



Department
for Work &
Pensions

Government's response to the consultation on DLA reform and Personal Independence Payment – completing the detailed design

13 December 2012

Contents

1. Executive summary	3
2. Introduction	5
The consultation	5
Breakdown of responses	6
3. Summary of responses	7
Benefit entitlement rules	7
Changes to residence and presence conditions in Disability Living Allowance, Attendance Allowance and Carer's Allowance	16
Payability of Personal Independence Payment	17
Reassessing existing Disability Living Allowance claims	23
Equality impacts	28
Annex 1 – Feedback and responses	30
Annex 2 – Passporting arrangements from PIP to other benefits and schemes	33
Annex 3 – List of organisations that responded	37

1. Executive summary

- 1.1 In introducing Personal Independence Payment (PIP) the Government's aim is to create a benefit which is fairer, more straightforward to administer, easier to understand and financially sustainable. We have consulted extensively with disabled people, the organisations that represent them and independent specialists in health, social care and disability during the development of our proposals.
- 1.2 The Government published *DLA Reform and Personal Independence Payment: completing the detailed design* on 26 March 2012. The document sought views on eligibility rules for PIP, payability and reassessment, as well as associated changes to the residence and presence rules for Disability Living Allowance (DLA), Attendance Allowance (AA) and Carer's Allowance (CA). The consultation closed on 30 June 2012. We received more than 1,600 responses, including nearly 1,500 from individuals.
- 1.3 As a result of the advice received from disabled people and their representative organisations, we have made a number of important changes to the detailed benefit rules. The key changes are:
- The **linking rules** will allow for a two year linking period for people under the age of 65 and a one year period for those over 65, during which a claimant could re-claim the benefit without being required to re-serve the 3 month qualifying period. Regulations will set out that this will apply where the new claim results from substantially the same condition or conditions, or one which developed from the original condition.
 - We will contact the **young person at age 16** (or their appointee) to tell them what they need to do to claim PIP. As part of our administrative procedures we will contact the parent or guardian as the young person approaches 16, to make them aware of the changes.
 - Within PIP a **temporary absence abroad** of 13 weeks will be permitted (or up to 26 weeks if the absence is specifically for medical treatment). This is in response to comments that the proposed four week maximum was too short, particularly for students studying abroad, and addresses concerns that some disabled people need more time to travel and to recuperate. We will use the same rules for DLA and AA.
 - We will maintain the reassessment arrangements which allow for a period of **four weeks in which to claim PIP**, after which DLA will be suspended. But we will also include a discretionary provision to extend this period in exceptional circumstances, where the Secretary of State considers it reasonable - for example, where the claimant has recently gone into hospital.
- 1.4 While we have incorporated many of the suggestions received, after careful consideration and evaluation we have decided to keep the following proposals:
- Claimants will have to satisfy a **habitual residence test**, to align with the residence test with other benefits, and have spent, as a minimum, at least **two out**

of the last three years in Great Britain before they can access PIP. We will treat **serving members of Her Majesty's Forces and their families** as habitually resident in Great Britain when serving and stationed abroad. We will use the same rules for **AA, DLA and CA**.

- PIP will not be available to new claimants beyond the **upper age limit** (age 65 or pension age, whichever is higher), except where they had a previous claim to PIP which ended within the last 12 months or where they applied before that age but that claim was not decided. Anyone newly claiming over the upper age limit will instead have to make a claim for AA.
- Payment of the daily living component of PIP should stop after 28 days for publicly-funded **care home residents** but payment of the mobility component would continue where appropriate. For hospital **in-patients**, payment of both the daily living and mobility components of PIP would stop after 28 days.
- We will suspend payment of PIP to **prisoners** after 28 days in detention. In calculating the time in prison, periods less than a year apart will be aggregated.

1.5 Although not part of the consultation, many points were raised about the measure to remove the extension of payment of DLA beyond 28 days (84 for persons under 16) for **hospital in-patients with a Motability vehicle** and not to replicate that payment extension in PIP. We will allow a three year grace period for those DLA recipients who have a Motability vehicle and are in hospital when the new rules come in. For those who enter hospital after the new rules have been introduced, Motability have confirmed that their policy is to allow a grace period of up to 28 days after payment of the mobility component has stopped, during which they will contact claimants about terminating the lease and returning the vehicle. They will also consider deferring termination of the lease on a case-by-case basis. Motability also state that any advance payment outstanding will be returned on a *pro rata* basis, so claimants will not lose out financially.

1.6 A number of other points were raised on subjects outside the scope of the consultation document. The Government's response to these is shown in Annex 1.

2. Introduction

- 2.1 This document summarises the responses received from individuals and organisations to our consultation and outlines the Government's response.

The consultation

- 2.2 In order to ensure that the benefit is paid to those with the greatest need and that PIP is delivered in an open and transparent manner, we have consulted and engaged with disabled people, the organisations that represent them and independent specialists in health, social care and disability throughout the development of our proposals. Our intention has been to ensure that all those who wished to feed in their views had the opportunity to do so.
- 2.3 We received more than 1,600 responses to the consultation, including nearly 1,500 from individuals. Around three-quarters of the responses were standard responses. Over 100 organisations responded.
- 2.4 To make our proposals as accessible as possible, the consultation documents were produced in a wide range of formats, including PDF versions, Easy Read, Audio CD and Cassette, Large Print, and Braille. Summary versions, including consultation questions were also produced in British Sign Language (BSL) on DVD. All of these formats were made available by request to the Department. Online versions were also available at www.dwp.gov.uk/pip with the exception of Braille.
- 2.5 The consultation closed on 30 June 2012. During the consultation period our webpage was visited more than 28,000 times and the PDF version of the document was viewed more than 15,000 times.
- 2.6 To supplement the consultation document, both the Minister for Disabled People and policy officials undertook a wide range of meetings and engagement with disabled people and their organisations, and also sought views from DWP staff. Annex 3 lists the organisations that submitted a response to the consultation.
- 2.7 During the consultation period the Minister for Disabled People and policy officials, separately met with over 50 organisations in total and held ten meetings with disability groups and representative organisations, including two Ministerial roundtable discussions. In addition we also met stakeholders before the consultation commenced to help inform the way the questions were framed.

Breakdown of responses

2.8 The responses provided constructive advice and insight concerning our proposals. There was a wide variety of views on what works well and what respondents felt ought to change – including some differences between the views of individuals and larger disability organisations.

2.9 Responses to the consultation were received via post and email.

Table 1 Breakdown of consultation responses

Origin of response	Number of responses
Individuals	331
Organisations ¹	114
Standard Responses	1,163
Total	1,608

2.10 DLA reform applies to England, Wales and Scotland. Social Security is a devolved matter in Northern Ireland. The Government will continue to work closely with the devolved administration in Northern Ireland to seek to maintain a single system across the United Kingdom.

2.11 If you would like to receive this response in a particular format, for example, Large Print, Braille, Audio, or Easy Read, please contact:

2.12 Department for Work and Pensions
DLA Reform Team
4th Floor
Caxton House
Tothill Street
London
SW1H 9NA

Or send an email to PIP.FEEDBACK@DWP.GSI.GOV.UK

¹ These include joint responses to the consultation from more than one organisation.

3. Summary of responses

3.1 This section summarises what respondents to the consultation told us, and what we have decided to do, including our rationale for the approach we have decided to adopt on the following issues:

- **Benefit entitlement rules** – changes to proposals on linking rules, the period for temporary absences abroad and how we move young people from DLA to PIP at age 16
- **Payability of the benefit for certain groups** – maintaining proposals on payment of benefit for residents in care homes, hospital in-patients, and for people undergoing legal detention
- **Reassessing existing DLA claims** – Our approach to contacting DLA claimants about claiming PIP and identifying those individuals who may need additional support with their claim
- **Changes to residence and presence conditions in DLA, AA and CA** – to align with PIP rules
- **Equality impacts** – feedback on potential impact on protected groups

Benefit entitlement rules

Re-claiming the benefit – linking rules

Question 1

Does our approach to the linking rules support the policy intention of providing continued support to those with a long term condition which can fluctuate or deteriorate in the most reasonable and effective way? If you don't agree, please tell us why and what an alternative approach could be

Question 2

Are there specific matters regarding this age group that would warrant a different approach? (People aged 65 or over)

3.2 The Government proposed that where someone needs to re-claim PIP because an existing condition has deteriorated following a remission, they would be able to do so without having to re-serve a three month qualifying period if they claimed within one year of their previous award expiring. This would apply equally to both claimants aged 16-64 and those aged 65 or over. To maintain the integrity of the benefit, we proposed that this would only be considered where a re-claim was made on the basis of substantially the same condition or range of conditions, or one which developed from the original condition. The proposal was made to simplify the

existing rules which applied different linking periods depending on age, and to ensure that claimants meet a qualifying period for new and unrelated conditions.

