

Chapter P5: Transitional Provisions

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Chapter P5: Transitional provisions

Introduction

P5001 This chapter introduces the provisions for the transition of those claimants who are currently entitled or have been entitled to DLA prior to the introduction of PIP.

P5002 The introduction of PIP for **new** claimants will be staged in two parts. The first claimants who will be able to claim from 8.4.13¹ will

1. live in the postcode districts in Appendix 1 to this Chapter **and**
2. meet the requirements in ADM Chapter P1.

1 WR Act 12 Commencement Order No. 8, Art 8

P5003 The introduction of PIP for all other **new** claimants will begin from 28.10.13 and will also need to meet the requirements in Chapter P1.

Definitions

Assessment determination

P5004 Assessment determination¹ means the determination following the assessment of the person's ability to carry out activities.

1 PIP (TP) Regs, reg 2(1)

Change of circumstances

P5005 Change of circumstances means a change of circumstances which a person might reasonably have been expected to know might affect the continuance of that person's entitlement to DLA, (by ending entitlement to one or both components or resulting in entitlement to one or both components at a different rate)¹.

1 PIP (TP) Regs, reg 2(1).

DLA entitled person

P5006 A DLA entitled person¹ means a person aged 16 or over who is entitled to either or both components of DLA.

1 PIP (TP) Regs, reg 2(1)

Electronic communication

P5007 Has the meaning given by the legislation relating to electronic communications¹.

1 PIP (TP) Regs, reg 2(1); UC, PIP, JSA, ESA(C&P) Regs, Sch 2

Notified person

P5008 A notified person¹ means a DLA entitled person who has been sent a notification by the Secretary of State to invite them to claim PIP.

1 PIP (TP) Regs, reg 2(1)

Relevant date

P5009 The relevant date is the date

1. which is specified by the Secretary of State in relation to a DLA entitled person **and**
2. from which the Secretary of State is satisfied that satisfactory arrangements will be in place to assess entitlement of a DLA entitled person to PIP¹.

1 PIP (TP) Regs, reg 2(1)

P5010 As soon as practicable after specifying a relevant date, the Secretary of State must publish sufficient information to enable a DLA entitled person to ascertain the relevant date, if any, which applies to them. The information will be published in such manner as the Secretary of State considers appropriate¹ (see Appendix 2 to this Chapter for identified areas).

1 PIP (TP) Regs, reg 2(4)

Transfer claimant

P5011 Transfer claimant means a

1. notified person who has claimed PIP in response to a notification sent by the Secretary of State¹ **or**
2. voluntary transfer claimant.

1 PIP (TP) Regs, reg 2(1)

Voluntary transfer claimant

P5012 Voluntary transfer claimant¹ means a DLA entitled person who has not received a notification but who claims PIP.

1 PIP (TP) Regs, reg 2(1)

P5013 – P5014

Claims to PIP

P5015 Claims to PIP may be made in writing or by telephone¹. The date of claim is the day on which

1. a form is delivered to or received at the appropriate office **or**

2. a telephone call takes place², which provides sufficient information to make a claim.

Note: At a much later date electronic claims will also be available when the date of claim will be the date the communication is received at the appropriate office.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 11; 2 PIP (TP) Regs, reg 2(2)

Invitations to DLA claimants to claim PIP

P5016 Any time after 27.10.13 the Secretary of State may invite by written notification a DLA entitled person, whose only or principle residence is located in an identified area to make a claim for PIP¹ (see Appendix 2 to this Chapter).

1 PIP (TP) Regs, reg 3(1)

P5017 The Secretary of State shall not send a notification to any person who was aged 65 or over on 8.4.13¹.

1 PIP (TP) Regs, reg 3(2)

P5018 The Secretary of State will send an invitation to claim PIP to a DLA entitled person who reaches the age of 16 after 27.10.13, or as soon as reasonably practicable after the person reaches that age¹.

1 PIP (TP) Reg, reg 3(3)

P5019 However, P5018 will only apply where

1. the Secretary of State has specified a relevant date which applies to the DLA entitled person **and**
2. the DLA entitled person reaches age 16 on or after the relevant date¹.

1 PIP (TP) Regs, reg 3(3A)

P5020 P5018 does not apply where, on the day they reach the age of 16, the person is entitled to DLA on the basis of being terminally ill¹ within the meaning of ADM P2077.

1 PIP (TP) Regs, reg 3(4)

P5021 P5018 also does not apply where the DLA entitled person entered hospital or a similar institution as an in-patient under the age of 18. If this is the case they should **not** be invited to claim PIP until they are discharged¹. This will be the case even if the claimant reports a change of circumstance whilst in hospital.² If the claimant's DLA is due to expire whilst they are still an in-patient in the hospital or similar institution, the DLA award may be extended appropriately³ if the claimant continues to satisfy the conditions of entitlement.

