



## BRIEFING PAPER

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# Disability Living Allowance mobility component for younger children

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[Disability Living Allowance \(DLA\)](#) is a non-means-tested benefit introduced in 1992 to help with the extra costs of disability. It has two components: a **mobility component**, for those who need help getting around; and a **care component**, for those with care needs. An award can consist of a mobility component, a care component, or both components. The mobility component is payable at two rates, and the care component has three rates. DLA is being replaced by [Personal Independence Payment \(PIP\)](#) for people of working age, but DLA continues as a separate benefit for children under 16.

Three is the youngest age at which the higher rate mobility component of DLA may be paid for a child. This means that parents of a disabled child cannot, for example, access the [Motability scheme](#). The lower rate DLA mobility component may be paid from age five. There is no lower age limit for the DLA care component. However, for both components, the child will normally have to have satisfied the disability conditions for three months before the award begins, and be expected to satisfy the conditions for at least a further six months (unless the child is terminally ill – for these purposes this means they are suffering from a progressive disease where death can be reasonably be expected within six months. If this is the case the three month qualifying period does not apply).

In early 2018, a pilot scheme – involving Motability and the Family Fund (a charity for disabled children and young people) – got underway to “support families with their mobility needs” in recognition of the fact that some families with severely disabled children under three may face particular difficulties getting around.

This briefing looks at why there are lower age limits for the DLA mobility components, and at the position of successive governments. It also gives information on the “Family Fund Mobility Support” pilot scheme.

## 1. What are the conditions for the DLA mobility components?

The **higher rate mobility component** of DLA can be paid for a child aged three or over who, because of a physical disability:

- cannot walk at all; or

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- can walk, but their ability to walk outdoors without severe discomfort is so limited they can be considered virtually unable to walk; or
- can walk but the effort needed could seriously affect their health.

A child aged three or over may also get the higher rate if they:

- have had both legs amputated above the ankle or through the ankle, or were born without legs or feet; or
- are certified as severely sight impaired or blind and meet other conditions relating to their sight loss; or
- are deaf and blind and they need someone with them when they are outdoors; or
- are severely mentally impaired with severe behavioural problems and qualify for the highest rate DLA care component.

For the **lower rate mobility component**, the child must be aged five or over and be so severely disabled physically or mentally that they need guidance or supervision from another person when walking unfamiliar routes outdoors. They also need to satisfy what's known as the "additional requirements" test. They must show that either:

- they require substantially more guidance or supervision than children of their age in "normal" physical and mental health; or
- children of their age in "normal" physical and mental health would not require such guidance or supervision.

Further information can be found in Disability Rights UK's factsheet, [Disability living allowance \(DLA\)](#).

## 2. Why are there lower age limits for the DLA mobility components?

Originally, both the higher and lower rate DLA mobility components had a lower age limit of five. The forerunner of the DLA mobility component – Mobility Allowance – had had a lower age limit of five since its introduction in 1976, and the rule was carried over to DLA when the new benefit was introduced in 1992.

The original justification for limiting the mobility component to children aged five or over was that children under five were not independently mobile and needed constant supervision. In the course of the Standing Committee debates on the *Disability Living Allowance and Disability Working Allowance Bill 1990-91*, which introduced DLA, Ann Widdecombe, then a junior Social Security minister, said that deciding where to draw the line with respect to age was one of the "toughest issues in social security." The then Government had examined the issues carefully but was "not persuaded that there was a case for abolishing or lowering the age limit." Miss Widdecombe continued:

Given that there must be an arbitrary line, it was sensible to draw it at the age of five. In making the case for that limit in 1975, the right hon. Member for Manchester, Wythenshawe (Mr. Morris) [Alf Morris, Minister for Disabled People under the then Labour Government] noted that below the age of five we all have some mobility needs. Children under five who can walk need almost constant supervision. They need to be assisted on to public transport and accompanied even on short journeys. After the age of five, children become more independent at home. Ability to walk is the criterion for mobility allowance. If a child can walk, he or

she may go to school in a group without personal supervision. Children over five must travel to school every day. A disabled child over five who cannot walk would need to travel to a school further away from home than would an able-bodied child. There was some sense in drawing the line at the age of five.<sup>1</sup>

### 3. When was the age limit for the higher rate mobility component reduced to three, and why?

The age limit of the higher rate mobility component was lowered from five to three in April 2001, as a result of section 67(3) in the *Welfare Reform and Pensions Act 1999*. The age limit for lower rate mobility remains five.