- 3.3 The majority of views on our approach to linking rules suggested that a universal one year linking rule was insufficient to meet the needs of those with a long term condition which can fluctuate over time. Where an alternative period of time was suggested, the majority view was that a two year period would be more appropriate.

The time between MS relapses can range from weeks to years. A number of studies have shown the average number of relapses experienced with a twelve month period to be less than one- this suggests that many individuals go more than year between relapses.

MS Society

We welcome the decision not to require people who need to reclaim PIP as a result of a deterioration in their condition to re-satisfy the qualifying period for any component that they previously received. We are unsure, however, of the rationale for reducing the time limit from two years to one. We would like to see some clarification of the evidence about whether the current two year linking period has led to any adverse outcomes before we can comment fully on this proposal.

Social Security Advisory Committee

- 3.4 There were also concerns expressed that the definition of “substantially the same condition or conditions” under which the linking rules would operate may be drawn too tightly, either in the department’s guidance or by the Courts.

For example, if someone had arthritis in their knee that improved to the point where PIP was terminated and then reclaimed the benefit because they had developed arthritis in the shoulder, would this constitute a ‘new’ or an ‘existing’ condition?

Equality 2025

- 3.5 In many instances, it appears that the question on linking rules for claimants over 65 may not have been fully understood. For example, respondents thought it was about being reassessed for PIP and requested clarification on whether or not they would be within scope for reassessment. Where views were directly in response to the question, individuals were broadly split with some supporting the proposals and others suggesting we should apply the rules equally across all age groups. Feedback received from organisations covered a wider range of issues than the specific one being consulted on.

- 3.6 A key concern expressed in responses to these questions was that a 12 month linking rule would create a genuine risk of a break in payment for claimants with fluctuating conditions with long remission periods (such as most individuals with Multiple Sclerosis, Rheumatoid Arthritis or Bipolar Disorder), at a time when they need the benefit the most as their condition has relapsed. For example, the MS Society suggested that many individuals go more than a year between relapses²,

² Assessing changes in relapse rates in multiple sclerosis. *Mult Scler.* 2010 Dec;16(12):1414-21. Epub 2010 Sep 1. <http://www.ncbi.nlm.nih.gov/pubmed/20810517>

though specific numbers were not provided to allow us to quantify this in more detail.

Government response

- 3.7 The Government appreciates the genuine level of concern about these proposals. PIP will involve more regular interventions to ensure the benefit is being paid at the appropriate rate by recognising that the needs arising from a health condition or impairment can change over time. Under this more active regime we would expect to see people coming off PIP and subsequently re-claiming using the linking rules more frequently. In recognition of this, and to reflect the concerns expressed in the consultation, the Government has decided that the existing linking rules for DLA will be brought forward in to PIP, subject to the individual having substantially the same condition that gave rise to the previous entitlement.
- 3.8 These rules will allow for a two year linking period for people under the age of 65 and a one year linking rule for those over 65 and in either instance will mean the qualifying period will not have to be met for any component previously received. As for DLA now, individuals would still have to satisfy the eligibility criteria, including the prospective test that they are expected to experience the impact of their condition for the next 9 months and score appropriately in the assessment in order to qualify for the benefit.
- 3.9 In response to concerns around reliably identifying when a condition was "substantially the same condition or conditions", we will ensure the guidance available to decision makers is clear that a broad view should be taken. We also propose to cover this in our guidance for both decision makers and assessment providers to use when creating training materials and handbooks for health professionals.
- 3.10 **The Government intends to keep a 2 year linking rule for those aged 16-64 and a one year linking rule for those over 65.**

Claims for young people at age 16

Question 3

Do you think we should do something different from our proposed approach to ensure transition at age 16 works effectively?

- 3.11 The Government confirmed, during passage of the Welfare Reform Act 2012, that a young person will only be able to claim and be assessed for PIP once they have reached the age of 16. Where a claim is made and the individual (or their appointee) complies with the process, we will ensure that there is no break in payment between DLA ending and a PIP award decision taking effect.
- 3.12 In the March 2012 consultation document, we outlined our proposal to write to the parent or guardian when the young person approached age 16 to tell them the DLA award is due to end and that the parent or guardian of the young person must tell us if the young person intended to make a claim for PIP. As a matter of principle, we believe that the young person should be the recipient of the benefit from the age of 16 and would therefore be the claimant. If they wished to claim, we would inform

them of what they need to do to ensure there were no gaps in payment. If we were unable to establish contact or could not determine if there was the intention that a PIP claim would be made, the individual would stop receiving DLA once they turned 16.

- 3.13 The majority of respondents to the consultation agreed with the Government's proposed approach in relation to ensuring that there were no breaks in benefit payment. Many felt that transition from child to adulthood around the age of 16 was a particularly difficult time for young people, and therefore approved of the Government's commitment to ensuring there were no gaps in payment and that the transition was as smooth as possible. A number of points were raised about how the transition process will be communicated to young people to ensure that this works effectively for the individuals involved.
- 3.14 Many respondents did not agree with the requirement for the parent or guardian to notify the Department of the young person's intention to claim PIP prior to them reaching age 16. The general view was that the Department should automatically assume that those approaching age 16 would apply. It was also strongly felt that any letters should be sent to both the young person and the parent or guardian. Many respondents suggested that a young person should have the opportunity to make a claim in their own right from the beginning of the process to ensure they were not disadvantaged if their parent or guardian failed to notify the Department of their intention to claim PIP.

We recommend that you miss out the 'invitation' stage whereby you write asking someone to let you know if they want to claim PIP and instead send the PIP form directly on the assumption that the vast majority of 16 year olds will need to claim PIP. We also feel that you need to issue several reminders both by letter and telephone and allow a number of months for the PIP claim form to be returned.

Disability Action in Islington

- 3.15 In addition, respondents suggested that young people would need tailored support. It was requested that the resources explaining the eligibility criteria and the process for applying for PIP should be available online to allow young people to make an informed decision and respond accordingly. This information should also be sent to young people to inform them of the changes to their benefit and what actions needed to be taken in advance of them turning age 16. More generally, it was suggested that information relating to PIP should be available across a range of networks and Government Departments.
- 3.16 Many respondents felt that the language used in these resources needed to be easy to understand and in a format appropriate to meet the claimant's needs. Safeguards need to be in place to ensure that those in the most vulnerable situations are not disadvantaged through lack of suitable communication. For example, telephone calls would not be suitable for a deaf person whereas text messaging and emails could be used as an alternative method of contact.

3.17 Respondents also felt:

- that reminders should be sent to the young person so they are aware of the need to make a claim;
- where a young person has not been identified as needing extra support in making their claim, we should ask the individual if they need extra support and direct them to the necessary resources and
- if a claimant has not responded, the Department should investigate why.

We support the DWP approach to the transition at age 16, as long as all communication to the young person is made in their preferred accessible format if needed. In order to facilitate this, we suggest that the DWP adds this enquiry about the preferred format to the letter to parents enquiring about the young person's intentions to claim. The response to this enquiry would then inform the DWP of whether to invite the claim and how.

We welcome the move to encourage young people's independence in managing their own affairs and using the correct communication format is an important part of empowering the young person. We do, however, request that the Government not forget the importance of facilitating for a nominated adult to manage benefit payment on behalf of the young person, where required.

