

# Chapter P1: Conditions of Entitlement

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# Chapter P1 – PIP – Conditions of Entitlement

## Introduction

P1001 PIP was introduced for new claimants from 8.4.13<sup>1</sup> in certain areas only (see ADM Chapter P5 Appendix 1 for the postcodes affected). It was introduced in all other areas for new claimants only from 10.6.13<sup>2</sup>. For existing DLA claimants PIP was introduced after 27.10.13, but only where a relevant date has been specified. It replaces DLA for working age claimants. PIP is an extra costs benefit for people who have a limited or severely limited ability to carry out daily living or mobility activities.

**Note:** See ADM Chapter P5 for the definition of relevant date and for guidance on transitional provisions.

*1 WR Act 12 Commencement Order No. 8, Art 8; 2 WR Act 12 Commencement Order No.10, Art 2*

P1002 The assessment process will identify the level of impact of a disabling condition on both these areas, enabling both physical and mental disabilities to be assessed.

P1003 Those claimants already entitled to DLA on 8.4.13 will continue to retain that benefit until a decision is made on their entitlement to PIP at a later date (see ADM Chapter P5).

P1004 – P1010

## Conditions of entitlement

### The primary qualifying conditions

P1011 The main qualifying conditions to PIP are

1. age<sup>1</sup> (see P1013) **and**
2. habitual residency, presence and competency<sup>2</sup> (see ADM Chapter C2) **and**
3. meeting the relevant threshold<sup>3</sup> for entitlement under the daily living and/or mobility component activities **and**
4. the required period condition<sup>4</sup>.

Although there is no formal order of consideration of these conditions, if either of the first two is not satisfied, then the third and fourth need not be considered.

*1 WR Act 12, s 83(1); 2 s 77(3); 3 SS (PIP) Regs, reg 4; 4 SS (PIP) Regs, reg 12 & 13*

P1012 Claimants are entitled to PIP if they

1. make a claim<sup>1</sup> (see new ADM A2) **and**
2. satisfy the main qualifying conditions (see ADM P1) **and**

3. satisfy the NINO provisions<sup>2</sup> (see ADM A2).

*1 SS UC, PIP, JSA & ESA(C&P) Regs, reg 11; 2 SSA Act 92, s 1(1A) & (1B)*

## Age

P1013 To be entitled to PIP for the first time a claimant must be

1. age 16 or over **and**
2. the relevant age of
  - 2.1 under age 65<sup>1</sup> **or**
  - 2.2 under pensionable age, whichever is the higher **and**
3. not in receipt of DLA.

**Note 1:** See DMG 74022 and Appendix 1-4 of DMG Chapter 74 for changes to the pensionable age as that gradually increases.

**Note 2:** See ADM Chapter P4 for guidance on exceptions to entitlement for upper age condition.

*1 WR Act 12, s 83; Pensions Act 1995, Sch 4, para 1*

## The residence and presence and competency conditions

P1014 To be entitled to PIP a claimant must satisfy the habitual residency, presence and competency conditions, under UK law<sup>1</sup> (see ADM Chapter C2).

*1 SS (PIP) Regs; reg 16*

P1015 – P1020

## Daily Living and Mobility Components

P1021 PIP consists of two components<sup>1</sup> which are

1. the daily living component **and**
2. the mobility component

and entitlement can be for either or both components.

*1 WR Act 12, s 78 & 79*

P1022 There are two rates of benefit for each component. They are

1. the standard rate<sup>1</sup> **and**
2. the enhanced rate<sup>2</sup>

and entitlement can be for either rate of one or both of the mobility and daily living components.

*1 WR Act 12, s 78(1) & 79(1); 2 s 78(2) & 79(2)*

P1023 To be entitled to PIP a claimant will be assessed on their ability to carry out daily living and/or mobility activities<sup>1</sup> (see ADM Chapter P2).

*1 SS (PIP) Regs, reg 3 & 4; Sch 1, part 2 & 3*

P1024 – P1030

## Required period condition

P1031 To be entitled to PIP the claimant must also satisfy the required period condition<sup>1</sup> which is met if

1. the claimant is assessed as having limited or severely limited ability to carry out the
  - 1.1 daily living activities **and/or**
  - 1.2 mobility activitiesfor a period of 3 months (qualifying period) before the prescribed date **and**
2. is assessed as having limited or severely limited ability to carry out the
  - 2.1 daily living activities **and/or**
  - 2.2 mobility activitiesfor a period of 9 months (prospective test) beginning with the prescribed date.