In the Standing Committee debates on the *Welfare Reform and Pensions Bill 1998/99*, the then DSS Minister Hugh Bayley gave the Government's reasons for lowering the age threshold for the higher rate mobility component to three (and for leaving the age limit at five for the lower rate mobility component):

The higher rate mobility component is payable to people who cannot walk or who can barely walk. We took advice from a number of sources on the age at which children usually begin to walk a reasonable distance, rather than simply toddling from one end of a room to the other. Clinicians, the DLA advisory board and others suggested an age range of two-and-a-half to four. Therefore, we felt it appropriate to include three and four-year old children by extending the availability of the higher rate mobility component downwards from age five. The age of 36 months is rather closer to the lower estimate of 30 months than to the higher estimate of 48 months.

As with all such matters, one can argue about the needs of a child one month before the provision takes effect. However, I hope that Committee members will agree that the Government were right to reduce substantially the age at which the higher rate can be claimed. The change will provide children who have severe walking difficulties with an extra £35.85 a week. That will benefit approximately 8,000 children a year at a cost of about £15 million. We decided that it would be wrong to extend the provision beyond the age of three, not for reasons of cost but because it would be inconsistent with the advice that we received.

The lower rate mobility component is paid not to people who cannot walk, but to people who need guidance when they walk along unfamiliar routes. In the Government's view, it is inconceivable that parents would allow children aged under five to walk unsupervised in unfamiliar surroundings. Therefore, it would be inappropriate to extend the lower-rate mobility component to such children.

Further background to the change is given in pp 80-81 of [Commons Library Research Paper 99/19](#).

### 4. What have more recent governments said?

Attention has mostly focused on the age limit for the higher rate DLA mobility component.

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<sup>1</sup> SC(E) Deb 13 December 1990 cc76-77

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In a parliamentary written answer in November 2015, the then Minister for Disabled People, Justin Tomlinson, said that the Conservative Government had no plans to change the age rules:

The principle underpinning Disability Living Allowance (DLA) is that payments are made to families who incur extra costs as a result of meeting the additional care and/or mobility needs of a disabled child.

In deciding to set the lower age limit for entitlement to the higher rate mobility component at 3 years of age, the department considered views of medical advisors and independent research that the majority of children could walk at the age of 2½. By the age of 3 it was realistically possible in the majority of cases to make an informed decision as to whether an inability to walk was the result of disability.

We have no plans to make changes to DLA for children under the age of 3.<sup>2</sup>

The most recent Government statement on this in a parliamentary written answer from October 2018 reaffirms this policy to keep the existing age restriction for the mobility component.<sup>3</sup>

In a Lords written answer in December 2016, however, the then Minister for Welfare Reform Lord Freud said that the Government recognised the difficulties faced by families with severely disabled children under three, that meetings had taken place with “stakeholders” and that the Government was “continuing to consider the matter”.<sup>4</sup>

The following year, in response to a campaign conducted by [Together for Short Lives](#) – a charity which works to support children and young people who are expected to have short lives – the then DWP Minister Penny Mordaunt announced that the Government had “been in discussions with Motability and the Family Fund about extending Motability to under-threes”, adding that individuals would be “referred by the Family Fund”.<sup>5</sup> The following February, the then Secretary of State, Esther McVey, confirmed that “After direction from the Department, the charity is now piloting a Motability scheme to help children under the age of three who are not eligible for the mobility component of child disability living allowance but who rely on bulky medical equipment. The scheme has the potential to help up to 1,800 families”.<sup>6</sup>

Following the then Secretary of State’s comments, Lord Sterling, chair of Motability, clarified the situation in [a letter dated 15 February 2018](#):

...the pilot scheme to help families with disabled children under the age of three is not being piloted by the Charity, and there was no “direction” from the Department. It is being piloted by Motability Operations Group plc following discussions between the Charity, the Department, and independent third party charity (Family Fund) and Motability Operations Group plc, after the former Minister for Disabled People, Penny Mordaunt, MP, asked whether there was anything the Charity would do to help.