Deafblind UK

Government response

- 3.18 The Government understands the difficulties with requiring the parent or guardian of a young person to inform the Department of their intent to claim PIP before age 16. In light of the feedback received, this will no longer form part of the process. We will contact the young person at age 16 to tell them that they need to apply for PIP. Before the individual turns age 16, we will contact their parent or guardian to make them aware of the change and to establish if the individual needs an appointee as well as the preferred communication methods.
- 3.19 Where a DLA award is due to expire, we will extend it for a period so that a decision can be made on the PIP claim. If we are unable to establish contact with the young person, the Department will make a number of attempts to engage the young person in to the claiming process.
- 3.20 To understand PIP design and delivery requirements and to meet the needs of young people, we have set up a sub group of the Implementation Stakeholder Forum (ISF – formerly know as the Implementation Development Group) called the PIP Young Persons Panel. The Department has been developing specific materials in co-production with this panel. These include notifications with messages directed to the parent or guardian and for those moving from DLA to PIP at age 16 to ease transition. We are continuing to consider wider communications requirements and will seek to involve the Young Person's Panel and the ISF where there is a need to develop specific messages for young people.

- 3.21 We are continuing to work with officials from the Department for Education to further consider if information provided for the Special Educational Needs (SEN) single assessment process can be used to support a claim for PIP and what the most effective way of doing this will be. The Department for Education expect their reforms to the SEN system to be implemented from 2014.
- 3.22 **The Government intends to contact the young person at age 16 to ask them if they want to make a claim to PIP. If they comply with the claim process their DLA will continue until a decision on PIP has been made.**

Residence and presence rules

Question 4

Do you agree that it is sensible to move towards a habitual residence test to simplify the claiming process by aligning with other benefits?

Question 5

Do you think a requirement that a claimant must have been present in Great Britain for two years out of the previous three years is reasonable in order to demonstrate a long standing affiliation to Great Britain? Would a longer period be more appropriate?

Habitual residence test

- 3.23 We proposed that PIP claimants will need to be present in Great Britain and meet a habitual residence test. DLA claimants currently have to be present and ordinarily resident in Great Britain. Claimants of income-related benefits, such as Jobseeker's Allowance (income-related), have to meet a habitual residence test. Requiring PIP claimants to meet a habitual residence test will align the residence tests with other benefits so that claimants only have to meet one test.
- 3.24 The majority of respondents to the consultation document agreed with our proposal to change to the habitual residence test. Some of those who opposed the test thought it would be too restrictive and referred to the way the habitual residence test operated in the income related benefits.
- 3.25 The income-related benefits also apply a 'right to reside' test for European Economic Area (EEA) nationals. The 'right to reside' requirement does not apply to claims for other benefits, including extra costs benefits such as DLA and those where eligibility depends on National Insurance contributions such as contribution-based Jobseeker's Allowance and contributory Employment and Support Allowance. We do not intend to introduce the 'right to reside' test for PIP.
- 3.26 Some respondents were concerned about the treatment of EEA nationals. We explained in the consultation document that the European Union (EU) impact is outside the scope of this consultation but acknowledged that EU law affects how we apply our rules to certain claimants. We are aware of our obligations under European law.

Government response

3.27 We considered that the proposal would simplify the procedure for claimants, particularly those who had already satisfied the habitual residence test for an income related benefit and who would not need to satisfy a similar separate test before PIP could be paid.

3.28 **We therefore intend to proceed with our proposal to introduce the habitual residence test.**

Past presence test

3.29 We proposed that claimants should have spent, as a minimum, at least two years in Great Britain out of the last three years before they can access PIP. This will be expressed in regulations as 104 out of the last 156 weeks.

3.30 Most respondents either agreed with this proposal or thought the past presence test should be longer. A minority thought the period should be shorter and a small number of respondents thought there should be no test at all. However, we remain convinced that the past presence test is a necessary condition of entitlement as PIP will not be means tested or contributory but is paid out of general taxation. We consider that for payment of such a benefit the claimant should have established a considerable link with Great Britain and this can be demonstrated after a reasonable period of residence.

3.31 There was concern about British nationals who had been away from Great Britain for some time and who wished to return to Great Britain as they have become seriously ill, for instance, with Motor Neurone disease. In terminally ill cases the past presence test will not be applied.

3.32 Respondents have also mentioned there should be exemptions made for:

- asylum seekers
- people with a disability as a result of torture
- refugees

Government response

3.33 Due to immigration controls, asylum seekers and refugees would not be eligible until their status in Great Britain has been settled. Once refugees have received indefinite leave to remain they will have the same entitlements to disability related benefits as other disabled people. They will be treated like all incomers to Great Britain, including returning British nationals and be expected to meet the new past presence test (unless European law applies).

3.34 **We do not intend to make any changes to the proposals for a new past presence test.**

Question 6

Do you think that serving members of Her Majesty's Forces and their families should be treated as habitually resident in Great Britain when serving and stationed abroad?

- 3.35 Nearly all of the respondents agreed with this proposal. **The Government intends to implement this change.**

Temporary absences abroad

Question 7

Is the period of four weeks temporary absence from Great Britain sufficient? If no - why do you think the absence should be longer? And what do you think that longer period should be (and why?)

Question 8

Is six months temporary absence for medical treatment sufficient? If no - please explain why you think this period should be extended. And to what period?

Question 9

Are there any other circumstances when you think the temporary absence period should be longer?

- 3.36 We considered that continuing to pay benefit for up to six months abroad, as happens now in DLA and AA no longer reflects the original policy intention and provides a loophole whereby people who are mainly resident abroad could continue to claim benefits by claiming they are on extended holidays. We proposed that after four weeks abroad, PIP should no longer be payable and entitlement should end. Around 75 per cent of working age DLA claimants are also in receipt of incapacity benefits (including Employment and Support Allowance) and these benefits only allow an absence of four weeks abroad. Also, the 14 per cent of DLA recipients³ in work are unlikely to be able to take more than a four week holiday abroad.
- 3.37 The majority of respondents considered that four weeks was too short; many representations were made on behalf of younger disabled people including those who are:
- Full time students studying abroad as part of their degree course
 - Volunteering abroad
 - Disabled athletes travelling to race meetings/competitions
 - Undertaking summer internships
- 3.38 In addition, there were concerns that because some disabled people find travelling difficult they may go away less frequently than non disabled people but opt to go away for longer periods to allow for the extra time required to travel and recuperate.

³ http://research.dwp.gov.uk/asd/asd1/adhoc_analysis/2011/analysis_of_disability_living_allowance_DLA_awards.pdf

We understand the policy intent of the reduction in the time a person can be absent before losing entitlement to benefit. However we are not convinced that reducing the limit to four weeks is reasonable as this may impact disproportionately on people with family abroad who may, for example, spend the school summer holidays with that family. We think it would be reasonable to reduce the number of weeks to six or eight, and/or to allow an exemption for good cause such as illness while abroad, family emergency and so on.

Social Security Advisory Committee

In order to avoid unnecessary stress (financial and otherwise) we believe it would make sense for a further period of 4 weeks to apply to reflect exceptional circumstances.

Advice Northern Ireland

Government response

3.39 During consultation meetings with disability organisations, there was a more positive reaction to the possibility of the temporary absence period being at least 8 weeks. However, as we are looking at introducing similar changes to DLA and AA, we have reconsidered the position across all age groups. We have carefully considered the comments on this proposal and have decided to allow for a temporary absence abroad of 13 weeks. This should cover term time absences for students and also allow people a longer period to visit families living abroad where a long journey may be required.

3.40 **The Government intends to change the temporary absence period to 13 weeks.**

Temporary absence abroad when medical treatment is required

Government response

3.41 We proposed that PIP could remain in payment for a period of 26 weeks if a claimant has gone abroad for medical treatment for a temporary purpose (unless they are a hospital in-patient abroad and fully funded by the NHS). Responding to this question, the majority agreed that this was a sufficient period.

3.42 **We do not intend to make any changes to this proposal.**

Changes to residence and presence conditions in Disability Living Allowance, Attendance Allowance and Carer's Allowance

Question 19

Do you think claimants should have to satisfy a habitual residence test instead of the ordinarily resident test?

Government response

- 3.43 The position is similar to that for PIP. The majority of respondents to the consultation document were in agreement with our proposal to change the habitual residence test. We do not intend to introduce the right to reside test for DLA, AA or CA.
- 3.44 We considered that this would be a simpler procedure for claimants, particularly those who had already satisfied the habitual residence test for an income related benefit as they would not need to satisfy a similar, separate test before PIP could be paid.
- 3.45 **We therefore do not intend making any changes to our proposal to introduce the habitual residence test.**

Question 20

Do you think a requirement that a claimant must have been present in Great Britain for two years out of the previous three years is reasonable in order to demonstrate a sufficient affiliation to Great Britain? Would a longer period be more appropriate?

