In Care
Review Due Date	September 2024

Leicestershire Procedure for DLA and PiP for Children In Care

Applies to- Children in particular circumstances

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DLA and PiP Policy for Children in Care



1 Purpose of this policy:

To set out Leicestershire County Council's Fostering and Adoption Service's policy, in relation to applications for, and payments of, Disability Living Allowance (DLA) or Personal Independence Payments (PiP) for children and young people in the care of the Local Authority.

2 Relevant Legislation and Guidance Includes:

- Disabled Persons Act 1986
- The Children Act 1989
- Carers and Disabled Children Act 2000
- The Disability Discrimination Act 2005
- The Social Security (DLA) Regs 1991
- The Social Security (PIP) Regs 2013
- Equality Act 2010

2.1 Key Fostering Services National Minimum Standards (England) 2011 Include:

- Standard 1** The child's wishes and feelings and those significant to them.
- Standard 2** Promoting a positive identity, potential, and valuing diversity through individualised care.
- Standard 3** Promoting positive behaviour and relationships.
- Standard 6** Promoting Health and Wellbeing.
- Standard 7** Leisure Activities.

2.3 Key Training, Support and Development Standards for Foster Care:

- Standard 2** Understand the principles and values essential for fostering children and young people.
- Standard 3** Understand health and safety, and healthy care.
- Standard 5** Understand the development of children and young people.

3 What are DLA and PiP?

DLA and PiP are tax free benefits for children (and adults) to help with the extra costs incurred by a disability. Some children or young people may be receiving or entitled to receive DLA or PiP, where their caring or mobility needs are significantly higher than would be expected of another child or young person, of their age and stage of development. DLA and PiP are not based on the disability, but the needs arising from it.

Applications for DLA can be made for a child from the age of 3 months, or from birth if they have a terminal illness. The application can only be made if a child's immigration status allows them to claim public funds. DLA is paid to children who are under 16 years old when they claim, but may be paid to them after their 16th birthday, and they will be reassessed for PiP between their 16th and 18th birthdays. New claims for children and adults between 16 and 65 years old will be for PiP.

3.1 DLA Components:

There are two elements to DLA:

- The care component.
- The mobility component.

Some people will be entitled to receive just one component, others may get both.

3.2 The DLA Care Component:

The rate the child gets depends on the level of looking after they need, for example:

- Lowest rate - help for some of the day.
- Middle rate - frequent help or constant supervision during the day, supervision at night or someone to help while they're on dialysis.
- Highest rate - help or supervision throughout both day and night, or a medical professional has said they might have 6 months or less to live.

3.3 The DLA Mobility Component:

The rate the child gets depends on the level of help they need getting about, for example:

- Lowest rate - they can walk but need help and or supervision when outdoors.

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- Highest rate - they cannot walk, can only walk a short distance without severe discomfort, could become very ill if they try to walk or they're blind or severely sight impaired.

There are also age limits to receiving the mobility component:

- lowest rate - the child must be 5 years or over.
- Highest rate – the child must be 3 years or over.

3.4 PiP Components

There are two elements to PiP:

- The Daily Living component.
- The Mobility component.

Some people will be entitled to receive just one component, others may get both. The rates you receive for both are based on a point scoring assessment.

3.5 The PiP Daily Living Component

The PiP Daily Living Component is paid at two rates, depending on the level of help a person needs in order to take part in everyday life.

3.6 The PiP Mobility Component

The PiP Mobility Component is paid at two rates, depending on the level of help a person needs to get around.

3.7 Claiming DLA or PiP for a Child in Care:

An application for DLA or PiP should be considered for all children and young people who are not already in receipt of the benefit, as a matter of routine, and particularly when they have an ECHP. The application itself should be made by the child's social worker, in partnership with carers, the child or young person, and their parents where applicable. Some children will be in receipt of DLA or PiP when they are first accommodated by the LA, in such cases there needs to be agreement about the way it is used at the earliest opportunity.

4 Payment of DLA or PiP:

DLA or PiP belongs to the child, and therefore all children in receipt of the benefit, need to have their own bank account. This account must be solely for DLA or PiP, and those monies should be kept separate from the child or young person's regular saving's account. It would generally be expected that their

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carer(s) are guarantors on an account for children under 16. In the event that a child moves, the new carer will become the guarantor. Account details and statements should be kept securely, by the foster carer, and made available to any officer of the Local Authority who makes such a request.

4.1 DLA or PiP Expenditure:

There are no specific conditions laid down by the DWP about how DLA or PiP is spent, once the child is assessed as being in need of the benefit, and it is important that carers can be creative about meeting children's individual needs. However, the central tenet of DLA or PiP expenditure is that it aimed at enhancing a child or young person's daily life, in a way which is correlated to their additional need.