At Motability’s AGM on 1 October 2018, Lord Sterling [reported](#) that “the pilot with Family Fund is making good progress”:

Family Fund are selecting children with a profound disability who are under the age of three and are therefore ineligible for DLA (Disability Living Allowance), who would benefit from the use of a vehicle provided by Motability Operations.

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<sup>2</sup> PQ 13360 [on Disability: Children], 2 November 2015

<sup>3</sup> PQ 180219 [on Disability Living Allowance: Children], 16 October 2018

<sup>4</sup> PQ HL 3763 [on Disability Living Allowance: Children], 1 December 2016

<sup>5</sup> [HC Deb 9 October 2017 c13](#). [The Family Fund](#) is a charity which provides grants and information to families who are raising disabled or seriously ill children and young people.

<sup>6</sup> [HC Deb 8 February 2018 c1642](#)

This pilot is called the “Family Fund Mobility Support” scheme and further details on its operation are provided on [the Family Fund website](#):

Our Family Fund Mobility Support pilot began in early 2018, working with funding made available by [Motability Tenth Anniversary Trust](#). This pilot supports families caring for disabled children under the age of three years old who have significant mobility needs, which can include children with conditions such as Global Development Delay, Myotonic Dystrophy or Down’s Syndrome. Children under three do not currently qualify for the mobility component of DLA, so these grants address a significant need amongst families of children who may have great difficulty getting out to do simple tasks such as shopping or hospital appointments.

While the pilot is in its early stages, the impact for the 10 families who have been able to access a vehicle has been significant, providing a new level of control and freedom in their lives. We hope that after the pilot evaluation is assessed, further funding can be provided to continue this crucial and life changing support.<sup>7</sup>

This appears to be the latest publicly available information on the pilot. A [form to determine eligibility for this scheme](#) is available on the Family Fund’s website.

Together for Short Lives [has said](#) that it supports this pilot “which we believe has the potential to help many of the babies and young children under the age of three – and their families – access the specialist vehicles they need to leave home or hospital.” It seeks to work with the DWP, Motability, and the Family Fund to understand the outcomes of the pilot once it concludes with a view to providing mobility support to a greater number of children under three who require it:

Ultimately, we would like these specialist vehicles – or an equivalent mobility payment to those families who do not drive – to be made available to all 2,768 children in the UK under the age of three who depend on bulky medical equipment. We will continue to work closely with DWP, Family Fund and Motability to understand the findings of the pilot – and to encourage them to extend the benefits of the scheme to all children under three years old who must always be accompanied by bulky medical equipment and/or need to be near a motor vehicle in case they require treatment for their condition.<sup>8</sup>

## 5. What is the Scottish Government’s policy?

The *Scotland Act 2016* devolved significant new welfare powers to the Scottish Parliament, including responsibility for disability and carers’ benefits. Scottish Ministers are due to assume full responsibility for all devolved benefits by April 2020, and in summer 2020 they are scheduled to introduce [Disability Assistance for Children and Young People](#) (DACYP), which will eventually replace DLA for children in Scotland.

In March 2019, the Scottish Government published a consultation paper on its plans for disability assistance in Scotland. This stated that it is “anticipated that broad eligibility rules for DACYP, will remain similar to Child DLA”, and that the higher rate of mobility assistance in the new benefit will be available to those “at least 3 years old”, with the lower mobility rate being available to those who are at least 5 years old. The benefit is intended to be payable to young people up to the age of 18, however, in a departure

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<sup>7</sup> “[Other grant support](#)”, Family Fund website [accessed 16 May 2019]

<sup>8</sup> “[Giving mobility benefits to babies and children under the age of three](#)”, Together for Short Lives website [accessed 16 May 2019]

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from DLA where, as noted above, the upper age limit is 16. It is proposed that new applicants aged 16 or over, however, will not be eligible for the new benefit and will need to apply for PIP until Social Security Scotland commences delivery of Disability Assistance for Working Age People.<sup>9</sup>

For more information on the devolution of welfare powers to Scotland, see the Scottish Parliament Information Centre's (SPICe) briefing, [Devolved social security powers: progress and plans](#), published on 10 May 2019.

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<sup>9</sup> Scottish Government, [Social Security: A Consultation on Disability Assistance in Scotland](#), March 2019, pp37-38

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