



Kent County Council

DISABILITY LIVING ALLOWANCE & PERSONAL INDEPENDENCE PAYMENT POLICY AND PRACTICE GUIDANCE

Children's Countywide Services

This document is for use by Kent County Council Foster Carers

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1. Introduction

Fostering a child on behalf of Kent County Council is an important and responsible role and disabled children are perhaps some of the most vulnerable in our care. As a foster carer, you make a wide variety of decisions on a day-to-day basis on behalf of your child. Management of your foster child's Disability Living Allowance or Personal Independence Payment is a small part of this. As with all things, good recording is important to evidence your practice and to safeguard both the child and you. This Disability Living Allowance Policy and Practice Guidance is to help you do this effectively.

Disability Living Allowance (DLA) is a benefit paid to children and young people under 16-years old who have care or mobility needs as a result of a disability or ill-health. This is paid on top of any benefits, tax credits or income carers may have. When young people receiving DLA reach 16-years old they will be reassessed for a Personal Independence Payment (PIP).

The criteria for DLA and PIP are complicated and there are many organisations, including the Department for Work and Pensions (DWP), which offer support and advice. Full information about the criteria and current payment rates are available on the DWP website <https://www.gov.uk/disability-living-allowance-children>. If you think your foster child might qualify for DLA or PIP, you should discuss this with their Social Worker and your Fostering Social Worker. As a foster carer, if you submit a claim on behalf of a child in care, you must advise the child's Social Worker and Fostering Social Worker that this has been completed.

If a child is already in receipt of DLA before becoming looked after, the child's Social Worker will discuss with parents the transfer of the benefit. The parent must notify the DWP that the child is no longer in their care, and you will be advised to complete an application. If a child moves from your care to another carer, you must notify the DWP and transfer any accrued DLA money to the new carer. The new carer will then need to apply on the child's behalf.

DLA and PIP are both non-means tested, tax-free benefits. You do not have to declare either on your tax return, as the benefit belongs to the child. DLA claims typically take about 40 days to process and cannot be backdated.

Foster Carers can claim an additional benefit called Carer's Allowance if you care for a child who receives the middle or higher rate of the Care Component of DLA, or of the Daily Living Component of PIP, as long as you care for them 35 hours a week, and you earn **under £139** net per week.

Your income from fostering is disregarded for calculating Carer's Allowance, but it is taxable, so you would need to declare it on your tax return. The payment of DLA and Carer's Allowance by the DWP is over and above your fostering allowances.

2. Foster carers status as appointee

The DWP requires that all children under 16-years old have a parent or guardian appointed to manage their DLA, even if they can manage their own affairs. Your role as foster carer is to act as the nominated appointee for your foster child.

Wherever possible, the DLA, or PIP, should be paid directly to the young person once they reach 16-years old. The decision as to whether this is appropriate should be a joint decision with the child, if they have the understanding, and their Social Worker.

As the appointed person, you are considered by Kent County Council and the DWP to be in a position of trust. The DWP list the following as your key responsibilities:

1. You **must always** act in the best interest of the child or young person when managing and spending the DLA money you receive for them.
2. You **must** report any changes in the child's circumstances which could affect their entitlement to DLA.
3. You **must** report any changes in your own circumstances which may affect your ability to act as an appointed person, for example, if the child or young person no longer lives with you.
4. You **must not** take a fee or any payment from the DLA for acting as an appointed person.

3. Using Disability Living Allowance

There are no conditions laid down by the DWP as to how the DLA should be spent. It is awarded to enhance the child's quality of life and to help with extra costs of caring for a sick or disabled child or young person.

The way in which you use a child or young person's DLA will depend on their individual needs. It is largely at the foster carers' discretion but should always support the child's practical and emotional needs.

It might be used in a wide variety of ways; the list below includes some **possible** uses:

- Outings and activities over and above the expectations of a normal foster carer.
- Specialist toys and equipment not available through universal services.
- Extra costs involved in daily living, for example, additional laundry and heating expenses.
- Additional clothing and footwear for those children who need specialist provision or where there is heavy wear and tear or destructive behaviour.
- Special dietary requirements or allergy free products.
- An extra helper for holidays or outings.
- The additional cost of specialist holiday accommodation to allow the fostering family to go away with their child or young person.
- Repair to property if caused by the child or young person.

- Additional wear and tear on domestic appliances e.g., washing machine, tumble drier, etc.
- Anything that will improve the child's life can be considered in discussion with the child's social worker.

Appropriate use of the mobility component

- Contribution towards petrol costs or taxis.
- Adaptations to cars.
- Specialist car seats and harness.
- The full mobility component may be used to lease a Motability vehicle.

DLA is **not** to be used to fund support usually available through statutory services, for example, equipment or therapies normally provided by health, education, or social services. Nor should the DLA be used to fund, reduce, or substitute support which would otherwise be provided through fostering services or the children's social work team. This includes using the DLA to pay for an assessed need for respite to support placement stability, pay a relief carer to provide a longer or additional break to the carers' 14 – 16 night holiday allowance, or pay for transport to school or medical appointments.

DLA is intended to support day to day living. It should not be saved for the child or young person to use in later years as this could result in them being penalised if they need to apply for other benefits once they reach adulthood. However, the benefit can be saved to fund larger specific items and activities which would benefit the child, for example, aids and adaptations not eligible for funding through universal services.