Question 21

Do you think that children should have to satisfy a shorter past presence test? What would be a reasonable test for children?

Government response

- 3.46 The proposal is for a past presence test of 104 weeks out of 156 weeks. The comments expressed were similar or the same as the position on PIP.
- 3.47 **We therefore do not intend to make any changes to this proposal.**

Children under 3 years old

- 3.48 There was little response to the question about a shorter past presence test for children. As no child under two years will be able to satisfy the new 104 weeks out of 156 weeks test, and as young children have to be very severely disabled to be eligible for benefit, we have decided to retain the present arrangements. Under existing rules, if DLA is claimed for a baby under 6 months old, a 13 week past presence test applies until the baby's first birthday if the baby was entitled to an award prior to reaching the age of 6 months. If a child becomes entitled to DLA after reaching 6 months, the 26 weeks test applies.

Question 22

Do you think that serving members of Her Majesty's Forces and their families should not be expected to be habitually resident in Great Britain?

3.49 Nearly all respondents agreed with this proposal.

Government response

3.50 **We therefore do not intend to make any changes to this proposal.**

Temporary absences abroad**Question 23**

Is the period of four weeks temporary absence from Great Britain sufficient? If no - why do you think the absence should be longer?

Question 24

Is six months temporary absence for medical treatment sufficient? If no - please explain why you think this period should be extended.

Question 25

Are there any other circumstances when you think the temporary absence period should be longer for instance for people over state pension age?

Government response

3.51 The position is similar to that set out for PIP in paragraphs 3.36 to 3.40 inclusive.

3.52 As DLA will remain for claimants aged under 16 and AA for claimants aged 65 and over, we think a temporary absence abroad of 13 weeks would be more appropriate and, accordingly, we will align the DLA and AA temporary absence rule with the new PIP provision.

3.53 In relation to absence abroad where medical treatment is required, we will align the DLA and AA rule with the new PIP provision. However, people who are already abroad for medical treatment on or before the date that the amendment regulations come into force will only move to the new rule if they return or if a change of circumstances triggers a supersession or revision decision.

Payability of Personal Independence Payment**Question 10**

Our approach to people over the upper age limit is designed to strike the right balance between claimants' needs and our intention to make Personal Independence Payment affordable and sustainable in the future. Do you agree our approach achieves those aims? If you disagree, please tell us what approach would achieve the right balance

- 3.54 The consultation set out our general proposal that those who are in receipt of PIP when they reach the upper age limit (age 65 or pension age, whichever is higher) will be able to continue to receive their existing award for as long as they meet the eligibility criteria. Anyone newly claiming PIP after the upper age limit will be prohibited from doing so and will be able to claim AA instead. Where someone re-claims PIP within 12 months of a previous PIP award expiring they will be able to do so even if they are over the upper age limit.
- 3.55 We also proposed that more detailed rules for people over the upper age limit should broadly follow those applying in DLA, that is:
- no one can establish an entitlement to the mobility component unless previously entitled within the last 12 months; and
 - people will be able to establish a new entitlement to the daily living component after the upper age limit and will be free to move between the standard and enhanced rate.
- 3.56 Unlike DLA where there are restrictions on movement between the rates of the mobility component, we proposed broadening the rules in PIP to allow people to be able to move down from the enhanced to the standard rate of the mobility component where their mobility needs reduce rather than losing entitlement entirely. Individuals will also be able to regain entitlement to a previous rate of the mobility component where they were entitled within the last 12 months.
- 3.57 Many responses misconstrued the proposed provisions: some responses were based on the belief that we sought to exclude people over pension age from entitlement to PIP, whilst others did not realise that the upper age limit will rise in line with planned increases to the State Pension age.
- 3.58 Where the question was directly addressed, we received a wide range of responses. This included support; qualified support, for instance, suggesting PIP could be more flexible if at the same time it was means-tested for pensioners; and qualified rejections. For the latter the main suggestions were that people should be able to move up to the enhanced rate of the mobility component and that the mobility component should be available for the first time after reaching pension age.

We suggest that the Department should give consideration to raising the upper age limit for the mobility component in line with forthcoming rises in the state pension age. We think that this would be a logical move and reflect the fact that disabled people over 65 may well still be working and incurring extra mobility costs as a result.

Social Security Advisory Committee

Government response

- 3.59 The consultation made clear that these provisions are designed to support disabled adults as they move from the 16-64 age group to the 65 and over age group and where, due to their disabling condition, they are more likely to have had a restriction on their earning and saving potential. Successive Governments have endorsed this position and we have no plans to change these arrangements. People becoming

disabled after reaching the upper age limit would have had greater opportunities to work, earn and save for their retirement and will continue to be able to claim AA.

- 3.60 In line with future increases to the State Pension Age (SPA) from 2018, the upper age limit for PIP will also rise in line with SPA which will allow for greater numbers of older people to gain access to the benefit, including the mobility component.
- 3.61 **We do not intend to make changes to the proposals relating to people over the upper age limit.**

Hospital and care home residents

Question 11

Do you have any views on our proposal to take forward into Personal Independence Payment the approach taken by DLA and AA in relation to residency in care homes and in-patient care in hospitals?

- 3.62 The consultation document set out our proposal that the approach taken by DLA and AA to care home residents and hospital in-patients also be adopted in PIP.
- 3.63 This would mean that payment of the daily living component of PIP would stop after 28 days for residents of care homes where public or local funds are used to pay for their care but payment of the mobility component would continue where appropriate.
- 3.64 For hospital in-patients, other than ones who wholly fund their treatment and accommodation, payment of both the daily living and mobility components of PIP would stop after 28 days.
- 3.65 The main aim of these rules is to prevent the duplication of provision that would arise if this disability related benefit was paid at the same time as those costs were being met from public or local funds.
- 3.66 In both cases, although payment stops after 28 days, entitlement remains and payment will be reinstated when the resident leaves the care home or the in-patient is discharged from hospital.
- 3.67 There was a considerable response to this proposal but the issue that generated the most concern related to the measure announced in the Spending Review 2010 to remove the extension of payment of DLA beyond 28 days for those hospital in-patients with a Motability vehicle; PIP will follow the same approach taken in DLA⁴. As this Spending Review measure was not part of the formal consultation, it is discussed at Annex 1.

⁴ The proposal to end the "Motability extension" was considered alongside the wider reform of DLA and was introduced as part of the SR10 package of austerity measures. The measure will mean that all hospital in-patients will be subject to the same DLA rules, meaning that their mobility component will stop after 28 days

Government response

- 3.68 After considering the responses carefully, we have decided that PIP should adopt the approach taken in DLA and AA to care home residency and hospital in-patients. This means that payment of the daily living component of PIP would stop after 28 days for residents of publicly funded care homes but payment of the mobility component would continue where appropriate. For hospital in-patients, payment of both the daily living and mobility components of PIP would stop after 28 days.
- 3.69 Many people agreed with our proposed approach. The majority of those who had concerns believed that the benefit should not stop at all in these settings or that a period longer than 28 days should be allowed. Respondents thought this approach would lead to debt or loss of money as a result of their Motability vehicles being recovered.
- 3.70 Our approach is designed to help avoid duplication of provision, which is a view that has been held by successive Governments. It would not be appropriate to continue to pay a claimant a benefit that provided a contribution towards their disability related needs whilst those needs were being met from public or local funds.
- 3.71 Since most in-patients are only in hospital for a relatively short time, we believe the 28 day period is both generous and sufficient to meet any continuing costs of the claimant and avoid a break in claim.
- 3.72 Eligibility to the Motability scheme under PIP will be linked to payment of the enhanced mobility component. We have worked closely with the Motability scheme and they have confirmed that it will be their policy to allow a period of grace of up to 28 days after the payment of the mobility component has stopped to return the car. In addition, Motability will discuss whether it is appropriate to defer termination and vehicle return on a case by case basis. Clearly if someone is due or expected to be discharged shortly or the vehicle is heavily adapted, this will be fully considered in any discussions. Furthermore, the Government is aware of concerns that people may have about the loss of their Motability vehicles and so will allow for a three year grace period for people who already have a Motability vehicle when the new rules come in.
- 3.73 The Motability scheme has confirmed that where a vehicle is returned any advance payment outstanding will be returned on a pro rata basis. In addition, subject to the vehicle being returned in good condition and within the 28 day limit, no financial penalties would apply. Claimants would therefore not lose money if their vehicle was returned as a result of the stopped allowance.
- 3.74 We said we were considering whether to retain the existing DLA provisions relating to ex-Invalid Vehicle Scheme users and whether they need to be replicated in PIP. We have decided that while it is appropriate to keep the existing DLA provisions they should not be carried forward into PIP.
- 3.75 When the Government decided to close the Invalid Vehicle Scheme it granted scheme users automatic entitlement to Mobility Allowance. This was extended to the higher rate mobility component of DLA when it was introduced in 1992. The rationale for this extension was that the eligibility criteria of all three were largely the same and they were all primarily designed around physical impairments. This is why we believe it is appropriate to retain the existing provisions in DLA.