1 PIP (TP) Regs, reg 2(1) & 3(4A); 2 reg 3(5B); 3 reg 19(1)(b)

Example

Katy is aged 15 and is due to turn 16 on 19.7.16. She is entitled to the highest rate of the care component and the higher rate of the mobility component of DLA from 21.6.14 – 20.6.17. She enters hospital on 18.7.16 and remains there as an in-patient until 23.8.18. Her DLA will not be stopped for any period as she was under the age of 18 on the day she entered the hospital as an in-patient. As Katy's DLA is due to expire on 20.6.17 it will be extended as appropriate whilst she is in hospital. She will not be invited to claim PIP until she is discharged.

Example 2

Declan is entitled to the highest rate of the care component and the higher rate of the mobility component of DLA. He turns 16 on 17.9.16 and is invited to claim PIP. On 30.9.16 Declan makes a claim to PIP. He is subsequently taken into hospital on 5.10.16. Although he is now a hospital in-patient, Declan's PIP claim continues. A decision is made on his PIP claim that his DLA will terminate on 23.11.16 and he will be entitled to the enhanced rate of the daily living component and the enhanced rate of the mobility component of PIP from 24.11.16 – 23.11.19. He is paid DLA up to 23.11.16 and payment of PIP from 24.11.16 will continue whilst he remains in hospital as he was under the age of 18 when he was admitted to hospital on 5.10.16 (see ADM Chapter P3 for PIP hospitalisation rules).

P5022 When a DLA entitled claimant, who after 27.10.13, has neither

1. been sent an invitation to claim PIP¹ **nor**
2. made a claim for PIP²

sends in a change of circumstances notification³, the Secretary of State will send the claimant an invitation to claim PIP as soon as reasonably practicable (see P5035).

Note 1: This does not include those persons who inform the DM that they are to be absent or have become absent from GB, whether on a temporary or permanent basis⁴.

Note 2: This does not apply where ADM P5021 applies.

1 PIP (TP) Reg, reg 3(1); 2 reg 4; 3 reg 3(5); 4 reg 3(6)

P5023 However, P5022 will only apply where

1. the Secretary of State has specified a relevant date which applies to that DLA entitled person **and**
2. the DLA entitled person reports the change of circumstances on or after the relevant date¹.

Note: If the DLA entitled person has not been given a relevant date, then the change of circumstances should be taken into account for any DLA supersession action required.

1 PIP (TP) Regs, reg 3(5A)

Claims for PIP made by DLA claimants who have not received an invitation

P5024 A DLA entitled claimant who has not been sent an invitation may only make a claim for PIP where

1. they were under age 65 on 8.4.13 **and**
2. the Secretary of State has specified a relevant date which applies to them **and**
3. they make a claim on or after that relevant date¹.

1 PIP (TP) Regs, reg 4

Claimants under 16

P5025 No claim may be made by a claimant who has not reached age 16, regardless of whether they are or are not entitled to DLA¹.

1 PIP (TP) Regs, reg 5

Claimants making claims for DLA not entitled to claim PIP

P5026 A claimant who is not entitled to DLA may make a claim for PIP at any time except if they are a claimant

1. who claimed DLA before 28.10.13 **and**
 2. whose claim remains under consideration on that date
- until such time as the claim for DLA is either determined or withdrawn¹.

1 PIP (TP) Regs, reg 6 (1) & (2).

P5027 A claim for DLA under P5025 remains under consideration only if it has not

1. been decided by the DM¹ **or**
2. been withdrawn in accordance with regulations² **or**
3. been otherwise ceased to be under consideration before being decided by the DM³.

1 SS Act 98, s 8; 2 UC, PIP, JSA, ESA (C&P) Regs, reg 5; 3 PIP (TP) Regs, reg 6(3)

P5028 – P5033

Form of notification inviting a person to claim PIP

P5034 A notification to a DLA entitled person inviting them to claim PIP must

1. be in writing **and**
2. explain that the person's entitlement to DLA will end if the person does not claim PIP **and**
3. state the date of the last day of the period within which a claim for PIP can be made, that period being 28 days starting with the day that is the date of notification **and**
4. tell the person how to claim PIP **and**

may contain any such other guidance or information the DM considers appropriate¹.

1 PIP (TP) Regs, reg 7

Making a claim following notification

P5035 The claim period is the 28 day period starting with the date of the notification¹, in which a claimant has to return their intention to claim PIP after the initial invitation. This date must be stated in the notification letter.

1 PIP (TP) Regs, reg 8(1)

P5036 The DM will accept that a claim is made, whether or not it is defective¹, in the case of a claim being

1. made by telephone, when the telephone call takes place² **or**
2. made in writing by electronic means, when it is sent to the appropriate office **or**
3. made in writing, other than by electronic means, on a form authorised by the DM, when it is delivered to or received at the appropriate office.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 11; 2 PIP (TP) Regs, reg 8(3)

P5037 Where the claim is defective the DM must extend the claim period by a period of 28 days, or such longer period as the DM considers reasonable, starting with the day following the last day of the claim period.

