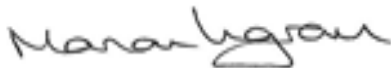


# Children's Services

## Guidance on the use of Disability Living Allowance (DLA), Personal Independence Payment (PIP) and Employment and Support Allowance/Universal Credit (ESA/UC) for Children Looked After

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## Background

This guidance document provides information on the use of DLA/PIP/ESA by foster carers and/or staff in situations where a child looked after is in receipt of one or more of these benefits.

DLA/PIP (DLA up to age 16, PIP from age 16) is provided to meet any extra costs associated with supporting a child with a physical disability, learning difficulty or mental health difficulty. DLA/PIP is not means tested. **Disability Living Allowance for Children (DLA)**

ESA/UC (Employment and Support Allowance/Universal Credit) can be provided from the age of 16 where a child/young person is deemed 'sick or disabled' (and meets the eligibility criteria) and is provided to meet any day to day personal/living needs. ESA/UC is means tested. Being in receipt of high rate DLA/PIP will make a claim for ESA/UC more straight forward, but is not a prerequisite for an ESA/UC claim and cannot guarantee a successful claim.

The information set out in this policy (DLA/PIP/ESA/UC) defines the requirements of those acting as the child's 'Benefit Appointee'. Individual Hertfordshire County Council staff cannot be named as a 'Benefit Appointee' for any child looked-after by Hertfordshire County Council.

## DLA

DLA is normally paid to a parent, guardian or carer. Children living in foster care and certain residential schools can claim the Care and Mobility Components of DLA; and children living in residential care can generally only claim the Mobility Components of DLA. Where a child has been looked-after for over 12 weeks, the DLA should be transferred to a 'Benefit Appointee' or 'Corporate Appointee'. Where a child who is looked-after is placed with a foster carer, the carer can choose to become the 'Benefit Appointee'. Where foster carers do not wish to become the 'Benefit Appointee', the local authority (Children's Services) will become the 'Corporate Appointee' (administered by Brokerage Support). Where appropriate, the 'Appointeeship' can revert or transfer to the foster carers, and/or revert or transfer to the local authority (Children's Services) where the foster carer/s or child's circumstances change.

In all other placements, the local authority will become the 'Corporate Appointee' (Brokerage Support).

## DLA and Foster Placements

Where a child looked-after (in receipt of DLA) is initially placed in a foster care (or where the child becomes eligible to claim DLA), the foster carers will be asked if they would be prepared to take on the role of 'Benefit Appointee' for the child. This means they will be responsible for correctly managing the DLA claim and associated DLA expenditure and notifying relevant agencies of any change of circumstances for either the foster child or foster carers.

Whilst the Department for Work and Pensions is the agency that has the legal recourse to audit and check on the use of the DLA, Hertfordshire County Council also requires foster carers to keep records of the DLA income and expenditure. These records should be shared with their supervising social worker and the child's social worker periodically. This is needed for the following reasons:

1. The child is looked-after by Hertfordshire County Council. The local authority has associated corporate parenting, safeguarding and oversight responsibilities for looked-after children and is ultimately responsible for meeting the needs of the looked after child.
2. The foster carers provide a service to Hertfordshire County Council (be they an in-house carer or a commissioned service foster carer) and as such are accountable to the local authority (Children's Services) for any support provided to any children looked after placed with them.
3. Hertfordshire County Council has a responsibility to support foster carers so that children, young people and others are confident that the support and guidance being provided is appropriate and transparent.

Where a child is living in a foster care placement, the use of the DLA should be agreed at the Care Planning, or Placement Planning meeting. In principle the DLA should only be used to meet any extra or additional costs associated with supporting the child and meeting their needs resulting from their disability.

## DLA Mobility Component and Foster Placements

The Mobility Component should be used to cover any additional costs associated with the mobility needs of the child or their transport needs. The foster care maintenance allowance

contains an element of funding for transport expenses and therefore the DLA Mobility Component should only be used once the standard transport element/amount of the maintenance allowance is used and exceeded.

Where a child is in receipt of the High Rate Mobility Component, foster carers may choose to access the **Motability** Scheme. Foster carers will need to consider the requirements and limitations of the Scheme, particularly where children/young people may not be living with them long term. A Motability car is provided for use in relation to journeys for the child; the child's needs/requirements must be prioritised at all times. Where foster carers have a Motability car, any additional mileage above the standard fostering allowance will be paid at the Hertfordshire County Council lease car rate.

