

Freedom of Information request 1473/2013

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Information request

1/ You quote that the term "LIFE AWARD" was confusing among people who received DLA and AA. How is this deemed to be confusing? it is self explanatory. Please quote any recorded instances where people found the life award to be confusing?

2/ On an Adjudication document, it clearly states "The Adjudicating Medical Authority's assessment of your disablement is a final assessment". Please explain how final has been changed also?

3/ The terms, Final and Life and Indefinite have more than one meaning according to DWA, Please supply information to back this assertion up?

4/ You quote that, "it was taken by many to mean that once awarded, the benefit could not be taken away; this is and never was the case?....

You go on to say that the claimant must tell you about any changes. Why are people being denied their benefits if their circumstances are unchanged?

5/ You quote "The DWP spokesperson was probably referring to the fact.....

Within the parameters of this statement you are trying to justify that the rules were somewhat vague.

Probably means, likely. Are you telling me that your department drafted rules that are "likely" or probably?

6/ On the 12th January 2000 you decided to dilute the meaning of the word LIFE, with the word INDEFINITE.

Can you provide me with a DWP document that clearly explains the term, LIFE, prior to it being changed on the date aforementioned?

7/ If the constitution of a medical appeal tribunal included two accredited specialist doctors that made a lifetime award, can the award be overturned by a nurse with a certificate from Derby University?

DWP response

To be clear, whether an award is made for life, indefinitely or for a fixed period the rules are the same as for receipt of any other Social Security benefit. In order to receive the benefits the conditions of entitlement must be met and continue to be met. If a change occurs then the customer has a responsibility to tell us about it so we can see if their entitlement is affected. If someone is entitled to receive more money their benefit is increased, and if they are entitled to a reduced rate of benefit, or no longer entitled at all, their benefit can be changed downwards.

The change to "indefinite period" took effect from 12 January 2000, made via the "Welfare Reform and Pensions Act 1999 (c. 30) s. 67(1)

I enclose an extract from Hansard detailing this change:

Disability Benefits

HC Deb 15 May 2000 vol 350 cc42-3W [42W](#)

[§ Mr. Wigley](#)

To ask the Secretary of State for Social Security how many representations he has received from hon. Members with regard to constituents who had been awarded disability benefit for life but have subsequently had it withdrawn or downgraded; and if he will make a statement. [121927]

[§ Mr. Bayley](#)

Prior to 12 January 2000 the legislation that applied to Disability Living Allowance (DLA) allowed awards to be made for life or for a limited period. Although some awards were therefore given "for life", this terminology was misleading because the law has always allowed for awards of DLA to be altered where, for example:

1. (a) a person's care or mobility needs had increased or reduced;
2. (b) there had either been a mistake, or ignorance regarding the relevant facts; or
3. (c) there had been an error of law.

These rules are the same as those that apply to changes of almost all Social Security benefits. However the "life award" terminology in DLA was in this respect anomalous and created uncertainty. As a result, many representations were received from hon. Members on behalf of constituents who had been given life awards which were subsequently withdrawn or downgraded.

To help clarify the nature of these awards, references to awards made for life were removed from the legislation by the [Welfare Reform and Pensions Act 1999](#), and replaced with the words "indefinite award". [43W](#) This made the language used consistent with that which applies to other benefits. This change was welcomed by the Social Security Select Committee in its third report of the 1998–99 session.

Although the terminology has been changed to help clarify the situation, indefinite awards are made in the same circumstances in which a life award would previously be made. The rules that apply when an indefinite award is altered are the same that applied to life awards.

I also enclose an extract from the Department's Decision Maker's Guide, regarding the term, 'finality':

Finality

01150 A decision made by a DM, the FtT or the UT is final¹ unless it is

1. revised (decisions of DMs only)
2. superseded
3. terminated after an award has been suspended
4. changed or replaced on appeal
5. corrected **or**
6. set aside (decisions of the FtT or the UT only).

Note: See DMG 01180 - 01191 for guidance on finality of determinations.

1 SS Act 98, s 17(1)

01151 Where a decision is changed or replaced as in DMG 01150, the new or revised decision becomes the final decision on the claim or application, even where it does not change the outcome¹. But see DMG 01152 - 01153 where an outcome decision is not replaced on appeal.

1 R(I) 9/63