

DCA case: Department refused to award an allowance from the date of application

Background

My complainant's son had been diagnosed with autistic spectrum disorder when he was two years old. She had applied to the Department of Social Protection for a Domiciliary Care Allowance (DCA) in respect of her son. The DCA application was initially refused. However, following the presentation of additional medical evidence at an oral hearing, the Appeals Officer approved the application but considered that the child needed substantial care from the time of the appeal decision only. My complainant contended that payment should have applied from the date of application, 17 months earlier, rather than from the date of the oral hearing.

Examination

I examined why the Appeals Officer considered that the child required substantial additional care and attention from the date of the oral hearing and not from the date of the DCA application.

Medical and occupational therapy reports showed that the child had received extensive input from several services including medical, care and treatment professionals, and from his parents, since he was two years old.

The Appeals Officer considered that all children require full-time care and attention up to a certain age and that it is difficult to discriminate among babies/toddlers. I accepted that it may sometimes be difficult to distinguish between the level of care among very young children. I drew the Department's attention to Appendix 6 of the Department's Expert Medical Group Report. The appendix outlines the "normal age of attainment - age by which 90% of children can perform the activity". It appeared from the medical evidence on file and the ongoing supporting correspondence from care workers and social workers that the child - by reference to the normal age of attainment as outlined at Appendix 6 - was receiving substantial additional care and attention from a very early stage to allow him to deal with the normal activities of daily living which a typical child of the same age would normally be able to perform without assistance.

I also drew the Department's attention to its 'Guidelines for DCA', which deal with the 'Date of Award'. The Guidelines provide that:

"As a general rule the date of the award should be the date of application..."

In addition Appendix 8 of the 'Medical Eligibility Guidelines for DCA' outline the guidelines to desk assessment of DCA. It provides that autism is a condition which is more likely to result in a disability so severe that DCA is appropriate.

Outcome

Following my request, the Appeals Officer reviewed the case and taking all the above points into consideration, revised his decision. My complainant was awarded DCA for her child from the date of her original application and was awarded payment of arrears of €8,400