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Information request

As PIP is the qualifying benefit for Severe Disability Premium (SDP), can you tell me if the SDP will be backdated to the date PIP began when there are excessive delays in PIP assessments of over 6 months, plus an additional wait to get the proof of entitlement?

I ask because I have seen references the DWP has made to backdating premiums up to a maximum of 3 months. However, this seems inappropriate if the delay in getting the qualifying benefit and the relevant notification is down to the DWP and its agents (Atos, Capita, etc.).

Similarly, anyone going through ESA appeals and reconsiderations to get into the Support Group (SG) would face the same issue regarding Enhanced Disability Premium (EDP). Please provide information regarding backdating EDP for people who have had to wait well in excess of 3 months for a SG determination and subsequent entitlement notification, as it is also not the claimant's fault that the process took so long, or an error was made by the DWP in determining the first (or even second) ESA award until a SG decision was made.

Please provide all relevant legislation, law and DWP guidelines the DWP would refer to when dealing with a situation, as detailed above.

DWP response

The award of PIP will allow the addition of a SDP to a means-tested benefit eg Income Support, Jobseeker's Allowance (income based) and Pension Credit. Of course a claimant has to be in receipt of those benefits to benefit from the award of PIP.

If a claimant is in receipt of one of those benefits when PIP is awarded then the SDP will be added to their existing award effective from the date of the PIP award – regulation 6(2)(e) and 7(7)(a) of the Social Security Decisions and Appeals Regulations 1999 SI 991 apply.

If a claimant's entitlement to one of the above benefits – the 'other benefit' - is reliant on the award of PIP, that is, the addition of an SDP takes the claimant's benefit award above their income, then the claim for that benefit would only be backdated under the normal rules for that benefit eg it would only go back up to a maximum of three months and not go back to the date from which PIP is awarded if that is an earlier date. However, the law does provide that if a claim is made for the other benefit at the same time as the PIP claim is made then this will protect the claimant. If the other benefit is

disallowed because no decision has been made on the PIP claim then provided it is re-claimed within three months of the PIP decision, it would be backdated to the same date from which PIP is awarded. The onus here is on the claimant to claim the other benefit immediately they think they may be entitled to it and not make any assumptions about its entitlement in relation to the PIP claim.

On the ESA side, if someone is only in receipt of ESA (contributory based) and is put in the support group on appeal, then the decision maker will consider eligibility to ESA (income-based) taking account of the fact that the claimant has become entitled to the Enhanced Disability Premium as result of the appeal being successful. If there is entitlement then full arrears are paid (in addition of course to those arising from the award of the SG component itself). Claimants should not be penalised however long it takes to hear their appeal.