



Disability living allowance (DLA)

What is disability living allowance?

You can claim disability living allowance (DLA) if you are disabled, are aged under 65 and need help to look after yourself or have difficulty walking or getting around. DLA is tax free and not means tested.

There are two components to disability living allowance, the care component, which has three rates of payment and the mobility component, which has two rates of payment. You can be paid one or both components depending on your needs.

You can still get DLA if you are not actually receiving any help to look after yourself or to get around. The amount of savings you have does not affect your DLA.

What are the rules for disability living allowance?

To receive disability living allowance you must satisfy the "disability tests". You will need to have satisfied these tests for three months before you will be paid and must also be likely to continue to satisfy these tests for at least 6 months after the date of your first payment (these rules do not apply if you are terminally ill).

You must not be subject to any limitation on your right to stay in this country, such as a limitation on working or claiming benefits. There are exceptions to this rule, for example if you have refugee status or exceptional leave to remain or are a European Economic Area (EEA) national.

If you claim disability living allowance you also have to satisfy the residence and presence test.

Disability test - care component

For the disability test for the lowest rate DLA care component you must satisfy one of the following conditions:

- need attention in connection with bodily functions for a significant part of the day which can be during one or more periods.
- be age 16 or over and unable to prepare a cooked main meal.

For the disability test for the middle rate DLA care component you must satisfy one of the following conditions:

- need frequent attention throughout the day in connection with your bodily functions.



- need continual supervision throughout the day to avoid substantial danger to you or others.
- need prolonged or repeated attention at night in connection with your bodily functions.
- need another person to be awake at night for a prolonged period or at frequent intervals to watch over you in order to avoid substantial danger to you or others.

For the disability test for the highest rate DLA care component you must satisfy either of the following:

- have one of the day needs and one of the night needs shown in the middle rate conditions.
- you are terminally ill.

What do the care component disability test rules mean?

needs - This is help that is reasonably needed, not what is given, nor what is medically essential. This is help to lead as normal a life as possible. This includes help you need outside your home. For example you can be given help to do your own shopping or to take part in "reasonable" social activities.

attention - This is help of an active nature required to be given in your physical presence. This can include help given to you to wash, dress or to go to the toilet. It can also be more indirect help such as signing, reading aloud or prompting and encouragement.

bodily functions - These include hearing, eating, seeing, washing, reading, communicating, walking, drinking, sitting, sleeping, dressing or undressing, using the toilet, shaving, shampooing, help with medication and thinking.

significant - This is around an hour in total.

cooking test - This is a test of whether or not you can cook a main meal for yourself if you have the ingredients (and regardless of whether you are a good cook or not).

frequent - Means more than twice.

throughout - This means spread over the day.

continual - Means regular checking but not non stop supervision; does not have to be constant.

supervision - This is watching over, ready to intervene.

substantial danger - The danger must be real, not just remotely possible.



prolonged - Means some little time (at least 20 minutes).

repeated - Means two or more times.

night - This is when the household has closed down for the night. It is generally the time when an adult is in bed but must be more or less within nighttime hours - generally between the hours of 11pm and 7 am.

terminally ill - You are terminally ill if you are suffering from a progressive disease where death can be expected within 6 months. Since 25 September 2006 an award made because you are terminally ill will be for a fixed period of three years. After that period it will be reviewed.

Disability test - mobility component

For the disability test for the lower rate DLA mobility component you must:

- need guidance or supervision with walking on unfamiliar routes because of your mental or physical disablement. If you are claiming for a child he or she must need substantially more guidance or supervision than a child of the same age who is in normal physical or mental health.

For the disability test for the higher rate DLA mobility component you must satisfy one of the following conditions:

- be unable to walk
- be virtually unable to walk
- the exertion required to walk would constitute a danger to your life or would be likely to lead to a serious deterioration in your health
- have had both legs amputated (or missing from birth) at or above the ankle
- qualify for the highest rate of DLA care component, be severely mentally impaired and show disruptive behaviour.
- be both blind and deaf and need the assistance of another person to walk out of doors.

Children cannot receive lower rate mobility component until they reach the age of five. They also cannot receive higher rate mobility component until they reach the age of three.

Artificial aids such as limbs and walking frames are taken into account when considering a your mobility except in the case where you are claiming on the grounds that you have both legs amputated or missing.



What do the mobility component disability test rules mean?

guidance or supervision on unfamiliar routes - You can get this if you can walk but need someone on hand to guide or supervise you. If you are blind, have learning disabilities or are mentally ill you are likely to qualify for this rate. The test is based on your ability to cope with unfamiliar routes (for example you may be able to find your way to your local shop but become confused, lost or anxious if walking in a strange place).

virtually unable to walk - This test looks at your ability to walk out of doors on a normal flat surfaced pavement or road. The following factors are taken into account :

- distance walked
- speed of walking
- length of time taken
- manner of walking

When stating how far you can walk remember that any walking done whilst you are experiencing severe discomfort does not count.

For example; you may be able to walk 100 metres but can only do the last 80 in severe discomfort. It would be reasonable in this case to say you can only walk 20 metres. Pain and breathlessness are also considered when assessing whether or not you experience severe discomfort.

severe mental impairment and disruptive behaviour - Severe mental impairment refers to someone who "has arrested or incomplete physical development of the brain resulting in severe impairment of intelligence and social functioning". Conditions that start later in life, such as Alzheimer's disease which affect people whose brains are fully developed, do not count.

The disruptive behaviour must be extreme, require physical restraint to prevent physical injury or damage to property and also require someone to watch over you whenever you are awake.

Severe impairment of intelligence is determined in many ways. It can be through an IQ test or by assessing someone's "useful intelligence" - the ability to function in a real life context.

blind and deaf - To satisfy this someone must have 100% disablement from loss of sight and 80% disablement from loss of hearing.



The residence and presence test

You must:

- be ordinarily resident in the UK
- be present in the UK for 26 weeks in the last 12 months (if you are claiming for a child who is under 6 months old he or she only need be present for 13 weeks).

Ordinarily resident is not defined. It is taken to mean the place where you normally live for the time being if there is a degree of continuity about your stay and it can be described as being settled.

Present means physically present in UK.

If you are terminally ill you do not have to satisfy the presence test though you must still be ordinarily resident in UK.

If you go abroad but intend to return you can continue to be paid disability living allowance for the first 26 weeks of your temporary absence.

This time limit can be extended if you are being treated for an illness or disability that began before you left Great Britain and the Secretary of State agrees that it is consistent with the proper administration of the benefits system to pay you for a longer period.

If you intend to live abroad permanently your disability living allowance will stop as soon as you go abroad.

How much is it?

The rates for the care component are:

lowest rate - £18.65
middle rate - £47.10
highest rate - £70.35

The rates for the mobility component are:

lower rate - £18.65
higher rate - £49.10

You can only receive one rate from each component.



How do I claim?

There are two disability living allowance claim forms, DLA1 for adults and DLA1 Child when claiming for someone under 16.

You can call the Benefit Enquiry line and ask for a form. The number is 0800 88 22 00 (textphone: 0800 24 33 55). If you return the completed form within six weeks it will be backdated to the day you requested it. In the future it is proposed to reduce this backdating time from six to two weeks.

To claim Disability Living Allowance online or to download a form, please go to <http://www.direct.gov.uk/disability-dla>.

Where can I get help with claiming?

DIAL Great Yarmouth

12a George Street

Great Yarmouth

Norfolk

NR30 1HR

Telephone 01493 856900

Monday to Friday 10am to 4pm