Benefits Factsheet

How Periods in Care (including Short Breaks) and Hospital Affect Disability Living Allowance for Children under the age of 16 – April 2019

Many disabled children get Disability Living Allowance (DLA). This has two components, a care component and a mobility component. For children under 16 the benefit is usually paid to the mother on behalf of the child.

The law says that DLA payable for children is affected by time spent in hospital, or in ‘a care home’ or special accommodation. This includes residential schools, children’s homes and residential care or nursing homes for either short breaks or for longer periods. Benefit can be affected when a local authority (including a Social Services Department or Education Department) pays some or all of the cost. Time spent with foster carers in their own homes does not affect entitlement to DLA. If the foster care is going to be long term, normally the benefit will be paid to the foster carers.

If benefit is overpaid because the parents don’t tell the benefit office about a child’s stay in hospital or special accommodation it will be reclaimed.

Care in ‘Special Accommodation’ (including short breaks in care homes) funded by a Local Authority
If a child goes into this type of accommodation for more than 28 days, the care component of DLA stops being payable. It becomes payable again when the child returns home. The day the child goes into the accommodation and the day they leave both count as days at home.

Unfortunately this does not just apply to a solid block of 28 days. Spells in care homes are ‘linked’ together unless the child spends at least 29 consecutive days at home.

The Mobility Component is not affected by going into residential or nursing care. If the child is going to spend a long time in residential accommodation the benefit will normally stop being paid to the parents. It will instead be paid to another person or organisation.

Hospital
The rules about DLA or PIP for children under 18 who are in hospital changed in July 2016. So long as the child is aged under 18 when they become an inpatient, payments of DLA or PIP continue as normal while they are in hospital.

If the child first claims DLA or PIP when they are in hospital, payments can start regardless of the fact that they are an inpatient. There is no need to wait until they return home for payments to begin. This is the case so long as they were under 18 when their period as an inpatient started.
When a child on DLA turns 16, they are normally invited to claim PIP instead. However, if the child is in hospital when they turn 16, their DLA payments should be temporarily extended and they will not be invited to claim PIP until they have left hospital.

**What about young people who are aged 18 or above?**

The hospital rules remain for young people and adults aged 18 or over. This means that if the child is aged 18 or over on the date that their period as a hospital inpatient started, their DLA or PIP payments will be suspended once they have spent 28 days in hospital.

Young people who turn 18 whilst in hospital are not affected by the DLA/PIP hospital rules. This is because they are exempt so long as you were under 18 when the period in hospital first started.

**‘Linking’ Spells of Short Break Care**

Spells in ‘special accommodation’ are also linked together unless the person has at least 29 consecutive days at home.

**Duty to Notify the Benefit Office**

It is the duty of the parent to tell the Disability Benefits office when their child goes into special accommodation or hospital.

*Useful tip* - these rules are complicated. Mistakes often get made when people report changes or ask questions by telephone. It is therefore important that parents **write** to the benefit office to notify them of any stays in care or hospital rather than doing it by telephone. Also, if they want to query a decision they should do it **in writing**, rather than by telephone. Always **keep copies of letters**.

**‘Knock – on’ Effect on Carers Allowance**

Parents often receive Carers Allowance for taking care of their disabled child. Unfortunately if the child’s care component stops being paid the Carers Allowance must also stop. Parents who get Carers Allowance should notify the Carers Allowance office when the child goes into special accommodation. Always keep a copy of the letter.

**Personal Independence Payment**

From June 2013 this new benefit started to replace Disability Living Allowance for people aged 16 and over. It will not affect DLA for children. When a child reaches the age of 16 they may be invited to claim the new benefit and their DLA may end.

This factsheet is a general guide. It is not a full statement of the law.