

## Benefits for Carers - Disability Living Allowance

Disability Living Allowance is a tax free, non-means tested benefit paid to people (under 65 years) and children, with disabilities. You must have had care or mobility needs for 3 months before you claim and these must be expected to continue for at least 6 months after your claim. Children under 16 can claim DLA but there are different conditions about their care and mobility needs (see Disability Living Allowance for Children).

There are two components to this benefit:

- Mobility component (for people and children who have walking difficulties). There are two rates: high and low rate. The higher rate can entitle you to the blue badge scheme and road tax exemption
- Care component – is for those who require help with personal care or who have supervision or watching over needs. There are three rates: higher, middle and low rate.

Disability Living Allowance (DLA) is paid to people who are severely disabled and who, as a result, have either personal care needs or mobility needs or both.

Your entitlement is based on how much help with personal care and/or mobility you need because of your disability. This is used as a broad indicator of the extra costs arising from your disability.

DLA comprises two components:

**care component** – payable at one of 3 rates – for people who need help with personal care

**mobility component** – payable at one of 2 rates – for people who have severe difficulty walking or who need help getting around out of doors.

DLA helps with some of the additional costs arising from disability. It is tax free and does not depend on National Insurance contributions. It is not normally affected by income (including other social security benefits) or by savings.

To get the care component, children under 16 must have substantially greater care needs than other children of the same age who are not disabled. To get the lower rate of the mobility component they must need substantially more guidance or supervision outdoors.

DLA is normally paid to disabled people themselves. But for adults who are unable to manage their own affairs, and all children under age 16, payment is made to a person appointed to act on their behalf.

### Eligibility

There are certain conditions which must be met before help with personal care or mobility may be considered.

### Age

You must claim DLA before your 65th birthday but awards already made can continue for as long as you meet the conditions. You can make your claim as soon as you meet the conditions but you must have needed help for 3 months before payment can begin, unless the claim is under the special rules for terminally ill people.

The higher rate of the mobility component is payable from age 3, and the lower rate from age 5. The care component is payable from age 3 months (or from birth where a child is terminally ill).

### Where you live

You must normally live in Great Britain (GB) and when you make your claim, you must:

- be in GB, and

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- have been in the United Kingdom (UK) or the Isle of Man, Jersey or Guernsey for at least 26 weeks out of the last 12 months.

Time spent living in another EEA country may in some cases be treated as a period in GB for the purposes of the 26-week rule.

In certain other circumstances, you may also be treated as living in GB even though you are not there. This applies to:

- members of HM Armed Forces serving abroad (including their spouse, civil partner, children, stepchildren, parents, step-parents or parents-in-law, if they are with them)
- mariners and airmen working abroad
- people working on the UK sector of the continental shelf (for example on an oil rig)
- people temporarily abroad, during the first 6 months they are there
- people temporarily abroad for treatment.

There are some exceptions to the 26-week rule:

- people who are not expected to live longer than 6 months because of an illness can claim straight away
- the period is reduced to 13 weeks for babies under 6 months

Northern Ireland and the Isle of Man have similar schemes to DLA; Jersey and Guernsey have different ones. If you live in these areas you should claim from the relevant department in the area where you live.

You will not be entitled to DLA if your right to stay in the UK is subject to immigration control.

You may be entitled if you are:

- an EEA national, or a member of the family of an EEA national
- a national of Algeria, Morocco, San Marino, Tunisia or Turkey and lawfully working in GB or a member of the family of one of these nationals and living with them
- covered by an agreement between the UK and another country on social security
- given refugee status
- given exceptional leave to enter or remain in the UK
- given humanitarian protection or discretionary leave to remain in the UK
- given indefinite leave to remain in the UK and subject to a formal undertaking.

### Living alone

Entitlement is based on the amount of help needed, not the amount actually received. It does not depend on whether or not a person lives alone.

### When you can get help

Neither component is payable until you have needed help for 3 months (qualifying period), and you must be expected to need help for at least a further 6 months (prospective test).

However you may claim before you have needed help for 3 months. If you have been paid DLA within the past 2 years, and you make a fresh claim, you may not have to wait for the 3-month qualifying period to end.

### Special rules for people with a terminal illness

There are special rules to help people who are terminally ill (people who have a progressive disease and are not reasonably expected to live for more than 6 months). The special rules are to make sure people get their benefit as soon as possible. People who are terminally ill can qualify immediately for the highest rate of care component without having to satisfy the 3-month qualifying period. You can make a claim under the special rules for such a person without them knowing or without their permission. You should claim straight away.