4.2 The DLA or PiP Agreement Form:

The child's social worker and foster carer, with the support of the Supervising Social Worker, should agree as the manner in which a child's DLA or PIP is to be spent. The DLA or PiP Agreement Form should be completed at the Placement Agreement Meeting where possible, or prior to the first Review of Arrangements where that is not viable. This will be placed on the child's file and reviewed at regular intervals, including at Review of Arrangement Meetings. The agreement is intended to be flexible and can be updated at any juncture, where needs have changed, or another appropriate source of support is identified.

4.3 Saving DLA or PiP:

DLA and PIP are not intended to be savings or investment plan for a child or young person. DLA or PIP should be spent in the manner which the benefit is intended, although it can be saved for future use. However, it is recommended that the level of DLA or PiP saved should remain below £6000, which is also the point at which it would affect any benefit claim. Once a balance of £500 is accrued, consideration should be given to paying it into an interest bearing account, rather than leaving it in a current account, in consultation with the person with PR.

4.4 Recording Expenditure:

Carers are expected to share a copy of the DLA or PiP Recording Form on a monthly basis, regardless of whether there is any expenditure or not. Internal carers will be able to do so via Leicestershire County Council Portal, external carers will be able to email the form securely to the child's social worker.

5 Examples of Appropriate Use of DLA or PiP:

5.1 DLA or PiP can be spent by carers to secure services and/or support which meets the child's additional needs. DLA or PiP is intended to support everyday living, by promoting equity and inclusion, for children whose accessibility, engagement and participation would otherwise be affected by their additional need. DLA or PiP can be spent on a range of activities and equipment to meet the child's additional needs.

- Replacing clothing, shoes, glasses etc if excessive wear and tear/destructive behaviour is indicated.
- Additional and significant wear and tear on domestic appliances such as a washing machine and/or tumble drier, where children are soiling for e.g.
- Additional expenses such as laundry and higher heating costs, which arise from a child's additional needs, above and beyond what would routinely be spent on another child without those needs.
- To cover the cost of accessing an activity/event, because it is inclusive, and perhaps not local, and equipment to enable participation.
- Attending a specific cinema screening or theatre show because it is inclusive.
- Provision of an escort, to enable participation in activities or events, or someone to provide additional support during an outing or holiday.
- A specific type of holiday for a child, either because of their transport needs, or the need to have a regular break in a familiar place.
- The additional cost of a holiday, because of the need to ensure a child's needs are met whilst travelling or away, beyond that which would be usual.
- A child sitting service, using individuals who are DBS checked, and assessed by the LA as being an appropriate person to do so.
- Individual equipment such as a computer or communication aids.
- Additional help with personal care.
- Special toys to meet child's needs, which may be of therapeutic value.
- Domestic help to allow carers to spend more time with child.
- The additional cost of a special diet.
- Transport costs, beyond that which can be claimed via mileage, e.g., bus, train, or taxi fares, which enable a child's inclusion/participation in an event/activity.
- Damage to property as the result of additional needs.

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- An example of saving for future needs could be a course of equine/art/music/dance therapy, which a child is not yet ready to access, but which professionals have assessed may be of benefit in the near future.

6 Oversight:

- 6.1** The childcare social worker will have oversight of DLA or PiP expenditure, and carers can't use it to fund anything outside the DLA or PiP Agreement, until it has been agreed by the childcare team. The Local Authority recognises the individuality of children's needs, as well as their fluidity, and therefore in order to avoid delay, the form can be signed electronically using secure email.
- 6.2** When a child or young person moves placement, the childcare social worker will have oversight of the transfer to another guarantor, in order to ensure their account moves with the child.
- 6.3** The IRO will have oversight of DLA or PiP claims and expenditure, via the reviewing process for children in care, and its use within individual care plans for children and young people
- 6.4** The Children in Care Service Manager and Team Managers will be responsible for ensuring they have oversight of any DLA or PiP applications.
- 6.5** The Children in Care Service Manager and Team Managers will be responsible for ensuring that children's social workers are aware of this policy and their duty within it.
- 6.8** The Fostering and Adoption Service Manager and Adoption Team Managers will be responsible for ensuring that supervising social workers and carers are aware of their duties within the policy.

7 DLA or PiP and Benefits Claims:

Claiming DLA or PIP will not lead to a reduction in payment of any other benefits. Saving DLA or PIP can affect means tested benefits, where the amount is above the threshold for savings. The main means-tested benefits that are affected by both income and savings include:

- Universal Credit.
- Pension Credit.
- Tax Credits (Child Tax Credit and Working Tax Credit).
- Council Tax Support.
- income-based Jobseeker's Allowance.

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- income-related Employment and Support Allowance.
- Income Support.
- Housing Benefit.

The current threshold for savings is £6000, if a young person has less than £6000 in savings, it won't affect a claim for benefits. If someone has more than £6000 in savings, Universal Credit will be reduced. For savings or capital of between £6,000 and £16,000, the first £6,000 is ignored. The rest is treated as if it amounts to a monthly income of £4.35 for each £250, or part of £250. Housing Benefit is linked to Universal Credit, if someone has savings or capital valued at £16,000 or more, they are not entitled to Universal Credit. If a young person returns home, their savings can affect their parents' benefit claim(s).