**Note 1:** When calculating the qualifying period and prospective period calendar months should be used (NB - a calendar month expires once you reach the highest possible date of the month prior to reaching the beginning date - e.g. if beginning month date is 25, then expiry month date is 24. If beginning month date has more days than expiry month, such as January having 31 days and February 28 days, then if the start date is Jan 31, Jan 30, or Jan 29, the expiry date will be Feb 28).

**Note 2:** Where the claimant can only give the month and year when their limited or severely limited ability to carry out the activities began and they cannot be more specific, then the DM must take the last day of the month as the start date of the QP.

**Note 3:** If the claimant provides the week in which their limited or severely limited ability to carry out the activities began then the Sunday of that week is taken as the start date of the QP. If they state the 'first week of the month' the QP start date is taken as the Sunday of the first *full* week – unless the month starts on a Monday it will always be the second Sunday in the month. If the claimant states the 'last week of the month' the QP start date can run over into the following month (and will always do so unless the last day of the month is a Sunday), so could potentially be as late as the 6<sup>th</sup> of the next month.

*1 WRA 12, s 81; SS (PIP) Regs, reg 12 & 13*

### **Example 1**

Deborah has a severe stroke on 30.6.13. On 13.8.13 she makes a claim for PIP. After being assessed the DM decides she is entitled to the enhanced rate of the daily living component and the enhanced rate of the mobility component for three years. The benefit is awarded from 30.9.13 when the 3 months QP is satisfied..

### **Example 2**

Andrew has a cycling accident on 17.8.13 and breaks his leg in two places. On 20.9.13, when he is still unable to go to work, he makes a claim for PIP. After being assessed the DM makes the decision that although the first requirement of the 3 months QP will be satisfied on 16.11.13, he is unlikely to satisfy the second condition of continuing for a further 9 months to 15.8.14, and therefore he does not satisfy the conditions for an award of PIP..

### **Example 3**

Rosie was in a car accident on 30.4.15 and suffered a severe head injury. On 12.6.15 Rosie makes a claim for PIP. After being assessed the DM decides that Rosie is entitled to the enhanced rate of the daily living component for two years. The benefit is awarded from 30.7.15 when the 3 month QP is satisfied.

### **Example 4**

Simon has arthritis and struggles with a number of daily living activities. He cannot give a specific date when his difficulties began but says they started in May 2016. As Simon cannot give a specific date in the month, the DM decides that Simon's limited ability to carry out the daily living activities began on the last day of the month, i.e. 31.5.16, and therefore PIP is awarded from 31.8.16 when the 3 months QP is satisfied

### **Example 5**

Jordan cannot give a specific date when his difficulties began but says they started in the last week of August 2017. The DM follows P1031 Note 3, and sees that the last day of August, 31.8.17 is a Thursday, The DM therefore decides his needs began on Sunday 3.9.17. PIP is awarded from 3.12.17 once the 3 months QP is satisfied.

## **Prescribed date**

P1032 The prescribed date<sup>1</sup> is

1. the date on which a claim for PIP is made or
2. if later, the first date on which the required period condition<sup>2</sup> of 3 months is met or is likely to be met or
3. if already in receipt of PIP, each day of that award<sup>3</sup>.

*1 SS (PIP) Regs, reg 14; 2 reg 12; reg 13; 3 reg 15(3)*

P1033 Where

1. the claimant has previously been entitled to PIP **and**
2. the claim mentioned in 1. ended no more than 2 years before the new claim is made or, where the claimant is over 65 (or pensionable age whichever is later) no more than one year before the date of the new claim **and**
3. the previous entitlement was the same component as the one the claimant is entitled to under the new claim **and**
4. the DM determines that the new claim results from
  - 4.1 substantially the same mental or physical condition or conditions for which the previous award was made **or**
  - 4.2 a new condition which developed as a result of a condition for which the previous award was made

then the prescribed date for the 3 month part of the required period condition is the end of the previous claim and for the 9 month part is the date of the new claim<sup>1</sup>. This means that the 3 month part will be considered in relation to the previous claim and does not need to be re-satisfied for the new claim.

*1 SS (PIP) Regs, reg 15*

### **Example**

Judith has MS and has been receiving the standard rate of both PIP components for 3 years. On re-assessment she is found to be in remission and no longer has the same level of needs. The DM decides that she is not entitled to PIP. 15 months later Judith makes another claim for PIP as she has had another flare up of MS. When assessed the DM decides that Judith is entitled to the same rates of the daily living and mobility components as previously. As the claim is within 2 years, and she is under pensionable age, she is entitled to payment of PIP from the date of claim, and the qualifying period condition is deemed to be satisfied immediately.

P1034 – P1999

**The content of the examples in this document (including use of imagery) is for illustrative purposes only**