How the Mobility Component is used; will need to be agreed on a case by case basis. Examples of what the Mobility Component could be used for (but not exclusively), include the cost of wheel chairs or mobility adaptations, the cost of a adapted bicycle, hire of a specific vehicle (including Motability) or a percentage of the hire cost/s, taxi fares and cost of an escort for essential journeys.

Foster carers who have a Motability car on behalf of the child, will need to be aware that the Motability car would need to be returned or transferred (lease relinquished) if the child moves placement or loses the high rate mobility component of DLA (or PIP).

## DLA Care Component and Foster Placements

The Care Component should be used to cover any additional costs associated with the care/disability needs of the child and should be agreed as part of the Care Planning or Placement Planning process. Examples of expenditure could include, specific equipment (not provided through the NHS or the Occupational Therapy (OT) Service), excessive wear and tear on household items (furniture and furnishings, electrical goods) above the average wear and tear expected to be covered by the fostering allowance, additional clothing and footwear, specific activities, day and night activities/breaks for the child/foster carer where appropriate, communication aids, educational learning aids, games and activities etc. A key principle being that any expenditure should be within the DLA rate and should be sustainable in order to manage future expectations of the child, particularly when the child reaches the age of 18. Foster carers should be aware that some benefits that an adult services client receives, may be taken into account when assessing the claimant's contribution to their care/support package. This is important for foster carers who will become the young person's 'shared lives/adult placement carers'.

Foster carers should note that as a result of the DLA claim, the child looked after by them may qualify for a range of other benefits and services and foster carers themselves may be also be eligible for Carers Allowance, help with Council Tax and a range of other benefits.

Where the local authority (Children's Services) is undertaking the role of 'Corporate Appointee' for a child in foster care the agreed DLA expenditure can be provided to the foster carer as a separate payment and in addition to the fostering maintenance allowance and/or skills fee payments. These could be provided as one-off payments and/or ongoing payments and could be paid at the same time as the fostering allowance and fees. The level and frequency of any payments would be set out in the child's Care Plan or Placement Plan.

In the unlikely event that the DLA Care Component or Mobility Component is higher than the disability expenditure, and in very exceptional circumstances, the unused amount of the DLA claim may be added to the child's Junior ISA. If appropriate, this can be done at the end of the financial year. It should be noted that once any unused DLA has been deposited into the Junior ISA, the child will be unable to access these funds until after their 18<sup>th</sup> birthday. Where unused DLA has been accumulated in the short term for a specific purpose/item, the balance can be carried forward. In principle, all DLA (and PIP) income should be used and spent, in order to meet the needs of the child, rather than be saved.

### Process and Framework for Agreeing the use of DLA

The overall process for agreeing the use of any DLA should involve the child (where appropriate) the foster carer/s and the supervising social worker, with liaison with the child's social worker. The primary use of any DLA should be to improve the life chances, functioning and outcomes for the child. Given that each child will have an individual set of needs, therefore the agreed use will be specific to that child.

The initial agreement as to what the DLA should be used for, should be based on the intended positive outcomes. The Hertfordshire 'Bees' outcomes framework, provides a useful tool to set out what positive outcomes the DLA will be supporting and be aiming to achieve. See Appendix One

<https://www.hertfordshire.gov.uk/services/childrens-social-care/child-protection/hertfordshire-safeguarding-children-board/professionals-and-volunteers/hertfordshires-6-outcome-bees.aspx>

- Be Happy
- Be Independent
- Be Ambitious

- Be Safe
- Be Healthy
- Be Resilient

The foster carer/s, the supervising social worker and the child's social worker should then meet to agree the initial outcomes to be achieved through the use of DLA/PIP (when child becomes looked after or when the DLA is initially awarded). The targets, goals and intended outcomes would then help to inform the overall care plan and placement plan and be endorsed at the statutory review. Where the intended outcomes are not achieved, this does not mean it was not an appropriate or valid use of the DLA, however, an evaluation of the required changes would need to take place and updated goals, targets and outcomes set.

The new and up-dated targets, goals and outcomes (or adjustments to existing goals) should be agreed by the foster carer and supervising social worker and forwarded to the child's social worker for endorsement.

A key principle involved in the use of the DLA is that the items required and activities agreed are sustainable once the child reaches the age of 16 and then 18 and is more independent, and that the items/activities can be evidenced to improve the 'broad based' well-being and benefits to the child.

It should be noted that an element of the fostering allowance paid to all foster carers is available to meet the broad based needs of the child and therefore that should be combined with the DLA.