3.76 We do not intend to make any changes to our proposals around care homes and hospitals.

Prisoners

Question 12

Have we correctly identified that there would be duplication of funding if we continued to pay Personal Independence Payment while someone is in prison or legal detention?

Question 13

Do you agree that Personal Independence Payment should carry on in payment for 28 days to allow disabled individuals to settle outstanding disability related costs? If not, why not? What alternative period do you think we should consider?

Question 14

Do you agree that two periods of imprisonment should link if there has been a gap of less than one year? If you disagree that periods of imprisonment should link please tell us why. If you agree that they should link but think it should cover a different period please suggest an alternative period.

- 3.77 In the consultation we proposed that anyone who is detained in legal custody, whether on remand or imprisoned following trial, would cease to be paid PIP after 28 days of detention. Where payment of PIP ceases in these circumstances it would not be payable if the person was subsequently found not guilty, guilty but not sentenced to a term of imprisonment or if proceedings were dropped. We also proposed that these arrangements should apply to detention as a result of both criminal and civil offences and that two terms of detention should link if within one year of each other (to cater for an earlier period detention on remand before detention following sentence).
- 3.78 The proposals are designed to avoid the duplication of funding towards someone's disability related need from public funds, as the prison environment caters for the disability-related needs of disabled prisoners. They will also reduce the numbers of prisoners leaving prison with an overpayment of benefit where notification of their detention has been received late.
- 3.79 On question 12 the majority of respondents agreed that where someone was detained in legal custody the continued payment of PIP would represent duplication of payment intended for the same purpose. A few responses mentioned that not all prisons and police stations provided adequate support for disabled people and that this particularly applied to those with hearing difficulties where interpreting services could be patchy. A few others mentioned that there may still be ongoing costs beyond 28 days e.g. leases on special equipment.

Deafblind UK agrees that there may be a duplication of funding in terms of an individual's daily care for those in prison or legal detention. The needs of a disabled person in the prison environment should be met by the person and access to the legal system and assistance be provided under the Equality Act.

Deafblind UK

3.80 Question 13 also received majority support with some additional responses recommending that the rules should align themselves with those applying to care homes and hospitals (which also withdraw payment after 28 days). A few respondents suggested the continued payment period should be shortened and others thought that the measure more generally was designed to be punitive in nature.

In general yes. However where PIP allows the use of a Motability vehicle there should be a longer period of time to allow for the return of the vehicle and dealing with matters in relation to Motability together with making any other alternative arrangements as may be necessary. We would suggest a 3 month period to cater for this scenario.

Limbless Association

3.81 The responses received to question 14 were more divided. Where respondents clearly addressed the question there was a slight majority in favour of the proposal to have a one year linking rule. Those who clearly disagreed suggested that there should either be no linking period or that it should align with the linking period applying to care homes and hospitals.

It would appear to be sensible to have a linking period. Clarification would have to be given as to whether the day a person enters and leaves prison are counted for the purposes of calculation

Welfare Rights, Durham County Council

Government response

3.82 The Government is committed to ensuring PIP supports disabled people to meet the extra costs associated with disability. Equally, we are committed to ensuring expenditure is sustainable and duplication of provision from public funds is avoided wherever possible. The consultation made clear that our proposals for prisoners supported those aims and the general consensus is that they do. **We therefore intend to introduce the provisions as stated in the consultation document.**

Reassessing existing Disability Living Allowance claims

Question 15

There will be limited appeal rights against the decision to terminate DLA and safeguards will ensure that people who genuinely were not able to claim Personal Independence Payment within the time limits will be able to re-engage with the claiming process without penalty. Is this a fair and proportionate approach to ensure people engage with the claiming process?

Question 16

Do our plans and timetable to reassess people for Personal Independence Payment appear sensible and reasonable? If not, what changes do you think we should consider introducing?

Question 17

We intend to build in a process to help us identify claimants who may need additional help to claim, for example those with learning difficulties or mental health problems who do not have an appointee. Although this process will not be subject to regulations, we would be grateful for any views on this proposal and how best to identify those people who need additional support from the Department or from other organisations.

Question 18

Our plans include procedures and rules to ensure that everyone invited to claim Personal Independence Payment will be repeatedly reminded before their benefit is first suspended and then terminated. Are there any other matters we should consider to ensure that everyone currently on DLA who may be entitled to claim Personal Independence Payment does so, and within reasonable time limits?

3.83 The consultation document set out our proposals for notifying existing DLA claimants aged between 16 and 64 on 8 April 2013 about claiming PIP, the timetable for this process and the requirements of individuals. Broadly, existing DLA claimants will go through this process in one of two ways:

- Natural reassessment – where someone reports a change in their condition or their existing fixed term award of DLA is coming to an end, they will be invited to claim PIP; and
- Managed reassessment – where we will randomly select DLA claimants in receipt of an indefinite award or a fixed term award, and notify them about what they need to do to claim PIP.

3.84 We also set out the high level strategy and outline timetable in our policy briefing note [on reassessment](#)⁵ published on 14 March 2012.

3.85 Our proposals in the consultation set out that individuals would have a period of up to four weeks in which to claim PIP and that we would build in reminders to ensure

⁵ <http://www.dwp.gov.uk/docs/pip-briefing-high-level-reassessment.pdf>

there are adequate safeguards in this process. Where a claim to PIP is made and they comply, individuals will have their existing DLA award extended until a decision on entitlement has been made. Failure to claim within four weeks would result in DLA being suspended for up to four further weeks in which time a claim could be made and the suspension lifted. If, following this period of eight weeks, no claim to PIP has been made, payment of DLA would be terminated. The reason for such measures is to encourage people to comply with the procedures for a decision on their PIP entitlement to be made.

3.86 Once a claim to PIP has been made, the process for reassessment will mirror that applying to new claims. We will therefore require a 'How your disability affects you' form to be completed and returned by the claimant to explain how their condition affects their daily life. Most people will be asked to attend a face-to-face consultation unless a decision can be reached on the basis of written evidence. When a decision has been made on the claim to PIP it will be communicated to the claimant and, if entitlement has been established, payment will commence shortly, with payment of DLA ending the day before.

3.87 We received significant interest in questions 15, 16, 17 and 18.

While, as the consultation document states, "safeguards will ensure that people who genuinely were not able to claim PIP within the time limits will be able to re-engage with the claiming process without penalty", we are concerned that consideration of "good reason" for not being able to comply may not adequately safeguard people with a learning disability.

Mencap

Four weeks to claim PIP is not long enough. It should be six weeks.

Royal National Institute of Blind People

3.88 The Department's aim to identify those people who may need additional help with the claiming process was broadly seen as a positive move. There were however, a range of responses on how we identify such people, ranging from identifying individuals by their specific condition, e.g. autism, sensory difficulties or learning difficulties, to treating every existing DLA claimant as being in need of additional help to claim.

We would strongly recommend the involvement of the full range of Disabled People's Organisations in developing appropriate support and information providing support for people during the assessment process and the inclusion of disabled people as assessors. While health professionals may be able to diagnose and treat disorders they are not always best placed to evaluate the impact of impairments on the person's life and the additional costs they impose. Disabled people are often in a better position to assist in such judgements

Equality 2025

3.89 The response to question 18 generally reiterated comments made against the other questions about the reassessment approach. Additional points made were that the introduction of PIP and the reassessment should be supported by publicity campaigns and that communications should be in appropriate formats e.g. Braille, easy read or large type.

