



Scott-Moncrieff & Associates Ltd
Solicitors Press Office
Andy Evans
0788 1953 700
andyevans@purepr.co.uk

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NOTE: Mitchell Woolf from solicitors Scott-Moncrieff & Associates, who represented Cameron Mathieson, is available for comment on 07961 173 054.

Families welcome Supreme Court judgment against removing disability living allowance from very sick child treated in hospital for over 84 days

**[CAMERON MATHIESON (a child, by his father MR CRAIG MATHIESON) (Appellant)
-V-
SECRETARY OF STATE FOR WORK AND PENSIONS (Respondent)]**

The Supreme Court has today ruled against the stopping of disability living allowance (DLA) payments for a sick boy requiring hospital treatment for over 84 days, which had caused the parents financial hardship when they were assisting the hospital in caring for their very sick son.

Acting for Mr Craig Mathieson, the father of Cameron Mathieson (deceased), Mitchell Woolf from Scott-Moncrieff Solicitors says: "The Supreme Court has today found that by suspending Cameron's DLA payments after 84 days in hospital the Secretary of State for Work & Pensions violated his human rights. While this judgment does not immediately apply to all similar cases, it enables around 500 families to seek the reinstatement of their DLA payments, so they will be able to afford to visit and care for their sick children having long-stay hospital treatment. It could also benefit very many more families into the future.

"My client, Craig Mathieson from Warrington, lost his son Cameron aged five in 2012, but chose to fight for other families so they would not go through the hardship the Mathieson family faced when their DLA was stopped. Cameron Mathieson was a severely disabled boy, suffering from cystic fibrosis and Duchenne muscular dystrophy amongst other serious conditions. He spent over one year being treated at Alder Hey Hospital in Liverpool.

"After Cameron had been in hospital for 84 days the Department for Work & Pensions applied the 84 Day rule and ceased the DLA payments, causing the Mathieson family significant hardships. In Cameron's case, as with other equally ill children, his parents were being relied on by the hospital to assist with his daily care and his father or mother was resident in the hospital at all times. The DLA enabled the Mathieson family to fund this arrangement.

"Stopping the DLA leaves other families unable to afford to visit and support their children, sometimes as they suffer a terminal illness.

"The Supreme Court has today ruled that stopping DLA payments to a very sick child once their treatment in hospital continues for more than 84 days contravenes the Human Rights Act and the law's obligation to treat the child's best interests as a primary consideration in accordance with the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities.

“This judgment means families can afford to visit their sick children and care for them in hospital.”

Craig Mathieson says: “This decision is a fantastic legacy for Cameron. Cameron adored people and he would have been delighted to know that because of him other vulnerable children and their families will not have to endure the same financial hardships that we had to contend with while he was in hospital.”

Two charities which campaigned on this matter have issued a joint statement. Amanda Batten, CEO of Contact a Family and Dalton Leong, CEO of The Children’s Trust, said: “Today’s Supreme Court judgement is a significant victory for the Mathieson family who have fought tirelessly on behalf of some of the most severely disabled children in the UK who require hospital treatment.

“We are delighted that the Supreme Court has recognised that it is unfair to remove disability benefits from families of the most sick and disabled children when they need it most. The judgment shows that the court understands that many parents provide care that even the best equipped hospitals can’t give and have substantial costs - such as loss of earnings, travel and meal expenses, parking fees and childcare costs for siblings - as a result.

“Today’s outcome will be welcome news for families of disabled children across the UK. The welfare system should be there to protect families when they are at their most vulnerable. We now call on the government to urgently act on today’s judgement and scrap this unfair rule once and for all. Families affected by the rule should seek advice about using this judgment to ask that their DLA payments restart.

“We would like to extend our gratitude and heartfelt thanks to the Mathieson family who have fought tirelessly, not for their own benefit, but for the other hundreds of families affected each year.”

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