

Freedom of Information request 216/2013

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Information request

“Many thanks for your reply. However we are now even more confused. Last week a member of the DLA section at Blackpool advised me that in the situation I have outlined (my wifes situation) they would continue to get DLA for the rest of their award (lifetime) and would NOT be assessed for PIP? I specifically asked if he knew that for a fact and was told yes. The information you have supplied in response to my FOI request is the exact opposite! Can I receive a definitive answer with details of where that situation is written down in the bill or in DWP's published info?”

DWP response

I can confirm that the answer supplied to your previous FOI request was correct. We have published a range of information explaining our plans for PIP, including how and when we will assess existing DLA claimants which can be found on our website: <http://dwp.gov.uk/pip>

Our “DLA reform and Personal Independence Payment completing the detailed design” consultation document published 26 March set out some of the benefit rules underpinning Personal Independence Payment, Disability Living Allowance, Carer’s Allowance and Attendance Allowance:

<http://dwp.gov.uk/docs/pip-detailed-design-consultation.pdf>

The following excerpt provides the answer to your question regarding your wife.

All existing claimants to DLA who are aged between 16 and 64 when Personal Independence Payment is introduced (8 April 2013) will be invited to claim Personal Independence Payment and will be assessed for the new benefit if they choose to claim it. This will apply to those on both fixed and indefinite awards.

Our draft regulations (published 13th December 2013 and subject to further amendment before becoming law) set out the transitional arrangements for assessing existing DLA claimants for entitlement to PIP. These can be found at: <http://dwp.gov.uk/docs/pip-draft-transitional-regulations.pdf>

Regulation 27 of the draft Regulations deals with the situation whereby people who were under the age of 65 on 8 April 2013 will be able to claim PIP after they reach age 65, whether they are notified to or not:

Persons over 65 to be entitled to personal independence payment in certain circumstances

27.—(1) Section 83(1) (persons of pensionable age) of the Act does not apply to a person to whom this regulation applies.

- (2) This regulation applies to a person who—
 - (a) had not reached 65 on 8th April 2013,
 - (b) is a DLA entitled person, and
 - (c) claims personal independence payment—
 - (i) in response to a notification sent to the person by the Secretary of State under regulation 3(1), or
 - (ii) under regulation 4.
- (3) This regulation also applies to a person who—
 - (a) had not reached 65 on 8th April 2013,
 - (b) claims personal independence payment, and
 - (c) is not entitled to disability living allowance on the day the claim is made but was so entitled on the day falling twelve months before that day or at any time between those days.

In the interest of Customer Service I have provided a link to our technical briefing note (published 13th December 2013) which sets out the timetable for introducing PIP and provides information when your wife can be expected to be invited to claim PIP: <http://dwp.gov.uk/docs/pip-reassessments-and-impacts.pdf>

I have also provided a link to the Government's response to the detailed design consultation published 13th December 2013. This sets out some of the detailed benefit rules that inform the development of secondary legislation following the advice received from disabled people and their representative organisations: <http://dwp.gov.uk/docs/pip-detailed-design-response.pdf>