Government response

3.90 Having considered the responses to the consultation, we remain content that our proposed arrangements remain consistent with the twin aims of ensuring:

- All awards of DLA in respect of working-age (16-64) people are subject to reassessment; and
- The reassessment strategy is fair and easy to understand and disabled people and their representatives are able to trust and have confidence in not just the decisions but the process overall;

3.91 The Government has made it clear that we would take the time to get the delivery of PIP right by allowing time for processes to bed in and to learn from the delivery of a limited number of new claims before both increasing new claim volumes and beginning to invite existing DLA claimants to claim PIP. This was reiterated by the Minister for Welfare Reform during the passage of the Welfare Reform Act.⁶

3.92 Compared to the high level assessment strategy published in March 2012⁷, and the consultation, we will be conducting the reassessment of existing DLA claimants over a longer period. All existing claimants will have been contacted to claim PIP by October 2017 with steady state reached by May 2018. These arrangements means that we can take the time to learn from the early introduction of PIP – for example, we will be able to consider the findings of our first independent review to Parliament on the operation of the PIP assessment, which we intend to bring forward and complete by the end of 2014. The peak period of reassessments will now fall around two years later which means we have more time to ensure that the assessment is working correctly and that it is meeting individual needs.

⁶ Hansard, 17 January 2012 – Column 526-527:

<http://www.publications.parliament.uk/pa/ld201212/ldhansrd/text/120117-0002.htm#12011753000695>

⁷ Policy briefing Note: "High level assessment strategy" published on DWP website 14.03.12

Assessment timeline

From 8 April 2013

From 8 April 2013 new claims to PIP will be taken in the controlled start area in the North West and part of the North East of England. Postcodes affected are:

BL, CA, CH (except CH5, CH6, CH7 and CH8), CW, DH, DL (except DL6, DL7, DL8, DL9, DL10 and DL11), FY, L, LA (except LA2 7, LA2 8, LA6 2 and LA6 3), M, NE, PR, SR, TS (except TS9), WA and WN

During this time we will not invite any existing DLA claimants to claim PIP. Nor will we allow claims from DLA recipients who are seeking to make an early application to PIP (“self-selectors”).

From 10 June 2013

In addition to the area covered by the controlled start new claims to PIP will be taken in all remaining areas of GB.

We will no longer accept new claims for DLA from anyone aged 16-64, unless they are making a renewal claim from a fixed term DLA award which is due to expire before the end of February 2014. These claimants will re-claim DLA, and will be invited to claim PIP at a later stage.

From October 2013

The following DLA recipients will begin to be invited to claim PIP:

- Children turning 16 (with the exception of those awarded DLA under the rules for people who are terminally ill) will be invited to claim PIP when their existing fixed term award is coming to an end;
- People reporting changes of circumstances which would affect their rate of payment (this does not include payment decisions as a result of going into a care home, hospital or prison or other changes of circumstances e.g. change of address). The rate of DLA will not be adjusted;
- Fixed-term DLA award recipients whose award expires from the end of February 2014 onwards (reassessment activity starts approximately 20 weeks before existing DLA awards end); and
- Self-selectors (includes those with indefinite or fixed-term awards).

From October 2015

All the remaining claimants in receipt of a DLA award will be invited to make a claim for PIP. We will randomly select those recipients of DLA in receipt of an indefinite award or a fixed term award, and notify them about what they need to do to claim PIP. We will invite claims as early as possible from recipients who have turned 65 after 8 April 2013, when PIP was first introduced.

3.93 As part of the regulations, the Department will maintain the arrangements which require a PIP claim to be made within four weeks of being invited. However, we will also include a discretionary provision to extend the four weeks where the Secretary of State considers it reasonable; for example, where the claimant has recently gone into hospital.

3.94 We remain committed to ensuring DLA remains in payment for all claimants until a decision on their PIP entitlement has been made, where the individual meets the

requirements of the claim process. Individuals who choose to make a claim for PIP and comply with the reassessment process will continue to receive their DLA award for four weeks before any PIP decision takes effect. This is intended to provide limited protection to support those who experience a change in benefit entitlement.

- 3.95 We will streamline the initial claim process so claimants will only be required to provide basic details. Ordinarily, we will expect the initial part of the claim to be completed over the telephone. Where a claimant is unable to make a claim over the phone, they will be able to request a paper claim form.
- 3.96 Our intention is that the claim process will include procedures to help identify individuals who may need additional support with their claim and the information requirements, whether from DWP or an independent adviser. This will include safeguards to ensure that all those identified as needing additional support are guaranteed the opportunity to have a face-to-face consultation, even if they fail to return the additional evidence we required.
- 3.97 We are also investigating the use of text messaging as a means to prompt the claimant to contact us. If we do not receive a response and the information held suggests that this claimant could need additional support, we will consider whether a home visit is appropriate.
- 3.98 We will ensure that people who are terminally ill are only invited to claim PIP towards the end of their existing three year award or towards the end of the reassessment period if in receipt of an indefinite award.
- 3.99 We will continue to work with disability representatives to identify claimants who require additional support and the level of support we can offer them. We have co-produced letters and claim forms and will continue to develop materials which are clear and easy to understand. We will also make these administrative materials available in a variety of formats, for example Braille and large type.
- 3.100 As part of administrative procedures, we intend to use a range of direct communication materials in a variety of alternative formats. This is to raise awareness and ensure those who are impacted know what will happen and when. This will include writing to claimants during the annual benefit uprating process and providing information through our local stakeholder networks. We will also be launching an online toolkit for advisors in the New Year which will be supported by some national and local events to prepare and support organisations.
- 3.101 We will reflect the proposals set out in the March consultation in the draft regulations. In addition, we will ensure that the 4 week period to return the claim includes Secretary of State discretion to extend this period where reasonable in exceptional circumstances.

Equality impacts

Question 26

What impact could our proposals have on the different equality groups?

Question 27

What else should we consider when developing our policy?

Question 28

We have indicated areas we do not have information to consider the impact on protected groups. We would be interested in suggestions on where we can find robust evidence that we can use.

- 3.102 Respondents generally felt that there had not been a sufficient examination of the full impact of moving from DLA to PIP. Many respondents strongly recommended that the Department carries out a full impact assessment before any decisions are made final.
- 3.103 In relation to the Equality Impact assessment and equality groups, the broad areas in which feedback was received were regarding; disability, age, race and gender.
- 3.104 Disability: the majority of respondents felt that those with mental, intellectual or cognitive impairments would be unfairly disadvantaged as these groups would have the most difficulty completing forms. Respondents also considered that the linking rules as set out in the March consultation would discriminate against those with fluctuating conditions.
- 3.105 Age: the main age related issues raised were about how young people in education may be adversely affected by the limitations on their ability to study abroad, undertake international work experience and when applying to graduate schemes. Young people were also considered to be at risk of being discriminated against with regard to the habitual residence and past presence tests. There were also concerns about whether the changes in the entitlement for those over the age of 65 were discriminatory against the elderly and the proposed 4 week temporary absence rule could also unfairly disadvantage pensioners.
- 3.106 Race: the 4 week temporary absence rule may have a disproportionate effect on ethnic minorities who are likely to have extended holidays visiting or caring for family abroad. Ethnic minorities were considered to be disproportionately represented amongst recent arrivals to Britain and may therefore be unable to claim PIP under the habitual residence and past presence tests. Also, those with English as a second language could be unfairly disadvantaged in understanding and completing the claims process.
- 3.107 Gender: respondents thought that women were more likely to take on a caring role than men. It was felt that this indicated that a higher proportion of women would be affected by the changes in the entitlement of PIP by no longer being able to claim CA. It was stated that projections⁸ show an 80,000 decrease in the number of

⁸ <http://www.dwp.gov.uk/docs/dla-reform-wr2011-ia.pdf>

people on the daily living component as compared with DLA higher/middle care, which will impact the 73% of women who receive Carer's Allowance.

Government response

3.108 The Department will continue to examine the effects on equality groups.

Annex 1 – Feedback and responses

Introduction

Many individuals and organisations commented on a number of issues which were not formally consulted on within the detailed design consultation document. We have identified the key themes and issues raised in these comments and responded to them below. Comments are divided into four sections- award durations, passporting, motability and the implementation of PIP.

