

Disability Living Allowance when your child is in hospital

The government have scrapped the rules which previously stopped payment of Disability Living Allowance (DLA) or Personal Independence Payment (PIP) when a child was in hospital.

What were the DLA hospital rules for children?

In the past, once a child had been a hospital in-patient for 84 days (or 28 days if aged 16 or above) their DLA payments were suspended.

In addition, where a child first made a claim for DLA when they were in hospital, they used to have to wait until they were discharged home before those payments could start. Similar rules applied to PIP.

These rules have now been scrapped for children under 18 years of age.

Why have the rules been scrapped?

In July 2015 the Supreme Court found that the DLA hospital rules breached the human rights of a severely disabled child called Cameron Mathieson.

Following the Mathieson decision, the government introduced an interim policy of not suspending DLA or PIP payments where a child was in hospital.

That interim policy has now become law, as a result of changes to regulations introduced on the 29 June 2016 in England, Wales and Scotland, and from the 6 of July 2016 in Northern Ireland.

What are the new rules?

So long as your son or daughter is aged under 18 when they become an in-patient, payments of DLA or PIP continue as normal while they are in hospital. It does not matter how long they are in hospital for.

You do not have to prove how much care you continue to provide to your child while in hospital, nor what extra costs you still incur – all children aged under 18 are exempt from the rules restricting DLA/PIP payments in hospital.

If your child first claims DLA or PIP when they are in hospital, payments can start regardless of the fact that they are an in-patient. You do not need to wait until they

return home for payments to begin. This is the case so long as they were under 18 when their time as an in-patient started.

When a child on DLA turns 16 they are normally invited to claim PIP. However, if your 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.

Young people aged 18 or above

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

If someone is aged 18 or above and first claims PIP when they are a hospital in-patient (and they do not already get DLA), they will need to wait until they are discharged home before their PIP payments can start.

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

Children in residential accommodation

Payment of the care component of DLA, or the daily living component of PIP, continue to be affected by stays in residential accommodation where these costs are being met from public funds. This applies to children as well as

Need advice?

Call our freephone helpline
0808 808 3555
helpline@contact.org.uk
Open Monday to Friday, 9.30am–5pm

to adults in residential accommodation. See our guide, *Claiming Disability Living Allowance for children* for more details of these rules. This is available free to parents who call our freephone helpline, email helpline@contact.org.uk or download it at www.contact.org.uk.

Call our freephone helpline for advice on 0808 808 3555 if your child is in residential care but the costs of this are being fully met by the NHS rather than by your local authority.

Payment of other benefits when a child is in hospital

Some other benefits, for example Universal Credit or Housing Benefit, can be affected where a dependent child spends a long time in hospital. Universal Credit payments for a dependent child stop if they are away from home for six months or more – including where this is because they are in hospital. If your child is likely to be in hospital for more than 52 weeks, then depending on your income this may affect the amount of any housing benefit you receive.

If you get Carer's Allowance for a child under 18, this should not be affected so long as you continue to provide at least 35 hours care a week to them while they are in hospital. If you stop providing at least 35 hours a week care to your child while they are in hospital, your Carer's Allowance can continue for a temporary period of up to 12 weeks. This period may be shorter if you have already had other breaks from providing that level of care in the previous 26 weeks.

Further information



Contact our freephone helpline if you would like more information about the hospital rules.



Guides for parents

We have a range of free guides for parents, including:

- *Claiming Disability Living Allowance for children*
- *Money Matters*
- *NHS England*

A full list of our guides is at the link below. All our guides are free to parents who call our helpline, email helpline@contact.org.uk or to download

www.contact.org.uk/publicationslist
0808 808 3555

Stop the DLA Takeaway campaign

This law change is an enormous victory for our *Stop the DLA Takeaway in Hospital* campaign and everyone who supported it. Launched in 2010, the campaign focussed on a legal challenge by the family of Cameron Mathieson, a severely disabled little boy who had his DLA taken away while spending more than two years in hospital before his death in 2012.

The law change is an incredible legacy for Cameron. We'd like to say a huge thank you to all of the families and friends who supported our campaign and helped us achieve this monumental law change. Contact would also like to thank the Department for Work and Pensions officials who worked with us to make this change in law a reality.

To find out more about our campaign work visit

www.contact.org.uk/campaigning

Help at hand in hospital

We are keen for this campaign to have as much benefit as possible for families when their child is in hospital. One way that we are doing this is through our hospital's project.

We are currently based in Birmingham Children's Hospital, Great North Children's Hospital, Great Ormond Street Hospital for Sick Children (GOSH) and the Evelina London's Children's Hospital. If your child is being treated in any of these hospitals please drop by and say hello. Our parent advisers can support you, providing reassurance and expert advice on matters such as finances, difficult medical terminology and help at school. We hope that this scheme will expand to other hospitals across the UK.

To find out more visit

www.contact.org.uk/give-to-hospitals

Got a question?

**Call the Contact freephone
helpline: 0808 808 3555
helpline@contact.org.uk
www.contact.org.uk**