1 PIP (TP) Regs, reg 8(4)(a)

P5038 Where a claim is made by a notified person the DM may extend the claim period, if appropriate, including in cases where the claim is defective

1. either before the period would otherwise have expired **or**
2. after it has expired¹

by such further period as the DM considers reasonable.

1 PIP (TP) Regs, reg 8(5)

- P5039 The DM may **further** extend a claim period either
1. before the extended period would have expired **or**
 2. after it has expired¹.

1 PIP (TP) Regs, reg 8(6)

- P5040 Where the claim period has been extended the DM must treat the claim as properly made if a claim is made
1. before the end of the period by which the claim period was extended **and**
 2. in accordance with any instructions of the DM as to the way in which the claim is to be completed¹.

1 PIP (TP) Regs, reg 8(7)

P5041- P5045

Suspension of DLA where no claim is made

- P5046 When a notified person fails to make a claim for PIP before the end of the claim period, or the extended claim period, the DLA will be suspended¹.

1 PIP (TP) Regs, reg 9(1)

- P5047 The suspension will take effect either
1. on the first pay day after the last day of the claim period **or**
 2. on the last day of the extended or further period¹.

Note: This is not a defective claim.

1 PIP (TP) Regs, reg 9(2)

Further opportunity to claim

- P5048 When a claimant's benefit has been suspended as in P5046, the claimant will be given a further opportunity to claim again, and the DM will issue a notice in writing informing the claimant

1. that their entitlement to DLA will be or has been suspended **and**
2. on what day that suspension takes or took effect **and**
3. that their DLA will be terminated unless they make a claim for PIP before the end of the period of 28 days beginning with the date of suspension¹.

1 PIP (TP) Regs, reg 10(1)

- P5049 The notification in P5048 will be issued on or as soon as is practicable after the day of the suspension took effect¹.

1 PIP (TP) Regs, reg 10(2)

P5050 When a claimant makes a claim for PIP before the end of the period specified in P5048 **3.** the entitlement to DLA will be reinstated as if the suspension had not taken place¹.

1 PIP (TP) Regs, reg 10(3)

Termination of entitlement to DLA following failure to claim PIP

P5051 When a notice is sent to a notified claimant and the claimant makes no claim for PIP before the end of the period specified, the entitlement to DLA will terminate with effect from the day on which the suspension of the entitlement took effect¹.

1 PIP (TP) Regs, reg 11(1)

P5052 The DM must send any claimant in relation to P5051 a notice in writing

1. informing the claimant that their entitlement to DLA has terminated **and**
2. informing of the date on which the termination took effect **and**
3. explaining that it is no longer possible for the claimant's entitlement to DLA to be reinstated **and**
4. explaining that the claimant is able to make a new claim for PIP at any time¹.

1 PIP (TP) Regs, reg 11(2)

Defective claims by voluntary transfer claimants

P5053 When a voluntary transfer claimant makes a claim to PIP and

1. the claim was defective under specified legislation¹ **or**
2. no claim is made or completed in accordance with P5048²

then the DLA will be terminated in line with P5051.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 11; 2 PIP (TP) Regs, reg 12(1) & (2)

Failure to provide information

P5054 [See Memo ADM 24/18] When a transfer claimant makes a claim to PIP and the DM

1. makes a negative determination¹ to both components (due to failing to attend a consultation or provide information) **or**
2. determines that the claimant has unreasonably failed to comply under specified legislation² **or**
3. determines that the claimant has failed to comply with a requirement imposed by the DM³ (e.g. failed to supply information about their claim, medical information or information about their specific needs) made in writing by electronic means, when it is sent to the appropriate office

then the DLA is terminated 14 days following the first pay day after the date the decision is made⁴.

Note: A negative determination is not an assessment determination.

1 PIP Regs, reg 8 & 9; 2 UC, PIP, JSA & ESA (C&P) Regs, reg 35; reg 37; 4 PIP (TP) Regs, reg 13(1)

Negative determination is revised or successfully appealed

P5055 Where the negative determination is removed (for example where the Secretary of State or an appeal tribunal accept the claimant had good reason for failing to provide information or comply) the claimant's previous DLA entitlement is restored pending their PIP assessment.¹

1 OM v SSWP (PIP) [2017] UKUT 458 (AAC).

P5056 Where P5055 DLA monies need to be backdated to the date after the DLA entitlement was originally ended and will continue to be paid until either a further negative determination is made (following P5054) or the PIP assessment decision is made (following P5062).

Claimant expresses intention not to claim PIP

P5057 A DLA claimant who has not made a claim for PIP may inform the DM either

1. by telephone **or**
2. electronically (when available) **or**
3. in writing

that they do not intend to claim PIP¹.

1 PIP (TP) Regs, reg 14(1)

P5058 If the DM is satisfied

1. the claimant has a genuine intention not to claim PIP and has notified the DM either in writing or by telephone¹ **or**
2. that a person acting on behalf of the DM has told the claimant claiming PIP, as soon as is reasonably possible, that the claimant's entitlement to DLA will terminate²

the claimant's entitlement to DLA will terminate on the last date of the period of 14 days starting with the first pay day³, following the day on which the DM was informed that the claimant did not intend to claim.