Award durations

You suggested	Our response
<p>It is unreasonable for those on indefinite awards to be reassessed. This would be a waste of resources and would put unnecessary stress on the claimant when their conditions are unlikely to change, especially for terminally ill claimants</p>	<p>We need to reassess everyone on DLA who wants to claim PIP even if they have an indefinite award, because the new benefit will have different entitlement criteria to those for DLA. As part of the reform, we also do not wish to label people by their condition.</p> <p>Most people will be asked to have a face-to-face consultation as part of their assessment. People with the most severe health conditions or impairments, including those who are terminally ill, are unlikely to need to attend a face to face consultation. This will be decided on a case by case basis.</p>
<p>1 year awards do not seem viable in the context of administrative costs of the assessment process and the length of the qualifying period</p>	<p>It is not right that individuals should receive incorrect awards for long periods. Issuing 1-year awards to claimants whose needs are expected to reduce over 12 months allows us to ensure awards remain correct.</p>
<p>For those with a long-term degenerative condition on the highest PIP rates, the review intervals should be much longer or not occur at all</p>	<p>Most awards will be for a fixed period, allowing us to ensure awards remain correct. We will take a personalised approach to setting the length of awards, varying the frequency of reviews depending on the likelihood of their needs changing.</p> <p>We will be publishing guidance under WRA 2012 and we will engage with stakeholders on its development to ensure the details are correct.</p> <p>We know that for some conditions, longer fixed-term awards with regular reviews will be most appropriate, but these reviews will not necessarily involve a face-to-face consultation. We recognise that it will be important to ensure that the review process is applied sensitively and appropriately and we are considering this as we develop the operational processes.</p>

Passporting

You suggested	Our response
<p>There should be a formal consultation on passporting arrangements</p>	<p>We have worked with other Government Departments to ensure that any future passporting arrangements remain appropriate for their own schemes and maintain the administrative benefits of the current links with DLA. The Government is committed to keeping in mind the existing passporting arrangements with a view to maintaining them wherever possible, and this has been achieved, as shown in Annex 2.</p> <p>The Department for Transport has undertaken a consultation on the blue badge scheme (dft.gov.uk/bluebadge), as has the Welsh Government (http://wales.gov.uk/consultations/transport/bbadgecriteria). The Scottish Government has also consulted on passported benefits more widely (http://www.scotland.gov.uk/Publications/2012/06/9166/0).</p> <p>An announcement on passporting arrangements in Northern Ireland will be made in due course HMRC has also undertaken a consultation on vulnerable beneficiary trusts.</p>
<p>It isn't clear how disability premiums available under Universal Credit will be managed through the Work Capability Assessment.</p>	<p>As with ESA, Universal Credit will use the Work Capability Assessment to identify which element of Universal Credit a claimant should receive.</p> <p>There will be two ways a claimant can go through to a WCA, if the claimant is in work receipt of DLA or PIP will start the WCA process. For others, fit notes will start the process, which is similar to the current ESA process.</p>

Motability

You suggested	Our response
<p>Spending Review 2010 - Motability extension measure</p> <p>Will customers lose their advance payment or incur any other costs if their Motability vehicle is recovered?</p>	<p>The Motability Scheme has confirmed that where a vehicle is returned because the customer's payment of the mobility component has stopped, any advance payment will be returned on a pro rata basis. They also said that, subject to the vehicle being returned in good condition and within the agreed time limit, no financial penalties would apply. Therefore, customers should not lose money due to the vehicle being returned as a result of the stopped allowance.</p>
<p>How will the recovery of the Motability vehicles work in practice?</p>	<p>The Motability Scheme have stated that it will be their policy to allow a period of grace of up to 28 days after the payment of the mobility component has stopped to return the car.</p> <p>Following a discussion with the scheme user, Motability will decide whether it is appropriate to defer the termination of the lease and vehicle return on a case by case basis. Whether someone will be discharged shortly or the vehicle is heavily adapted will be fully considered in any discussions.</p> <p>The Spending Review 2010 measure ensures that all hospital in-patients are treated in the same way, whether they have a Motability vehicle or not. However, the Government recognises the need to strike a balance between the equal treatment of all DLA recipients in hospital whilst acknowledging the concerns people will have about the loss of their Motability vehicle.</p> <p>This is why we have decided to allow a three year grace period for those people who have a Motability vehicle and are in hospital when the new rules come in.</p>
<p>If enhanced mobility awards are more frequently limited to 1 or 2 years, will it still be possible to get a Motability Agreement?</p>	<p>Currently, applicants must have a minimum of 12 months higher rate mobility component award to be eligible to lease a car through the Motability scheme. Motability have confirmed that the same rules will apply for those in receipt of the enhanced mobility award under PIP.</p>

Annex 2 – Passporting arrangements from PIP to other benefits and schemes

Entitlement to or receipt of DLA is one commonly accepted passport to other support, administered by the DWP, other Government Departments and devolved administrations.

In the March 2012 detailed design consultation, the Government reaffirmed its commitment to keep in mind the existing passporting arrangements under DLA with a view to maintaining them for PIP wherever possible.

We have worked with other Government Departments, devolved administrations and local authorities to ensure that they are aware of PIP so that they can amend their systems and information accordingly.

In line with the Government's commitment the current passporting arrangements under PIP have been broadly maintained. In almost every case where we are in a position to confirm the passporting arrangement, it has been maintained according to the diagram below. For example, if receipt of middle rate care component acted as a passport to a particular benefit under DLA, the equivalent passport under PIP would be receipt of either daily living component.

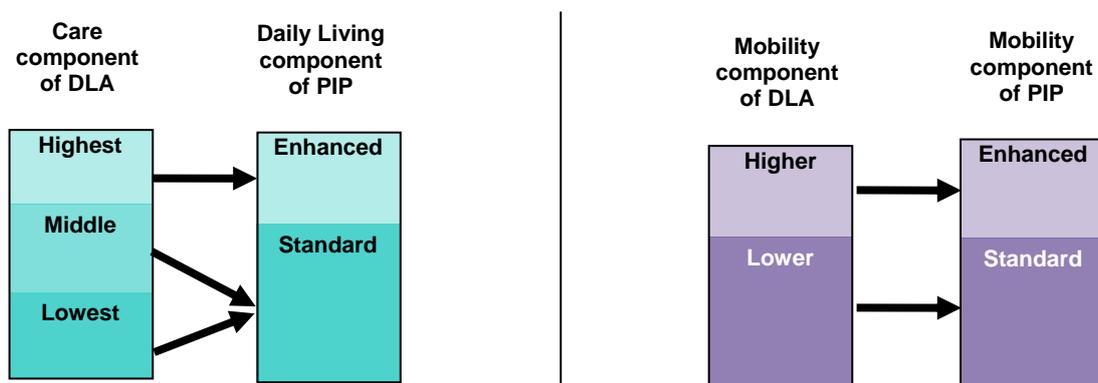


Fig 1: Mapping of passported benefits and schemes from DLA to PIP.

A number of other Government Departments and Devolved Administrations are consulting or have recently completed consultations on passported benefits. These include:

- Department for Transport and the Welsh government in relation to the blue badge scheme
- Her Majesty's Revenue and Customs on vulnerable beneficiary trusts
- Scottish Government on passported benefits generally, in relation to Universal Credit and PIP.

Some of the main passporting arrangements are shown in the table below.

There are additional qualifying conditions that must be satisfied for many benefits and schemes. These conditions are not changing as a result of the introduction of PIP.

These passporting arrangements refer to Whitehall departments only. Where a benefit or scheme is devolved, the Devolved Administration may choose to use a different passport. Announcements will be made by the Scottish, Welsh and Northern Ireland Governments in due course.

