

Disability living allowance and deafblindness

Disability Living Allowance (DLA) is designed to meet the extra cost of having a disability, and all deafblind people should be encouraged to claim it if eligible.

About DLA

DLA is a non-means tested, tax-free Social Security Allowance paid to people with care, supervision or mobility needs. It has two components - care and mobility - and deafblind people can be awarded either or both of these. DLA can be awarded to people who live alone without help or supervision, as long as help or supervision is reasonably required. DLA can also be a 'passport' to other valuable benefits such as council tax benefit and Carer's Allowance.

To be eligible for DLA, you must make their first claim before your 65th birthday (if you are over 65 and claiming for the first time you will need to claim Attendance Allowance instead). There is no lower age limit for the care component, but children under five do not qualify for the mobility component. You will need to have had sufficient care or mobility needs for three months before the claim and be able to show that these are likely to continue for six months after the claim. You must also be present and normally living in Great Britain, Northern Ireland, Jersey, Guernsey or the Isle of Man.

The care component

The care component is for people who need help with personal care (which can include communication support). It is paid at three levels, and there are two tests for eligibility, daytime and night time.

To meet the daytime tests you must require:

- frequent attention throughout the day in connection with bodily functions or
- continual supervision throughout the day in order to avoid substantial danger to yourself or others.

To meet the night time tests you must require:

- prolonged or repeated attention with bodily functions or
- to avoid substantial danger to yourself or others you need another person to watch over you.

Sight, hearing and speaking are all 'bodily functions', so any attention in connection with these functions counts towards the conditions of entitlement. If you are deafblind, you should qualify for the:

- higher rate of care component if you pass one or both of the day time tests and one or both of the night time tests
- middle rate if you pass one or both of the day time tests or one or both of the night time tests
- lower rate if you require attention in connection with bodily functions for a significant portion of the day, i.e. an hour or more, or are unable to prepare a cooked main meal for yourself if you have all the ingredients.

The mobility component

The mobility component is designed to help people who have difficulty with getting around and is paid at two levels.

Lower rate mobility component

The lower rate is designed for people who are 'unable, without the assistance of another person, to walk to any intended or required destination while out of doors'. This includes deafblind people who can walk, but need a guide when out of doors.

Higher rate mobility component

Getting the higher rate of the mobility component because of sensory impairments can be difficult. However, there are provisions within the DLA regulations for 'severely visually impaired people' or 'people who are both deaf and blind' to receive higher rate mobility component.

Starting from 11 April 2011 some deafblind people will qualify for the higher rate mobility component on the grounds of their sight loss. In order to qualify you have to meet all the criteria below: -

- Be under 65 before the 11th of April 2011 -
- Be certified as blind (severely sight impaired) -
- have a visual acuity of less than 3/60 -
- or have visual acuity of 3/60 or more but less than 6/60 and have:
 - a complete loss of your peripheral vision and -
 - severely restricted central vision (sometimes called tunnel vision) which must be no more than 10 degrees in diameter.

DWP has now completed its exercise of contacting all existing DLA claimants regarding their eligibility for the higher rate under new rules. If you are an existing DLA claimant who is under 65 and is registered as blind (severely sight impaired), and you have not been contacted regarding eligibility for the higher rate of mobility component by April 2011, you should contact the DLA Severe Impairment Team on 0845 6000 033. Existing DLA claimants who had met qualifying criteria under new rules should have their benefit backdated to 11 April 2011.

If you are registered blind (severely sight impaired), and are profoundly deaf, but wouldn't qualify as severely visually impaired, you might qualify for the higher rate mobility component on the bases of being deafblind.

In order to qualify you have to meet both criteria for blindness and deafness: 1. The level of disablement resulting from the loss of vision must be 100 per cent. People who have been registered blind (severely sight impaired) by a consultant ophthalmologist should meet this criterion. Please note that you don't have to be completely blind to be registered. (If you have not been registered blind but would be eligible, you may wish to apply for registration as this will help your DLA claim.)

2. You must also be profoundly deaf. An average hearing loss at 1, 2, and 3 kHz of at least 87dB in the better ear (or each ear) counts as 80 per cent disablement, which is the level required for eligibility.

