

**DECISION OF THE UPPER TRIBUNAL
(ADMINISTRATIVE APPEALS CHAMBER)**

As the decision of the First-tier Tribunal (made on 17 August 2017 at Boston under reference SC306/17/00416) involved the making of an error in point of law, it is SET ASIDE under section 12(2)(a) and (b)(ii) of the Tribunals, Courts and Enforcement Act 2007 and the decision is RE-MADE.

The decision is: the claimant is not barred from entitlement to a carer's allowance on the ground that her mother is not receiving the care component of disability living allowance. The Secretary of State will now decide whether she satisfies the other conditions of entitlement.

REASONS FOR DECISION

1. This is an appeal by the claimant to the Upper Tribunal against the decision of the First-tier Tribunal. The Secretary of State has conceded that the appeal should succeed.
2. The claimant made a claim for carer's allowance in respect of care for her mother. It was refused on the ground that her mother was not entitled to the care component of disability living allowance from 2 November 2011. She did, though, receive a Polish benefit. The Secretary of State now accepts that that benefit is equivalent to the care component of disability living allowance as far as the mother is concerned.
3. I have re-made the First-tier Tribunal's decision in accordance with the concession. The Secretary of State will now decide whether the claimant meets the other conditions of entitlement to a carer's allowance.

**Signed on original
on 17 October 2018**

**Edward Jacobs
Upper Tribunal Judge**