DWP benefits and schemes

Passported benefit /scheme	PIP Component and rate
Disability premium in HB, IS and JSA	Any rate or component
Severe disability premium in HB, ESA, IS, JSA /Additional amount for severe disability in Pension Credit.	Standard or enhanced rate daily living component
Enhanced disability premium in HB, ESA, IS, JSA	Enhanced rate daily living component
Carer's Allowance	Standard or enhanced rate daily living component
Carer premium in the income-related benefits and the Additional amount for carers in Pension Credit	Standard or enhanced rate daily living component
Carers Credit	Standard or enhanced rate daily living component
Disabled child premium	Any rate or component
Enhanced disability premium (child)	Enhanced rate daily living component
Childcare costs disregard in HB	Any rate or component
No non-dependant deductions in HB, ESA, IS, and JSA	Standard or enhanced rate daily living component
Child support – special expenses incurred by non-resident parent due to disability of 2nd child	Standard or enhanced rate daily living component
Student eligibility for income-related ESA	Any rate or component
Christmas bonus	Any rate or component
Motability	Enhanced rate mobility component

For disabled claimants in Universal Credit support will be provided through two limited capability for work elements. Based on the outcome of a Work Capability Assessment, these additional elements will be payable where a person cannot reasonably be expected to look for work, where the person has limited capability for work (LCW), or has limited capability for work and work-related activity (LCWRA).

HMRC/HMT benefits and schemes

Passported benefit /scheme	PIP component and rate
Tax credits:	
– Disability element of Working Tax Credit	Any rate or component
– Severe disability element of Working Tax Credit	Enhanced rate daily living component
– Defining an adult as incapacitated and a child as disabled for the childcare element of Working Tax Credit	Any rate or component
– Disabled child element of Child Tax Credit	Any rate or component
– Severely disabled child element of Child Tax Credit	Enhanced rate daily living component
Extension to employer-provided childcare tax exemption	Any rate or component
Reduced VAT for grant-funded installation of heating equipment, security goods or connections of gas supply	Any rate or component
Vulnerable beneficiary trusts	Standard or enhanced rate daily living component
Treatment of hire cars for disabled people as short life assets	Standard or enhanced rate mobility component
Insurance Premium Tax exemption for vehicles leased through Motability.	Enhanced rate mobility component
Zero VAT for vehicles leased through Motability.	Enhanced rate mobility component
Vehicle Excise Duty reduction	Enhanced rate mobility component (full exemption) Standard rate mobility component (50% reduction)

Business Innovation and Skills

Passported benefit /scheme	PIP component and rate
Parental leave from work	Any rate or component
Right to request flexible working	Any rate or component
Cancellation of student loans	Any rate or component
Income disregard for deferring repayment of 'mortgage style' student loans	Any rate or component

Cabinet Office

Passported benefit /scheme	PIP component and rate
Proxy voting without medical attestation	Enhanced rate mobility component

Communities and Local Government

Passported benefit /scheme	PIP component and rate
Housing renewal grants:	
– Disability premium	Any rate or component
– Severe disability premium	Standard or enhanced rate daily living component
– Enhanced disability premium	Enhanced rate daily living component
– Disabled child premium	Any rate or component
Local council tax reductions (prescribed requirements and default scheme):	
– Childcare costs disregard in HB	Any rate or component
– No non-dependant deductions	Standard or enhanced rate daily living component
– Disability premium	Any rate or component
– Severe disability premium	Standard or enhanced rate daily living component
– Enhanced disability premium	Enhanced rate daily living component

Department for Education

Passported benefit /scheme	PIP component and rate
16-19 Bursary Fund vulnerable groups element	Any rate or component

Department of Health

Passported benefit /scheme	PIP component and rate
Income disregards in care home funding	Any rate or component

Receipt of PIP will also be considered in the same way as DLA when calculating entitlement to Help with Health Costs under the NHS Low Income Scheme.

Ministry of Justice

Passported benefit /scheme	PIP component and rate
Income disregards in calculating legal fees	Any rate or component
Income disregards in calculating remissions	Any rate or component

Department for Transport

Passported benefit /scheme	PIP component and rate
May be considered eligible for a concessionary travel pass in England without further assessment	8pts or more under activity 12 (Moving around); or 8pts or more under activity 7 (Communicating verbally)
Access to driver licence at age 16	Mobility higher rate

Annex 3 – List of organisations that responded

Act Now for Autism	Colchester Hospital Prosthetics User Group
Action for M.E	Comet Group Malvern
Advice Services Coventry	connect4change (c4c)
Advocacy in Greenwich	Cornwall Carers Service
Age UK	Crohn's and Colitis UK (NACC)
Amble 2009	Darlington Association on Disability
Andover Mind	Darlington Peoples Parliament
Aspire	Deafblind UK
Assist UK	Derby City Council
Bayswater Families Centre (Action for Children) and Rainbow Family Centre (Westminster Society for People with Learning Difficulties)	Devon Carers Voice
Blue Ribbon for the Awareness of Myalgic Encephalomyelitis (BRAME)	Disability Action in Islington (DAII)
Breakthrough UK	Disability Association Carlisle & Eden
Bristol Disability Equality Forum	Disability Benefits Consortium (DBC)
British Limbless Ex-Service Men's Association (Blesma)	Diverse Cymru
Cambridgeshire Mencap	DLA / PIP Help Group
Carers UK	Enfield Disability Action - Disability Information & Advice Project (DIAP)
Centre for Mental Health, Hafal, Mental Health Foundation, Mind, Rethink Mental Illness, the Royal College of Psychiatrists and the Scottish Association for Mental Health	Enham
Children's Commissioner for Wales	Epilepsy Society
Citizens Advice and Citizens Advice Scotland	Equality 2025
Citizens Advice Bureau- Liverpool Central	Every Disabled Child Matters
CLIC Sargent	Go4M
	HF Trust (Hft)
	Inclusion London
	Lawyers with Disabilities Division - Law Society of England and Wales
	Leonard Cheshire Disability
	Limbless Association

Linkage Community Trust	Preston Learning Disabilities Forum
Liverpool Mutual Homes	Redcar and Cleveland Borough Council, Redcar and Cleveland Citizens Advice Bureau, Coast and Country and Redcar Real Opportunity Centre
London Health Inequalities Network (LHIN)	Richmond Aid
Mencap	Roehampton Limb User Group (RLUG)
Metropolitan	Royal London Society for Blind People
Milton Keynes Disability Advisory Group and Milton Keynes Physically Disabled and Sensory Impaired Group	Royal National Institute of Blind People (RNIB)
MND Scotland	Scarborough & Ryedale Carers Resource
Money Advice Unit (Hertfordshire County Council)	Scope
Money Matters (North Ayrshire Council)	Scottish Autism
Motor Neurone Disease Association	Scottish Council on Deafness
MS Society	Scottish Disability Equality Forum (SDEF)
National AIDS Trust (NAT)	Self Unlimited
National Association of Welfare Rights Advisers (NAWRA)	Sense
National Autistic Society Avon Branch	Sense Scotland and Capability Scotland
National Deaf Children's Society (NDCS)	Sheffield Learning Disability Partnership Board, Sheffield City Council Care & Support Quality Improvement Network and Partners for Inclusion (Sheffield Partnership Board for people with physical, sensory and cognitive impairments) and Deaf Advisory Services
National Forum for people with Learning Disabilities (Yorkshire and Humber Regional Forum)	SNAP Cymru
National Forum of People with Learning Difficulties	Social Inclusion Unit, City and County of Swansea
National Rheumatoid Arthritis Society (NRAS)	Social Security Advisory Committee (SSAC)
Norfolk Coalition of Disabled People (Disability Rights Norfolk)	South Hams Lifestyles
Nottinghamshire Disabled People's Movement (NDPM)	South Leicestershire Care Co-operative
Papworth Trust	
Prader-Willi Syndrome Association (PWSA)	

Spina bifida • Hydrocephalus • Information
• Networking • Equality - SHINE

St Christopher's Hospice

Stockton Welfare Rights

Surrey Association for Visual Impairment
(SAVI)

Surrey Coalition of Disabled People

Surrey County Council's Adult Social Care
department

Tcell

The Action Group

The AIRE (Advice on Individual Rights in
Europe) Centre

The Association of Directors of Adult
Social Services (ADASS)

The Bradford Strategic Disability
Partnership

The British Polio Fellowship

The Carer Forum (Herefordshire Carers
Support)

The Carers' Resource

The Disabilities Trust

The National Autistic Society (NAS)

The Royal British Legion

Vision Sense

Welfare Rights (Durham County Council)

Welfare Rights (Tameside Metropolitan
Borough Council)

Welfare Rights and Money Advice Service
(Bristol City Council)

Welfare Rights Service (Wolverhampton
City Council)

Welsh Assembly member

Wiltshire & Swindon Users' Network
(WSUN)

Wiltshire People First