If you make a claim for higher rate mobility component on the grounds of deafblindness, you should expect to be referred to a doctor for an assessment of your hearing loss and loss of vision.

How to claim

To obtain a copy of the claim form DLA1, call the Benefits Enquiry Line free on 0800 882200 (voice) or 0800 24355 (text) or visit your local Benefits Agency. The form is available in Braille and large print. You can also obtain the form from advice centres and post offices. However, we recommend requesting it from the Benefits Agency, as the date of claim will then be the date the request for the form was received as long as the completed form is returned within six weeks. Claims for DLA cannot be back dated beyond the date of claim.

The claim form

Form DLA1 can be used to claim either or both components. As the form is 40 pages long, you may like to get advice from someone with an experience of filling in DLA claims, and an understanding of sensory disabilities.

The form has three sections

Section 1 asks for details such as your name and address and the name of your doctor.

Section 2 asks how your disability affects you.

Section 3 asks about the help you need in order to lead a reasonable social, cultural or recreational life. This is important for deafblind people as it cover activities that are likely to require some form of human aid to communication such as a communicator guide, deafblind interpreter or intervenor. It can include activities such as going to the shops, to church or to the pub.

Answer the questions on the form as fully as you can, explaining how your deafblindness affects you. Do not underestimate your needs - describe bad days as well as good and give detailed personal examples of how your deafblindness means that you need help from others in your daily life. It can be very useful to keep a diary for a week or two, setting out in detail the help you need as a result of your deafblindness. This can be enclosed with the claim form.

It can also help to provide supporting evidence and statements from your GP, Sense outreach worker, occupational therapist, rehabilitation worker, intervenor, communicator guide or anyone else who is in a position to know about your needs.

Submitting your claim

Make sure that you know what the deadline is for returning the forms or for requesting a review.

Keep a record of when you requested a claim form, when it arrived and any subsequent correspondence. Keep copies of your completed claim form, supporting documents and any subsequent renewal claims or requests for a review.

Once a claim has been made

The decision of the adjudication officer will be sent in writing.

If you are not happy with the decision, for example if your claim has been turned down or if you have been awarded a lower rate than you applied for, you can ask for a review. You must do this within one month.

Requesting a review is well worth doing, as over 50% of decisions are overturned on review or appeal. However, the adjudication officer reviewing the claim does have the power to review the whole of the DLA award, meaning that the award could actually be reduced.

If you decide to appeal, think about asking for an oral hearing, where you give evidence to the tribunal in person. This often helps people win their appeals.

If your vision or hearing has recently deteriorated, it may be worth asking for a further assessment to see if you now qualify for a higher rate.

How long will DLA be paid for?

DLA can either be awarded for life or for a set period of time, for example if your vision or hearing are expected to worsen. If this is the case you will need to make a renewal claim. The Disability Benefits Unit will send a renewal form at the appropriate time.

Changes to DLA - Personal Independence Payment

The Welfare Reform Bill currently going through Parliament will replace DLA with Personal Independence Payment (PIP) from 2013. This will first happen for people between 16 and state pension age (currently 65). All existing DLA claimants of working age will be reassessed for PIP. The Government have not yet made a decision about when children under 16 and people already over pension age will move onto PIP.

People will continue to receive PIP after they reach state pension age as long as they continue to meet the eligibility criteria. PIP will have a different application form and assessment process to DLA. This will include a face-to-face assessment for most people.

Further reading and sources of information

The Disability Alliance also publishes a book called 'Claiming Disability Living Allowance: A self-help guide for disabled people aged 16-64' which can be bought from their online shop: www.disabilityalliance.org/shop. This guide explains in clear language, the qualifying conditions for Disability Living Allowance and goes through the application form question by question, providing help and suggestions on how best to present evidence. Among the practical help it offers is a whole chapter about keeping a diary with examples for people to follow. This is particularly useful for people whose condition varies from day to day. It also gives detailed information about what to do if you are not happy with a decision.

©2012 Sense
Sense, 101 Pentonville Road, London N1 9LG, Tel.: 0845 127 0060, Text 0845 127 0062, email: info@sense.org.uk
Charity No. 289868
Built on [Cubik](#)

[Sign In](#) [Sign Up](#)