



Office address
Birmingham Midlands BC
Disability Benefit Centre 4
Post Handling Site B
Wolverhampton
WV99 1BY

www.gov.uk

Mrs [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Our phone number is
Code 03457 Number 123456

If you have textphone, you can call on
Code 08457 Number 224433

If you get in touch with us, tell us this reference number: [REDACTED]

[REDACTED]

Dear Mrs [REDACTED]
Your Mandatory Reconsideration Notice

You have the authority to act for [REDACTED] and have asked us to look again at the decision we sent to you on the 21.03.17 .

We have taken into account all the information available.

We have not changed our decision and you will be sent a separate letter with details about this.

An explanation of our Mandatory Reconsideration decision is set out below.

You asked for a Mandatory Reconsideration because you disagree with the decision not to award [REDACTED] Disability Living Allowance.

THE DECISION THAT YOU DISAGREE WITH
The decision that you disagree with is dated 21.03.17

THE EVIDENCE USED TO MAKE THIS DECISION

The evidence used to make this decision is:

- Your claim form dated 04/01/17 and the evidence you supplied with the claim form
- The information provided in your telephone call on the 05/04/17.
- Your Mandatory Reconsideration Request dated the 13.04.17 and all of

the evidence you sent in with it.

THE HIGHER RATE MOBILITY COMPONENT

You have told us about the physical difficulties [REDACTED] has with walking. She has Congenital Arthrogryposis.

What the law says about the higher rate mobility component

The higher rate is payable to children who are unable or virtually unable to walk because of a physical disability. You can only claim money for help with getting around for people who are 3 and over.

People are considered to be unable or virtually unable to walk if their physical condition is such that

1. they are unable to walk or
2. their ability to walk out of doors is so limited when considering
 - 2.1 the distance over which or
 - 2.2 the speed at which or
 - 2.3 the length of time for which or
 - 2.4 the manner in whichthey can make progress on foot without severe discomfort, they are virtually unable to walk or
3. the effort needed to walk would put their life at risk or be likely to lead to a serious deterioration in their health.

I accept [REDACTED] has difficulties with walking but her walking ability is not so severely restricted that she is unable to or virtually unable to walk, although she walks slowly, she is able to walk a reasonable distance, as you stated in her claim form you state she is able to walk between 51-200 metres in 3-4 minutes, in the medical evidence of the 18.01.17, [REDACTED] reports no joint pains, other than leg pain after prolonged walking, she also reports some participation in PE Classes.

[REDACTED] is not entitled to the Higher Mobility Component.

THE LOWER RATE MOBILITY COMPONENT

You have said that [REDACTED] needs guidance and supervision when walking outdoors

What the law says about the lower rate mobility component

The lower rate is payable to people aged 5 and above who can walk but are so severely disabled mentally or physically that they need guidance or supervision from another person most of the time when walking out of doors. Any ability the person has to use routes which are familiar to them is disregarded.

A child under 16 satisfies the guidance or supervision condition for the lower rate mobility component if they satisfy the conditions **and** they;

1. Require substantially more guidance or supervision from another person than children of their age in normal physical and mental health would require **or**
2. Need guidance or supervision that children of their age in normal physical and mental health would not require.

There is no evidence of a need for substantially more guidance and supervision when walking outdoors, she is able to find her way round and determine safety when crossing roads and avoiding hazards, she catches the bus to and from school with her cousin, she has no behavioural difficulties.

[REDACTED] is not entitled to the Lower Mobility Component.

CARE DAY

THE CARE COMPONENT FOR THE DAY

You have told us about [REDACTED]'s day time care.

What the law says about the care component for the day

The middle rate is awarded to people who are so severely disabled physically or mentally that they satisfy the day condition **or** the night condition.

The day condition is satisfied if a person is so severely disabled physically or mentally that, they require from another person

1. Frequent attention throughout the day in connection with bodily

functions or

2. Continual supervision throughout the day in order to avoid substantial danger to themselves or others.

The lowest rate is awarded to people who are so severely disabled physically or mentally that;

1. They need attention from another person for a significant portion of the day in connection with their bodily functions (whether during one period or a number of periods)

Children under 16 qualify for the DLA care component if

1. They require substantially more care from another person than children of their age would normally require or care that children younger than them in normal physical and mental health may need but a child their age in normal physical and mental health would not require.

Substantially more

Substantially more means that the attention, supervision or watching over is outside the whole range of help that would normally be required by a child of the same age who is not disabled

In her claim form, you state that [REDACTED] needs help with washing her hair and with dressing and undressing; the evidence indicates she is able to feed and drink although she struggles to do so.

I accept that [REDACTED] needs some help with her personal care; however this will not be required frequently throughout the day as there will be long periods during the day when no help is needed. She will not need help with personal care at short intervals throughout the day.

Also the help given, will not amount to a significant portion of the day as will only take a few minutes each time.

In your letter, you state that [REDACTED]'s care needs in school are to be looked at and you will be sending in further evidence relating to this, however we are unable to consider or anticipate these care needs.

[REDACTED] does not satisfy the Day Time Conditions.

CARE NIGHT

THE CARE COMPONENT FOR THE NIGHT

██████████ has no night needs.

**THE OUTCOME OF YOUR REQUEST TO HAVE YOUR DECISION
LOOKED AT AGAIN**

The decision has not changed following this mandatory reconsideration.

██████████ is not entitled to Disability Living Allowance from 13.12.16.

If you want to know more information about this decision, please contact us on the phone number or address at the top of this letter.

Yours Sincerely,

Miss Lawal
Case Manager