

Advice & Advocacy Service

Ola Opoosun – Advice Service Manager
Lighthouse South London/THT

Disability Living Allowance Review under
Special Rules

What does the Special Rules mean?

- Terminal diagnosis
- DS1500
- Fast track Higher Rate Care component

Why is there a review?

- The introduction and development of combination therapy and treatments for cancer
- Consultation with care groups and organisations
- Pilot scheme in March 2007 conducted by the Department of Work and Pensions (DWP)
- Legality of the DLA award for life

What happens at the review?

- The Disability and Carer's Service (DCS) sends a review letter and an enquiry form (DBD551) to the claimant.
- Once this is returned to the DCS, they will make a decision – if they have sufficient information to base that decision on. The decision could be for the claim to remain the same, for it to be reduced, or for it to be stopped.
- In cases where the DCS feels that the consultant has not been able to provide enough information, perhaps because they are not aware of the full impact of the claimant's day-to-day care needs, the DCS would then send a second form to the claimant to gather this information (form DL556). This form is the same form which is sent out to new claimants but in this case it will be used to assess client's eligibility under the normal rules. DLA remains payable until this information have been received and assessed.

If a claimant's DLA is stopped

- Directly affects Income Supports
- Severe Disability premium and enhanced Disability Premium
- For those claimants who are working, working tax credit and their premiums
- This would also affect automatic entitlement to a freedom pass, mobility scheme, blue badge and exemption from congestion charge
- Claimants may lose their exemption to the personal capabilities assessments (PCA) which means that they may be sent a form to assess whether they are able to work, please note that the claimant may still be exempt from the PCS on other grounds

Client's rights to challenge a negative decision

- Clients will be given 28 days from the date of the decision letter to let their Disability and Carers Service (DCS) know that they disagree with the decision
- At this point the claimant can ask the DCS to look at the decision again and ask for a full written decision and the all the documents the DCS looked at
- The claimant's case will be looked at by a different decision maker
- If the claimant receives another negative decision, the claimant has the right to ask for an appeal within 28 days which will be heard at an Appeal Tribunal Hearing

Will a claimant be penalised for receiving DLA when they are no longer terminally ill ?

- The DCS is not looking to recover money from people who were receiving DLA under special rules but are no longer eligible

Update on the process

- According to the DCS they are reviewing approximately 5000 cases in the first batch of the under 55 cases.
- By the 15 January 2008, they said that ‘approximately 150 decisions had been made and that the findings were in line with the pilot with around 60% being upheld and 30% being changed.’
- Approximately 8% are being exempted as they are either not special rules or have moved into care homes, for example.’
- The DCS states that they hope to process the 5000 cases by early spring which means around 1000 cases a month are being looked.