

Guidelines for foster parents on the management of Disability Living Allowance (DLA)

Introduction

DLA is awarded by the Department of Work and Pensions (DWP) to children who need a greater degree of support with mobility and care than would be ordinarily expected for their age. The DLA award is made to the child, but as children under 16 cannot claim in their own right, their parent/carer must claim on their behalf, and act as 'appointee' to receive the money and spend it appropriately to meet the child's needs.

The child's social worker may request that you make a claim for DLA, or you may notice a developing problem and initiate the process yourself. If you feel that a claim is appropriate, you must first consult with your supervising social worker and the child's local authority prior to making an application. Applications for benefits without consultation with the SSW/LA when the need for that benefit is **not** required may be considered a criminal offence and investigated by the DWP and LA.

Whilst the NMS 28.9 states, *"Where a child is eligible for benefits as a result of a disability, foster carers are encouraged to apply for those benefits. There are regular recorded discussions about how any additional benefits are being spent to promote the best interests of the child."*, this must always be carried out with the knowledge and agreement of the fostering agency and child's local authority.

Your supervising social worker or fostering advisor can help you to complete the application form and obtain extra 'evidence' to support the claim, e.g. with information from the child's social worker, school, health professionals etc. A formal diagnosis of a health concern/disability is always helpful as evidence.

Recording requirements

An application for DLA must be recorded on Charms using the progress line '*PIP/Disability Living Allowance*'. The local authority's agreement to the application must be uploaded to the record. The record should be updated when a decision has been made, and with records of how the money is being used.

Managing Payments

As the child's appointee, you will be responsible for the child's DLA payments, and must notify the Department of Work and Pensions (DWP) of any changes to the child's circumstances. You are also responsible for responding to any communication and request for information from the DWP.

You should have a separate bank account, in your name, to receive DLA payments.

If the child leaves your care, you must notify the DWP immediately, and arrange a transfer of any unspent DLA payments to the child's new carer, or parent if they are returning home.

If the young person is turning 16, you should help them to open their own bank account, and transfer remaining funds into their bank account. From 16 years, they are responsible for their own benefits, although if they lack capacity to manage money, you may be asked to continue to serve as an appointee while they are in your care.

You should keep records of how you are spending the child's DLA payments. While it is not the local authority, or ISP's responsibility to monitor your use of DLA, if there are concerns that it is being used inappropriately and/or fraudulently, this could result in a referral to the DWP to investigate. Misuse of benefits is a criminal offence and may affect your approval as a foster parent.

We recommend speaking with your supervising social worker and the child's social worker about how you intend to use the money. The agreed plan will be recorded in the child's Placement Plan. Keep records (and receipts where available) as evidence and be prepared to show these and your bank statements if requested. Discussions should include whether it is appropriate to transfer weekly DLA payments to respite carers.

Use of DLA

The DWP does not lay down conditions on how the money should be spent. However, it is intended to be used to enhance the child's life, so that the child experiences an immediate day-to-day benefit from the payments. This benefit may be in terms of physical or emotional need.

While some DLA may be saved towards a future activity (e.g. holiday) within a few months, it should not be saved for the child to use in later years and this could be considered to be a misuse of benefits if reported to the DWP.

Some ways in which DLA can be used appropriately include:

- Costly activities such as horse riding, which would be considered excessive within usual family budgets;
- Paying for an escort or additional helper to facilitate social events;
- Special holiday (that meets the child's specific needs, and exceeds the usual family holiday expectations)
- Paying for specialist babysitters who are trained and experienced in meeting the child's additional needs;
- Individual equipment such as computer or communication aids;
- Special toys and learning aids
- Replacement mattresses and bedding;
- Replacement clothing that has been damaged by the child's actions (e.g. compulsive picking);

As a general principle, the money should be spent on things that are responsive to the child's needs and beyond the remit of what would ordinarily be expected for foster parents to provide.

Motability vehicles

If a child receives the higher rate of DLA for mobility needs, they may be eligible to use this to fund a vehicle through the Motability scheme.

Such vehicles are for the individual child, and would be returned to the supplier, or move with the child at the end of placement.

If you would like to consider using the child's DLA payments for this purpose, please speak with the child's social worker and make enquiries with Motability regarding eligibility, costs and implications should the placement end within the term of the lease.

More information about DLA can be found in Chapter 15 of the Foster Parent Handbook:
<https://www.i-space.org.uk/chapter-15-disability/>