Whilst every child (and young person) will have different needs, the following examples provide a list (not exhaustive) of items and activities that the DLA/PIP could be used for:

1. Specific clothing and footwear;
2. Specific furniture, household items, bedding, laundry etc.;
3. Transport aids, adapted bicycles/bicycles/wheelchairs, taxi journeys, support with travel training and escorts to accompany travel/travel training;
4. Leisure items and activities or support to access these.
5. Day and night activities/breaks for the child and/or the foster carer;
6. Educational items and activities, or support to access these;
7. Holiday and residential activities for the child (agreement will be required as to the purpose, length and location of the activity) for example, overseas activities versus UK activities.

The primary mechanism for agreeing the item/activity is through evidencing the intended outcome and the process of evaluating the outcome and setting further targets and goals.

The foster carer should keep a record of expenditure which will be overseen by the supervising social worker at the quarterly supervision meeting; this will then be shared with the child's social worker. The DLA income and expenditure may not tally in the short/medium term as foster carers may be saving some of the DLA on a short/medium term basis for a specific activity.

## Resolution Process

In situations where concerns are raised about the use of the DLA, these should be considered in the first instance by the supervising social worker, foster carer and child's social worker. If this does not resolve the situation the supervising social worker's manager, the child's social workers manager and the foster carer should meet to resolve the situation.

## DLA Mobility Component and Residential Care Placements

In situations where children are living in a residential care setting and are only entitled to the DLA Mobility Component, this will be claimed on their behalf and administered by Brokerage Support acting as the 'Corporate Appointee'. The use of the Mobility Component will be set out in the child's Care/Pathway or Placement Plan. The Mobility Component will be transferred to the provision/unit as part of the travel budget allocation or as an individual payment/contribution to cover the additional travel costs of the child (above the standard amount contained in the commissioned agreement).

In the event that the DLA Mobility Component is higher than the travel expenditure, and in exceptional circumstances, the unused amount may be added to the child's Junior ISA, this will be done at the end of each financial year and following confirmation that it would not be accrued on a short term basis for a specific item/need. It should be noted that once any unused DLA has been deposited into the Junior ISA, the child will be unable to access these funds until after their 18<sup>th</sup> birthday.

## Child Reaching 16 Years of Age

Once a child reaches the age of 16 they are presumed to have 'Capacity' and as such should manage their own benefit claim (with support where required). Consideration should always be given to undertaking a 'Capacity' assessment in terms of the child's ability to manage a benefit claim and/or their financial arrangements. Consideration should also be given to a child having an advocate to ensure further independent support and oversight is available. Only in situations where a child is deemed to lack 'Capacity' can the 'Benefit Appointee' or 'Corporate Appointee' arrangements continue. In these cases, the benefits will continue to be managed in the same way.

DLA is only payable to a child up to the age of 16. From age 16, clients in receipt of DLA will be reassessed regarding eligibility for a **Personal Independence Payment (PIP)**. All people over the age of 16 will be transferred from DLA to PIP in a phased re-assessment that will be completed by 2018-2019.

Where a child (aged 16 and above) is in receipt of ESA/UC, the clothing, pocket money and personal allowance previously provided by the foster carer or residential provision will cease. The Care/Pathway or Placement Plan should set out how the ESA/UC is to be used.

### Children Reaching 18 Years of Age

Where a child reaches the age of 18 who is deemed to lack 'Capacity' and is eligible for services from Adult Care Services (ACS), the 'Corporate Appointeeship' will transfer to the person or provision deemed appropriate by ACS. For those who do not meet the ACS eligibility criteria 'Brokerage Support' will act as the 'Corporate Appointee' until the age of 21 or until an appropriate 'Benefit Appointee' can be identified, or until the young person ceases to be a 'Care Leaver'. In the period approaching the cessation of the leaving care service, work will be undertaken to identify a suitable 'Benefit Appointee'.



## Appendix One

### Hertfordshire's Six Outcome Bees

An outcome is a change that results from something having been done; it is not an activity but, rather, the result of that activity. Outcomes can be positive or negative. Over a number of months we have consulted with a range of people across Hertfordshire to agree a set of outcomes that are most important to our work. The result of that consultation is illustrated below; we want children, young people, young adults and their families to:



The six outcomes have been drawn in a way that shows they are inter-linked, all the 'bees' are important for the whole person and we would rarely expect to look at one outcome in isolation from the others. The layout also broadly reflects the psychologist Maslow's thinking about needs, with the most fundamental needs along the bottom, moving up to happiness (or self-actualisation) at the top. The honeycomb represents our outcomes framework.

Each of the outcomes actually covers an outcome area, or domain, rather than a single change; for example, be healthy means many different things depending on the individual or family that we are working with. Below we have given some examples of the outcomes an individual may be looking to achieve in each of the domains.