1 PIP (TP) Regs, reg 14(1); 2 reg 14(3); 3 reg 14(2)

Withdrawal of claims

P5059 When a claim for PIP is withdrawn by a transfer claimant before the claim is decided, the claimant's entitlement to DLA will terminate on the last day of the period of 14 days starting with the first pay day after the date the DM decides the claimant has withdrawn¹ the claim.

1 PIP (TP) Regs, reg 15

Death before or after making a claim for PIP

P5060 When a notified claimant dies before making a claim for PIP, the rules for DLA will apply, as if the invitation to claim PIP has never been made¹.

DN: If the DLA has already been terminated then this will still be a DLA claim, and the award will not be reinstated.

1 PIP (TP) Regs, reg 16(1)

P5061 When a transfer claimant dies¹

1. before any assessment determination is made **or**
2. where an assessment determination is made before the day on which the claimant becomes entitled to PIP

the claim will be treated as if it had never been made and if that claimant is a notified person, as if no notification has been issued.

1 PIP (TP) Regs, reg 16(2)

Determination of claim for PIP made

P5062 When an assessment determination is made by the DM on a claim by a transfer claimant

1. the DM will, as soon as is practicable, send the claimant written notification of the outcome decision **and**
2. DLA will be terminated, on the last day of the period of 28 days starting with the first pay day after the making of the determination¹.

1 PIP (TP) Regs, reg 17(1)

P5063 When the outcome decision is an award of either or both PIP components, the claimant's entitlement to PIP will begin

1. from the day immediately following the day the claimant's entitlement to DLA terminates¹ **or**
2. immediately following the last day of the period of 28 days as calculated in P5035 starting with the first pay day after making the determination.

1 PIP (TP) Regs, reg 17(2)

P5064 The notifications issued must contain the information¹ if

1. PIP is awarded, the day on which
 - 1.1 the claimant's entitlement to DLA will terminate **and**
 - 1.2 the claimant's entitlement to PIP will start
2. DLA is not awarded and a claim for PIP was made after the refusal²
 - 2.1 where PIP is awarded, DLA will terminate on the day before the day the claimant becomes entitled to PIP **or**
 - 2.2 where PIP is not awarded, DLA will terminate on the first pay day following the period of 28 days after the PIP assessment decision is made³.

1 PIP (TP) Regs, reg 17(3); 2 reg 17(4); 3 reg 17(5)

Determination of claim for PIP in terminal illness cases

P5065 Where

1. a transfer claimant is terminally ill¹; **and**
2. makes a claim for PIP expressly on the ground of terminal illness²; **and**
3. the outcome of an assessment determination in respect of that claim is an award of PIP³; **and**
4. the total weekly rate of PIP is greater than the claimant's existing award of DLA⁴

the existing award of DLA will terminate on the last day of the payment period during which the PIP decision is made, or the first Tuesday following the making of that decision, whichever is earlier⁵. The claimant's entitlement to PIP will then commence on the day after the DLA has terminated.

Note 1: See ADM P2077 for the meaning of terminally ill.

Note 2: In all other cases, the guidance at ADM P5062 – 5063 still applies⁶.

1 WR Act 12, s 82(1)(a) & 82(4), PIP (TP) Regs, reg 17(1B)(a); 2 WR Act 12 s 82(1)(b); 3 PIP (TP) Regs, reg 17(1B)(b); 4 reg 17(1B)(c); 5 reg 17(1)(b)(i); 6 reg 17(1)(b)(ii)

Example 1

Mary is in receipt of the lowest rate of both the care (£21.80) and mobility (£21.80) components of DLA. She is invited to claim PIP and on 12.4.16 makes a claim for PIP on the ground of terminal illness. Medical evidence indicates that Mary is suffering from cancer and meets the terminal illness criteria. The evidence also indicates that Mary satisfies the criteria for the enhanced rate of the mobility component. On 18.4.16 the DM makes a determination that Mary is entitled to the

enhanced rate of both the daily living (£82.30) and mobility (£57.45) components of PIP. Mary's award of DLA is paid in 4 weekly arrears on a Wednesday and her last payment covered the period 16.3.16 – 12.4.16. The date of the PIP determination is 18.4.16. The payment period during which this decision was made is 13.4.16 – 10.5.16. Therefore, the last day of the payment period during which the PIP decision is made is 10.5.16 and the following Tuesday is 19.4.16. As 19.4.16 is the earliest date, Mary's DLA will terminate on 19.4.16 and the payment of PIP will commence on 20.4.16. Mary will be paid DLA arrears to cover the period 13.4.16 – 19.4.16.

