



national association of  
welfare rights advisers

## Personal Independence Payment – consultation

The DWP issued its third consultation document regarding PIP in March 2012. It can be accessed at:

[www.dwp.gov.uk/docs/pip-detailed-design-consultation.pdf](http://www.dwp.gov.uk/docs/pip-detailed-design-consultation.pdf)

This covers further details on PIP in particular with regards to the non-disability tests and the claims process including how migration will happen. The consultation ends on 30 June 2012 and NAWRA are keen to gather views from members by 24th June please, via [tom@nawra.org.uk](mailto:tom@nawra.org.uk)

Below is a brief summary of the main points that are under discussion.

### PIP - main points in consultation document:

#### Linking rule

Currently DLA can be reclaimed without meeting the qualifying period if you need to reclaim for the same condition within two years. It is proposed to reduce this to one year for the same condition for PIP.

#### People aged 65 and over

PIP will continue beyond 65 in the same way that DLA does now.

If you are in receipt of PIP but over 65 you can still start entitlement to either daily living component if you meet the criteria.

However, you can not start entitlement to either mobility component. If you are in receipt of enhanced mobility, and then drop to standard, you can go back up to enhanced within a year if it is for the same condition.

#### Claims at age 16

The main carer will be written to prior to 16<sup>th</sup> birthday to say DLA ending and asking if young person intends to claim PIP (and also if they can manage own affairs). If they don't respond DLA will stop. If they do respond and indicate an 'intent to claim' the 16 year old will be sent a claim after their birthday and DLA will stay in payment till PIP assessment complete.

#### Residence and presence

- Habitual residence test to be introduced to align with other benefits.
- Past presence test to become 2 out of 3 years instead of 6 months in last year.

#### Temporary absences abroad

Reduced to 4 weeks from 6 months although there will be provision to remain in payment for up to 6 months if abroad for medical treatment.

### Enhanced facilities for locomotion

Welfare Reform Act allows for Regs to say the mobility component cannot be paid if can't benefit from enhanced facilities for locomotion – the government have stated there is no intention to bring this in currently (on the basis that anyone who is covered by this, e.g. persistent vegetative state, will be in hospital anyway).

### Mobility component in hospital

- Motability will no longer continue in hospital after the initial 28 days.
- Transitional protection to go for pre-1996 DLA claimants who could still get low rate mobility in hospital.

### Prison

PIP will stop after 28 days and will not be refunded if claimant on remand and subsequently found not guilty or non-custodial sentence as it is currently with DLA. One rationale for this is to prevent messy overpayments for ex-prisoners.

### Reassessment process

- Letter sent to claimant to advise DLA ending and giving 4 weeks to make claim (administrative only not disability details – a bit like starting an ESA claim).
- If not claimed DLA will be suspended and a reminder letter issued with a further 4 weeks to claim.
- If no claim made DLA stops.
- If claim made DLA stays in payment until PIP assessment complete.

### Assessment

- Administrative claim initially (like ESA).
- Questionnaire issued asking disability questions.
- Face-to-face consultation for virtually all claimants especially on first time claim.

### Award durations

Generally fixed term but provision for ongoing awards where improvement, response to treatment, or rehab is unlikely.

### Passporting

- Either daily living component will give rise to carer's.
- Disability premiums in UC not linked to PIP.
- Motability – enhanced mobility component.
- Either rate of daily living component will give rise to SDP in pensioner benefits (and it appears disability premiums in means-tested benefits for claimants who are not yet on UC).
- Others still undecided.