Having a clear outcomes framework provides a vision that everyone can agree to and is important because it allows us to set clear targets. We can then look at both outcome measures and outcome indicators to consider how well we are meeting the targets. Outcome measures are things we can measure directly; for example, the number of children presenting at A&E with an accidental injury is a direct measure. Alternatively, the number of children who have had road safety training might be chosen as an outcome indicator, that is, a proxy measure rather than a direct measure.

## Be Healthy

- I am physically healthy
- I am mentally and emotionally healthy
- I have a positive and respectful approach to sexual health and relationships  
I live a healthy lifestyle and make healthy choices relating to diet and exercise
- I have spiritual wellbeing – I enjoy today and look forward to the future
- I have the information I need to understand risks and make the right choices.

## Be Safe

- I am protected from abuse, neglect, violence and sexual exploitation
- I am safe from accidental injury and death
- I am safe from bullying and discrimination, including through social media
- I am safe from crime and anti-social behaviour
- I have safe relationships and feel safe and cared for in a home environment
- I make safe choices and am able to resist peer pressure

## Be Ambitious

- I am ready and able to access learning at school, college or another setting.
- I attend, engage and enjoy school/other learning settings
- I have the motivation and opportunity to learn and develop  
I am supported to perform to the best of my ability
- I am encouraged to learn and try new things, both in and outside the classroom
- I am developing the skills I will need in adulthood

## Be Resilient

- I am aware of, and can express, my rights and responsibilities
- I have good relationships with friends, family and in the community  
I am self-confident and able to deal with life's challenges
- I can understand and manage / regulate my emotions
- I am positive about my identity and accept myself for who I am
- My talents are recognised and nurtured

## Be Independent

- I am able to make good/positive choices in my life
- I get the help I need to manage my money
- I am developing the skills I need to be self-sufficient/manage my own care and support
- I am engaged in further education, employment or training on leaving school
- I am given the preparation and support I need to move into adulthood
- I am supported to work and to make a positive contribution to society

## Be Happy

- I feel like I belong, have a sense of purpose and am part of a family/community
- I feel valued, loved and cared for  
I have a good quality of life
- I do the things that matter to me and have a social life of my choice
- I have a voice and my opinions are heard and valued.
- I feel that my life has meaning

**Be  
Healthy**

**Be Safe**


**Be  
Ambitious**

**Be  
Resilient**

**Be  
Independent**

**Be  
Happy**

<b>Child/Young Person Name:</b> [LCS Ref]		[Add LCS Ref here ]		<b>Placement Start Date:</b>	
<b>Foster Carer(s) Name:</b>				<b>Placement End Date:</b>	
<b>Period Covered:</b>		<i>From</i>	<i>To</i>	<b>Balance in Hand at start of period:</b>	£
<b>Benefits received</b>	<b>DLA/PIP</b>	<b>Frequency of payment:</b> Weekly/ 2 weeks /4 weeks <i>(delete as appropriate)</i>		<b>£ Amount</b>	<b>Total Income in the period:</b>
					<b>Total actual outgoings in the period:</b>
	<b>ESA</b>	<b>Frequency of payment:</b> Weekly/ 2 weeks /4 weeks <i>(delete as appropriate)</i>		<b>£ Amount</b>	<b>Balance in Hand at end of period:</b>

<b>Date of Planned/Actual Activity or Purchase</b>	<b>Brief Details of Item/Activity</b>	<b>One-off/Recurring</b>	<b>Planned Cost</b>	<b>Actual Cost (in the period)</b>	<b>How does this meet the Outcome Bees?</b> 1. Be Happy      4. Be Safe 2. Be Independent      5. Be Healthy 3. Be Ambitious      6. Be Resilient	
			£	£		
			£	£		
			£	£		
			£	£		
			£	£		

Date of Planned/ Actual Activity or Purchase	Brief Details of Item/Activity	One-off/ Recurring	Planned Cost	Actual Cost (in the period)	How does this meet the Outcome Bees? 1. Be Happy      4. Be Safe 2. Be Independent   5. Be Healthy 3. Be Ambitious   6. Be Resilient
			£	£	
			£	£	
			£	£	
			£	£	
			£	£	
			£	£	
			£	£	
<b>Total Expenditure in the Period</b>			£	£	



<b>Foster Carer:</b> <i>I confirm that this is the agreed planned/actual expenditure during the period</i>	<b>Supervising Social Worker:</b> <i>I have reviewed the actual/planned expenditure &amp; confirm that this is the agreed</i>
<b>Name:</b>	<b>Name:</b>
<b>Signature:</b>	<b>Signature:</b>
<b>Date:</b>	<b>Date:</b>