Example 2

Lucinda is in receipt of the highest rate of both the care (£82.30) and mobility (£57.45) component of DLA. She is invited to claim PIP and on 16.5.16 makes a claim for PIP on the grounds of terminal illness. Medical evidence indicates that Lucinda has an inoperable brain tumour and meets the terminal illness criteria. The evidence also indicates that Lucinda satisfies the criteria for enhanced rate of the mobility component. On 19.5.16 the DM makes a determination that Lucinda is entitled to the enhanced rate of both the daily living (£82.30) and mobility (£57.45) components. However, as the weekly amount of PIP is not greater than the existing award of DLA, Lucinda's DLA will terminate on the last day of the period of 28 days starting with the first pay day after making the PIP determination. The first pay day after the determination is 25.5.16 therefore the DLA will terminate on 21.6.16 and the payment of PIP will commence on 22.6.16.

Extension of fixed term period awards of DLA For under 16s

P5066 Where there is an award of DLA for a DLA entitled person

1. and the award is of
 - 1.1 both components and in respect of either or both components is for a FTP **or**
 - 1.2 one component only and for a FTP **and**
2. the person reaches age 16 after 27.10.13 **and**
3. the FTP expires in the period starting with the day before the person reaches 16, and ending with the date before the person reaches age 16 years and 6 months

the DM will extend the FTP¹.

1 PIP (TP) Regs, reg 18(1)

P5067 Any such extended FTP will expire, and entitlement to DLA will terminate, on the day before the claimant reaches 17¹, unless

1. entitlement to DLA ceases before that date **or**

2. a negative determination is made, then an earlier date will apply **or**
3. there is a failure to supply information and a negative determination is made.

1 PIP (TP) Regs, reg 18(2)

For working age claimants

P5068 When

1. an award of DLA to a claimant is for a FTP in regards to one or both components **and**
2. they are over the age of 16 **and**
3. the DM considers the FTP may expire before an assessment determination can be made

the DM can extend the period by such further period as the DM considers appropriate¹.

1 PIP (TP) Regs, reg 19(1)

P5069 The DM can extend¹ a FTP

1. regardless of whether the person has yet made a claim for PIP **and**
2. where the FTP has already been extended **and**
3. on more than one occasion.

1 PIP (TP) Regs, reg 19(2)

P5070 An extended FTP will expire

1. on the last day of the period by which the DM extended or last extended it¹ **or**
2. where the person's entitlement to DLA terminates on an earlier day, on that day.

1 PIP (TP) Regs, reg 19(3)

Notifications of change of circumstances

P5071 Where the DM receives a

1. change of circumstances notification¹ (see P5005)
 - 1.1 from a notified person, before they make a claim for PIP **or**
 - 1.2 from a transfer claimant **or**
 - 1.3 from a person who is not a notified person and has not made a claim for PIP
2. notification as in P5016 this
 - 2.1 is not treated as a supersession to DLA **and**

2.2 is treated as a change of circumstances which a person can be expected to reasonably know is a change to any claim for PIP, and taken into account for the purposes of the PIP assessment

the change of circumstances will be taken into account when deciding the claim to PIP.

Note 1: This will not apply where the change of circumstance is that the notified person or the transfer claimant is going abroad, temporarily or permanently.

Note 2: Any DLA claimant under the age of 16 will have their change of circumstances request treated as a supersession for DLA.

1 PIP (TP) Regs, reg 20

Example

Lewis is a DLA entitled claimant and makes a claim to PIP. He attends an assessment on 15.9.14 and is notified on 27.11.14 he is entitled to PIP. On 1.12.14 a letter is received from the claimant's GP stating he visited the claimant on 18.11.14 and the claimant's condition had deteriorated. As the change has occurred prior to the decision being made, the decision is revised taking this change into account as appropriate.

P5072 – P5080

Extinguishment of right to claim DLA

P5081 Where a person is entitled to claim PIP (whether or not they have actually claimed PIP) they are not able to claim DLA.¹

1 PIP (TP) Reg, reg 22(1)

P5082 The exception to this is

1. if a claimant has an award of DLA under which one or both components have a FTA **and**
2. if they are notified by the DM that they need to claim DLA again to stop the award of DLA coming to an end

then they are able to claim DLA again¹. This will only apply where the Secretary of State has sent that DLA person the notice to renew.

Note: A DLA entitled person who has not been given a relevant date and whose award for DLA is coming to an end will be able to make a renewal claim for DLA within 6 months of the expiry of the award.

1 PIP (TP) Regs, reg 22(2)

QP for Transfer Claimants

P5083 There is no qualifying period for transfer claimants.¹

1 PIP (TP) Regs, reg 23(1)

Linking Periods for Transfer Claimants

Claimants under age 65 on 8.4.13

P5084 Any person claiming PIP who

1. was aged under 65¹ on 8.4.13 **and**
2. was not entitled to DLA on the day the claim was made **but**
 - 2.1 was entitled on a day falling 24 months before that date **or**
 - 2.2 was entitled on any day in the 24 months prior to the date of claim

can be considered a transfer claimant. The QP rule at P5083 applies.