If you are considering spending a large amount on a specific item or activity it is good practice to discuss this with your Fostering Social Worker and the Child's Social Worker.

4. Recording use of Disability Living Allowance

The DWP is responsible for monitoring the use of DLA and it is important that you as the appointee can give an account of how it is spent. This will safeguard you from allegations of misappropriation and provide evidence for the DWP which may be needed at a future date, for example, if the child is reassessed or transferring from DLA to PIP.

To aid this, Kent County Council foster carers of children under 16-years old are required to set up a specific bank account, in their own name, for each individual child into which their DLA can be paid. This account will act as a record of expenditure.

Whilst foster carers cannot be expected to evidence exact use of funds in all situations, for example, additional household expenses such as laundry and heating costs or contributions towards costs of household cleaning products for children with incontinence, it is expected that they will be able to give a general picture of how the regular contributions towards household budgets are used and identify expenditure on larger items. Your Fostering Social Worker will discuss your use of the money with you in supervision meetings and in your annual review meeting. You may find it helpful to record a plan of your typical use of DLA money with your Fostering Social Worker (see example in appendix a) to be shared with the child's Social Worker.

A note should be made in the child's diary record of larger purchases (£100+) and receipts should be retained to support the record of how the monies are used.

Both the child's social worker and IRO have a role in ensuring DLA money is spent appropriately and will ask for details of how it is being used. If it was felt that DLA was not being spent appropriately on the child an alternative appointee may be sought.

When the child regularly spends time away from their foster family, for example, on short breaks or on visits to birth family, an agreement should be reached within a planning or review meeting regarding what proportion of the DLA should be passed between carers. Any agreement should take into account regular DLA expenses alongside the expectations placed upon the substitute carer.

Appendix A

Example DLA plan

Foster Carer use of DLA

This is intended to give a picture of how DLA is typically used and managed by the foster carer.

Name of Child/Young Person: Katie Smith

Benefit and details of levels awarded: Katie receives DLA at high level care and mobility

Which account is money paid into?

Katie's DLA is paid into an account in Sally's name as appointee.

Account details are: xxxxx

How is this utilised?

Sally keeps receipts, where possible, for spending from DLA but this is not always possible for everyday costs. Sally discusses larger purchases with Social Workers in order to gain their view. Statements from the bank account are available and larger purchases are recorded within diary notes.

When Katie is on respite the care component of her DLA is passed to the respite carer.

Katie receives high level mobility which is used to pay for her Motability vehicle. Katie struggles with walking long distances and this car supports her with this. Extras are added to the car which further support Katie such as doors that slide, as Katie will open doors into other cars, privacy glass as this supports Katie if she needs to change whilst out for the day. These extras are at additional cost at the time of ordering. Whilst on respite the car is offered to the respite carer and her name added to the insurance with Motability as required.

Katie currently has a wheelchair. She will not qualify for a new wheelchair, as she does not require it regularly enough, so discussion has been held with Katie's Social worker regarding using DLA to purchase a larger wheelchair when required, as this supports Katie to be part of days out with the family.

Examples of Health related costs

- Katie's toenails have to be cut by a chiropodist which is paid privately
- Katie requires specialist shoes to support her feet and mobility – one pair is funded but DLA is used for additional pairs to give some choice to Katie.
- Costs of parking and travel to medical appointments, meals if needed when appointments are over an extended period.

Examples of Costs of everyday living

- Katie is "heavy handed" with toys and objects around the home due to her motor skills, things therefore need to be replaced more regularly as a result.

For example, toilet flushers as she will flush the toilet repeatedly and break the buttons, towel rail as she will hang into this and pull it off the wall.

- Katie does not turn off lights or taps after use, despite frequent prompts, which add to additional costs within the home.
- Katie uses large amounts of shampoo and shower gel due to her sensory enjoyment of showering and bathing. She also uses large amounts of toilet roll due to coordination and understanding.
- Additional costs for items such as wet wipes, Katie is a messy eater, so these are needed to maintain her appearance when out.
- DLA has been used for replacement mattresses due to bedwetting, waterproof bedding, replacement pillows due to dribbling in sleep, quilt replacements due to vomiting and wetting.
- Toy storage has been purchased to support Katie in keeping her rooms tidy. She has more toys that would be expected for a young person of her age due to her developmental delay.

Examples of Leisure related costs

- Sally regularly produces photo books to support Katie with remembering and talking about things they have done with her Social Worker, school etc.
- 1:1 swimming lessons are funded for Katie as she would not manage within a regular swimming class.
- Where there are additional costs associated with holidays and outings in order to meet Katie's particular needs a proportionate share is deducted from the cost.
- Due to her developmental delay Katie spends more time at home than would be expected of a typical young person of her age. The carers have therefore set up a summer house for her as a teenage den to provide an age-appropriate space for her within their home.
- Due to Katie's age, sometimes larger items have to be purchased in order to support her needs, for example an adult size pushchair as she still likes to play with dolls but is too big to use a toy buggy.
- Horse riding safety equipment has been purchased for Katie and additional insurance for this activity.
- Katie has support from a carer to support her independence, taking her out in the community to access age appropriate groups and activities and build relationships and confidence. The carer is given spending money from the DLA to pay for activities. On the days she is taken out the carer takes her for a meal, so she has experience of being out without her foster carers, choosing items from the menu etc.

Agreed by: XXX

Fostering social worker: XXX

Foster carer: XXX

Shared with social worker on XX/XX/XX