



Department for
Work and Pensions

Website: www.dwp.gov.uk

John
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Your Reference:

Our Ref: Fol 2911

Date: 11 November 2010

Dear John,

Thank you for your Freedom of Information request of 21 October 2010. You asked for clarification on the definition and criteria that defines those in "Hospital" as mentioned in paragraph 2 of the policy costings document "Removal of Disability Living Allowance (DLA) Mobility Component from Care Home Residents from October 2012".

A person cannot receive Disability Living Allowance or Attendance Allowance if they are undergoing medical or other treatment free of charge as an in-patient in a hospital or similar institution under the NHS Acts of 1977, 1978 or 1990, which are now encompassed in the The Health and Social Care Act 2008, or they are in a hospital or similar institution maintained or administered by or on behalf of the Defence Council, for example an army, navy or air force hospital.

A hospital is defined as any of the following:

1. an institution for the reception and treatment of persons suffering from illness, the reception and treatment of persons during convalescence, persons needing medical rehabilitation;
2. a maternity home;
3. in Scotland, any institution for dental treatment maintained in connection with a dental school;
4. a clinic, dispensary or out-patient department maintained in connection with any of these homes or institutions.

A similar institution to a hospital is not defined. If an institution does not satisfy the definition of hospital, the decision maker has to decide as a question of fact whether it is similar to a hospital taking into account:

1. the purpose of the institution **and**;
2. the type of treatment provided **and**;
3. the level of care offered.

A hospital or similar institution also includes those:

1. maintained by or on behalf of the Department of Health, Welsh Office, Scottish Office Home and Health Department, (these include special hospitals such as Broadmoor and Rampton and the State Hospital in Scotland) **or**;
2. maintained by or on behalf of the Defence Council, for example an army, navy or air force hospital.

You also asked for more information explaining the “Motability Exemption” mentioned under the “Static costing” sub-heading of the policy costings document “Removal of Disability Living Allowance (DLA) Mobility Component from Care Home Residents from October 2012”

Currently, those who have been in hospital, or a similar institution to a hospital, for longer than 28 days (84 days in the case of children) cease to receive payment of any mobility component of Disability Living Allowance. People who are admitted to hospital and have a leased Motability vehicle, currently benefit from an extension to their mobility allowance beyond the 28/84 days for the remaining duration of the lease.

The proposal is that this extension will no longer apply, and long-term hospital in patients with Mobility lease cars will be treated on the same basis as those who do not have a lease agreement upon entering hospital. Motability were consulted on this measure and are already considering how they will manage any impacts this measure will have on the relatively small number of their customers affected by it.

These people will retain an underlying entitlement to the benefit and payment will be reinstated when they leave hospital providing they continue to satisfy eligibility conditions. This measure removes an unfair rule that treats an estimated 2000 customers more favourably than other state funded in-patients of hospitals or similar institutions simply because they have a Motability agreement.

If you have any queries about this letter please contact me quoting the reference number above.

Yours sincerely

Disability and Carers Benefits Strategy Division