1 PIP (TP) Regs, reg 23(2)

Claimants over age 65 on the day of claim

P5085 A person claiming PIP who

1. was aged 65 or over¹ on the day the claim was made, but under age 65 on 8.4.13 **and**
2. was not entitled to DLA on the date of claim **but**
 - 2.1 was entitled on the day falling 12 months prior to that day **or**
 - 2.2 was entitled at any time during those 12 months

can be considered a transfer claimant. The QP rule at P5083 applies.

1 PIP (TP) Regs, reg 23(3)

P5086 Any person who is entitled under P5064, then the prescribed date, in the context of a claimant being migrated, is the date of claim¹.

1 PIP (TP) Regs, reg 24

P5087 – P5092

People in care homes or hospital at time of transfer to PIP

P5093 If the claimant has already been resident in a hospital or similar institution for **28 or more days** immediately prior to the date of transfer (i.e. the date on which DLA entitlement ends) there will be no payment of PIP (although entitlement continues).

P5094 If the claimant has already been resident in a care home for **28 or more days** immediately prior to the date of transfer (i.e. the date on which DLA entitlement ends) there will be no payment of the daily living component (although entitlement continues). The mobility component remains in payment.

P5095 If the claimant has already been resident in a hospital or similar institution for **less than 28 days** immediately prior to the date of transfer (i.e. the date on which DLA entitlement ends), they will be treated as if they are a new PIP claimant and PIP will remain payable for the first 28 days of residence from the date of entitlement, before ceasing¹.

1 PIP (TP) Regs, reg 25(3)

P5096 If the claimant has already been resident in a care home for **less than 28 days** immediately prior to the date of transfer (i.e. the date on which DLA entitlement ends) they will be treated as if they are a new PIP claimant and PIP daily living component will remain payable for the first 28 days of residence from the date of entitlement, before ceasing. The mobility component remains in payment¹.

1 PIP (TP) Regs, reg 25(3)

P5097 If the claimant in 5093 and 5094 (who is not being paid PIP due to being in residence from date of transfer) subsequently leaves a hospital, similar institution or care home, and later re-enters within a 28 day period, they will then be treated as if they are a new PIP claimant and receive 28 days of PIP payment for the next 28 days in residence¹. The normal linking rules will apply to those 28 days of PIP payment and for any subsequent periods in residence (see P4021).

1 PIP (TP) Regs, reg 25(3)

Example 1

Rose was in hospital from 24.10.13 and was entitled to DLA. An assessment determination had been made and the DLA was to terminate on 30.10.13. On 31.10.13 Rose is entitled to PIP, and this was put into payment. This means that Rose is entitled to a further 28 days payment. On 28.11.13 Rose had spent 28 days in hospital, so her payment of both components of PIP ceased from 28.11.13, although she still had entitlement.

Example 2

Trevor was in receipt of DLA and assessed for PIP. His DLA terminated on 21.1.14, and PIP was put into payment from 22.1.14. Trevor was assessed as being entitled to the standard rate of the daily living component and the enhanced rate of the mobility component. Trevor entered a care home, which was not a similar institution, on 10.1.14. From 22.1.14 Trevor is entitled to a further 28 days payment of PIP whilst in the care home, on transitional arrangements. On 18.2.14 Trevor had

received 28 days payment of PIP so from 19.2.14 his daily living component ceased to be paid. His mobility component continued to be paid as he is in a care home.

Example 3

Amy was entitled to DLA and was re-assessed for PIP on 17.2.14. Her DLA was due to terminate on 16.3.14, and PIP entitlement commences. However, on 10.2.14 she had already been in hospital for 28 days, so PIP was not payable.

Example 4

Person A was in hospital from 13.10.14 and was entitled to DLA. An assessment determination had been made and the DLA was to terminate on 1.12.14. On 2.12.14 Person A was entitled to PIP, however as he had already been in hospital for 28 days it was not payable. Person A subsequently left the hospital on home leave on 23.12.14 and returned to hospital on 26.12.14 until 6.2.15. On his return to hospital Person A was entitled to payment of PIP for 28 days from 26.12.14.

P5096 – P5105

Temporary absence from GB when transfer claimants become entitled to PIP

P5106 Where a transfer claimant is awarded PIP and, at the date their DLA terminated, they are temporarily absent from GB but treated as present under the DLA regulations¹ either

1. for up to 13 weeks **or**
2. for up to 26 weeks because the absence is solely for medical treatment

then the period running from the date the temporary absence started down to the date DLA terminated counts towards the 13 weeks of temporary absence, or (where the absence is solely for medical treatment) the 26 weeks allowable in PIP (see Chapter C2 International Issues – PIP for details of the temporary absence rules).

1 PIP (TP) Regs, reg 26

Example

Bill was receiving DLA. On 14.1.14 he was invited to claim PIP. He claimed accordingly, an assessment determination was made on 27.1.14. On 7.2.14 Bill reported that he would be visiting relatives in Germany from 5.2.14. DLA was terminated on 25.2.14 and entitlement to PIP started on 26.2.14. On 4.3.14, a DM considered the PIP rules on temporary absence from GB and, in accordance with P5065, decided that Bill had completed 4 weeks of the 13 weeks allowable. Bill informed the DM that he had now returned to GB, so the benefit remained in payment.

