

Disability Living Allowance

Meaning of terms

1. Introduction

1.1. This document is to be read in conjunction with our Disability Living Allowance factsheet. The purpose of this document is to define the terms that the Department for Work and Pensions / Social Security Agency use in the Disability Living Allowance disability tests.

2. Care component

2.1. Bodily functions

These are personal actions such as:

- Breathing
- Hearing
- Seeing
- Eating
- Drinking
- Walking
- Sitting
- Sleeping
- Getting in / out of bed
- Getting in / out of the bath
- Washing
- Shaving
- Toileting
- Communicating
- Speech practice
- Help with medication or treatment

2.2. Require

It is not a question of whether you actually receive help or assistance; what counts is the help or assistance that you require. If it takes you a long time to complete a task, e.g. getting dressed, then you may reasonably require help or assistance even though you persevere and eventually manage by yourself.

2.3. Attention

You receive active help from another person to do the personal things that you cannot do for yourself. Indirect or ancillary attention counts but is often forgotten. Think about the beginning and ends of particular activities. For example, you are able to wash and dress yourself, but due to the effects of heart disease, you become

breathless and need a recovery period after the activity. The attention you require is defined by the amount of time taken to complete a task.

2.4. Significant portion

This means at least an hour, although not necessarily all at once. For example, it takes you an hour in the morning to get washed and dressed but then you are ok for the rest of the day. Or you could have short periods of needs throughout the day that all add up to an hour.

2.5. Cannot prepare a cooked main meal

The 'cooking test' is a hypothetical test in that it does not matter whether you actually do the cooking or not. The test relates to whether or not you could prepare a main daily meal for one person on a traditional cooker. It also takes into account your ability to prepare all the ingredients e.g. peeling vegetables.

2.6. Prolonged

A period of normally at least 20 minutes.

2.7. Repeated

More than once.

2.8. Frequent

Several times, not once or twice.

2.9. Throughout the day

'Throughout the day' covers the waking hours of your household. You must show your difficulties are encountered throughout these hours and not just in the morning when you wake and evening when you get ready for bed. If you just need help with washing and dressing in the morning and evening but can manage for the rest of the day you will not meet the criterion. Consider whether you have difficulty managing at other times during the day that you may not have thought of before. For example, when requiring the toilet during the day, do you have difficulty getting out of a chair to get there?

2.10. Continual supervision

Supervision means you need someone to be present to prevent accidents to yourself or other people. The words used are 'continual supervision'. This means frequent and regular, but not no-stop; you do not have to show that you need supervision during every single minute of the day or night.

2.11. Substantial danger

You may be in a position where your illness or disability places you or another person at significant risk. This will usually be if you have mental health difficulties. The supervision required does not have to prevent the danger completely, but it must effect a real reduction in the risk to you or another person.

3. Mobility component

Lower rate

3.1. Guidance or supervision

Guidance means directing or leading. It can be physical e.g. holding on to someone or verbal e.g. telling them which turning to take. The test is how someone manages on an unfamiliar route. Consider how they would manage to get home if they were somewhere unknown to them. Are they able to ask for directions and then follow them?

Higher rate

3.2. Unable to walk

Being unable to put one foot in front of the other

3.3. Virtually unable to walk

Unless you automatically qualify under the no legs or feet rule you will be assessed by how you manage with any prosthesis you have. There are four factors to be taken into account in deciding whether you are virtually unable to walk. The test is whether the ability to walk out of doors is so limited, with regard to:

- Distance covered
- Speed in walking
- Time taken
- Manner of walking

These factors will often be closely interrelated. There is no set walking distance to mark the difference between success and failure. The Department for Work and Pensions decision maker, who decides whether to award the benefit or not, must look at all of these, and take into consideration whether you have severe discomfort while walking. For example, if you have to stop due to pain, but then after a rest you can manage to continue walking, the extra distance covered counts, but so does the extra time it takes.

3.4. Danger to life / significant deterioration in health

The danger to life or a serious deterioration in health does not have to be immediate and the deterioration does not have to be permanent. The recovery would need to take a significant length of time, or require some kind of medical intervention e.g. oxygen or drugs, to enable people with conditions such as serious lung, chest or heart problems to qualify in this way.

3.5. No legs or feet

An automatic qualification regardless of the ability to manage with prostheses.

3.6. Severe visual impairment

This is measured by an eye test using the Snellen scale using appropriate corrective lenses if necessary. You are considered to have a severe visual impairment if your visual acuity is:

- Less than 3/60 **or**
- Less than 6/60 and have both a complete loss of peripheral vision and severely restricted central vision of no more than 10 degrees

3.7. Deaf and blind

Blind is defined as 100% disablement resulting from loss of vision. With respect to an adult, this means loss of vision such that they are unable to undertake work for which eyesight is essential.

Deaf is defined as 80% disablement resulting from loss of hearing (where 100% is absolute deafness). An average hearing loss at 1, 2 and 3 kHz of at least 87dB in each ear counts as 80% disablement.

3.8. Severely mentally impaired

This is aimed at people who have a severe learning disability. Those who do not meet this criterion could meet the guidance or supervision route for lower rate mobility. To be entitled to the higher rate, all of the following conditions should all be met:

- Entitled to the higher rate of the care component **and**
- Suffer from ‘a state of arrested development or incomplete development of the brain, which results in severe impairment of intelligence and social functioning’. As the brain is still considered as developing until around the age of 30, the arrested development must have happened before this. So someone who is born with a learning disability or has an accident before aged 30 which results in severe behavioural problems could count **and**
- Exhibit disruptive behaviour which is extreme **and**
- Require regular intervention from another person to restrain them to prevent causing harm to themselves or others or damage to property **and**
- Their behaviour is so unpredictable that another person is required to be awake to watch over them whenever they are awake