Persons age 65 or over to be entitled to PIP in certain circumstances

P5107 Claimants may have entitlement to PIP¹ if they

1. have not reached age 65 on 8.4.13 **and**
2. are entitled to DLA **and**
3. make a claim to PIP
 - 3.1 in response to a notification from the DM **or**
 - 3.2 voluntarily.

If the claimant satisfies the conditions for entitlement to PIP, then they will receive PIP, even if the date of determination is after their 65th birthday.

1 PIP (TP) Regs, reg 27(1) & (2)

P5108 A claimant who

1. has not reached age 65 on 8.4.13 **and**
2. makes a claim to PIP **and**
3. has now reached age 65 or over **and**
4. is not entitled to DLA¹ on the day of the claim

but was entitled to DLA at any time in the 12 months immediately before the date of claim, may be entitled to PIP, if they satisfy the qualifying conditions.

Note: A claimant may make more than one PIP claim in that 12 month linking period.

1 PIP (TP) Regs, reg 27(2) & (3)

Note: A claimant who is awarded PIP on the terms of P5107 or P5108 is then subject to the same rules in relation to restrictions with the mobility component upon supersession as those set out at P4085-6

1 PIP (TP) Regs, reg 27A(2))

Persons unable to act

Claims

P5109 Where a person has been appointed by the Secretary of State to act on behalf of a DLA claimant, they will be regarded as acting on their behalf for the purposes of making a claim to PIP¹.

1 PIP (TP) Regs, reg 28

Transfer claimant

P5110 Where a person who was entitled to DLA and is either a person who

1. has claimed PIP after invitation **or**
2. claims PIP voluntarily

and is subsequently awarded PIP, a person who was previously appointed to act for the claimant for DLA, that person is treated as being appointed for the purposes of PIP¹.

1 PIP (TP) Regs, reg 29

P5111 - P5115

Persons becoming entitled to DLA while claiming PIP

P5116 For claimants

1. whose DLA claim was refused **and**
2. who claimed PIP after the DLA claim was refused **and**
3. who on appeal becomes entitled to DLA

they will be treated as either a transfer claimant or a DLA entitled person¹.

1 PIP (TP) Regs, reg 30(3)

PIP assessment determined

P5117 If a DLA claim is disallowed and the claimant claims PIP, but then is successful on appeal, the FtT will be asked to limit the DLA award up until the day before PIP becomes payable from.

PIP assessment not determined

P5118 If the DLA claimant's appeal is successful¹ and

1. they have already made a claim for PIP **and**
2. the PIP claim has not yet been determined

then the DLA will be put into payment. Once the PIP claim is determined the DLA will run on for 28 days before terminating, and the PIP decision implemented (which could be an award or a disallowance) from the day following the date of termination².

Note: Where a negative determination is made on a claim for PIP (because the claimant has not complied with information requirements or attended a consultation) and the claimant's outstanding DLA appeal is successful, any DLA award is not affected by the PIP claim.

1 PIP (TP) Regs, reg 13(2); 2 reg 17(2)(b)

Example 1

Carol makes a claim for DLA and this is refused, so Carol appeals. Meanwhile she makes a claim for PIP. Carol receives a decision on her PIP before her DLA appeal is heard, and she is awarded PIP, which is put into payment. The DMA advises the Tribunal Service that any award of DLA made at the appeal must be limited to the day before PIP is awarded.

Example 2

Charles makes a claim for DLA, but this is refused. He subsequently appeals this decision, but also makes a claim for PIP. Before the DLA appeal is heard the PIP claim is determined and decided that Charles has no entitlement to PIP. However, DLA is awarded at appeal. Charles is then treated as transfer claimant and notification is sent to him about when his DLA will cease. The termination of DLA will be terminated after a period of 28 days from the date of the PIP determination.

Example 3

Wendy makes a claim for DLA which is refused. She appeals the DLA decision but makes a claim for PIP at the same time. Before the PIP claim is determined the appeal is heard and DLA awarded. At this point Wendy is treated as a transfer claimant and DLA entitled person. The PIP claim is then determined and she is awarded benefit. Wendy is then notified that her DLA will terminate in accordance with transfer claimant provisions, that is after 28 days or any longer period the DM decides. PIP is then put into payment on the first pay day after DLA terminates.

Example 4

Tony makes a claim for DLA which is refused. He appeals this decision but also makes a claim for PIP. Before the PIP claim is determined the DLA appeal is heard, and DLA is not awarded. The PIP claim is then determined and an award of the standard rate of the Daily Living component is made and put into payment on the first pay day following the determination.

- P5119 If the claimant had someone appointed to deal with their affairs before the DLA terminated, they will continue to act for that claimant once the DLA is reinstated, or PIP becomes payable.

Disabled people: badges for motor vehicles

P5126 Where a person satisfies certain legislation to be entitled to a badge for motor vehicles, but then that person ceases to be regarded as being disabled because they do not receive an award of PIP, then the person shall be entitled to use that badge until the end of the period for which it was issued¹.

*1 Disabled Persons (Badges for Motor Vehicles)(England) Regs, 2000
Regs, reg 7 & 9(1)(c); PIP (TP) Regs, reg 31*

Appendix 1

Postcodes for new claimants to PIP from 8.4.13

BL

CA

CH except CH1, CH4, 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

WN

Note: New claims for the remaining parts of Great Britain take effect from 10.6.13.

Appendix 2

Roll out timetable of identified areas

Note 1: This is when existing DLA claimants are invited to claim PIP when

1. we receive information about a change in their care or mobility needs **or**
2. their fixed term DLA award is due to expire **or**
3. children turn 16 years of age

Note 2: Existing DLA claimants aged 16-64 who wish to make a PIP claim can also do so.

From 28.10.13

Wales

West Midlands

East Midlands

East Anglia

From 13.1.14

DG (Dumfries and Galloway)

EH (Edinburgh)

TD (Galashiels)

ML (Motherwell)

From 3.2.14

CA (Carlisle)

DL (Darlington)

HG (Harrogate)

LA (Lancaster)

YO (York)

From 17.11.14

CH (Chester)

HD (Huddersfield)

L (Liverpool)

M (Manchester)

From 26.1.15

G (Glasgow)
NE (Newcastle)
WA (Warrington)
WN (Wigan)
DH (Durham)
SR (Sunderland)
IV (Inverness)

From 23.2.15

AB (Aberdeen)
BB (Blackburn)
BD (Bradford)
DD (Dundee)
DN (Doncaster)
EX (Exeter)
HX (Halifax)
KA (Kilmarnock)
KY (Kirkcaldy)
LS (Leeds)
PH (Perth)
PL (Plymouth)
PO (Portsmouth)
PR (Preston)
S (Sheffield)
SO (Southampton)
TS (Cleveland)
WF (Wakefield)

From 30.3.15

BL (Bolton)
FY (Fylde)
CW (Crewe)
OL (Oldham)
SK (Stockport)
HU (Hull)

FK (Falkirk)
TQ (Torquay)
TA (Taunton)
TR (Truro)

From 25.5.15

MK (Milton Keynes)
RM (Romford)
PA (Paisley)
DA (Dartford)
CB (Cambridge)
SS (Southend)
BS (Bristol)
GL (Gloucester)
SN (Swindon)
SP (Salisbury)
CO (Colchester)
CM (Chelmsford)

From 22.6.15

E (London East)
EC (London East Central)
SE (London South East)
SW (London)
WC (London West Central)
BN (Brighton)
BR (Bromley)
CR (Croydon)
SG (Stevenage)
GU (Guildford)
HP (Hemel Hempstead)
LU (Luton)
OX (Oxford)
RH (Redhill)
BA (Bath)

DT (Dorchester)
IG (Ilford)
RG (Reading)
BH (Bournemouth)

From 27.7.15

HS (Hebrides)
KW (Kirkwall)
ZE (Lerwick)
NW (London North West)
AL (St Albans)
KT (Kingston)
UB (Uxbridge)
SM (Sutton)
TN (Tonbridge)
TW (Twickenham)
HA (Harrow)
WD (Watford)
N (London North)
W (London West)
EN (Enfield)
SL (Slough)
CT (Canterbury)
ME (Maidstone)

Note: By July 2015 all postcodes in Great Britain were included

Appendix 3

Full PIP Rollout of identified areas

Note: This is where remaining DLA claimants are invited to claim PIP if they have a long term or indefinite award. This means if their DLA ends after September 2017 or if their award has no end date.

From 13.7.15

BB (Blackburn)
BL (Bolton)
CO (Colchester)
DE (Derby)
L (Liverpool)
LE (Leicester)
M (Manchester)
NR (Norwich)
OL (Oldham)
PR (Preston)
ST (Stoke on Trent)
WA (Warrington)
WN (Wigan)

From 1.9.15

BA (Bath)
FY (Blackpool)
BR (Bromley)
BH (Bournemouth)
BS (Bristol)
CB (Cambridge)
CT (Canterbury)
CF (Cardiff)
CM (Chelmsford)
CW (Crewe)
DA (Dartford)
DT (Dorchester)
DH (Durham)
GL (Gloucester)
HX (Halifax)

HD (Huddersfield)
LA (Lancaster)
LU (Luton)
PL (Plymouth)
PO (Portsmouth)
RG (Reading)
RM (Romford)
SP (Salisbury)
SS (Southend on Sea)
SO (Southampton)
SK (Stockport)
TA (Taunton)
TQ (Torquay)
TR (Truro)

From October 2015 Full PIP Rollout was extended in a controlled way across all areas of Great Britain, selecting DLA claimants at random.

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