

Department for Work and Pensions

DECISION MAKING AND APPEALS

Decision Makers Guide

Volume 8

Amendment 26 – Oct 2018

1. This letter provides details on Amendment 26; the changes have already been incorporated in to the Intranet and Internet versions of the DMG.
2. PDF amendment packages are also available. These can be printed with the amended pages being reproduced in full. Each page will contain the amendment number in the footer

PDF amendment packages can be found on the **Intranet** at:

<http://intranet/1/lg/acileeds/guidance/decision%20makers%20guide/index.asp>

or on the **Internet** at the 'Amdt Packages' tab on the following link:

<http://www.dwp.gov.uk/publications/specialist-guides/decision-makers-guide/>

Note: When printing PDF packages set the print properties to Duplex/Long Edge in order to produce double sided prints.

3. Amendment 26 affects chapters 42. The changes:
 - Chapter 42 - Minor amend to para 42125 to include PIP & AFIP in sub-para 3 which was missed when Memo DMG 12?13 was incorporated
 - .
4. If using a PDF amendment package remove the sheets as stated in the left hand column of the Remove and Insert table below and insert the new sheets as stated in the right hand column (note the record of amendments at the back of the Volume).

Remove

Chapter 42

42120 – 42139 (1 page)

Insert

Chapter 42

42120 – 42139 (1 page)

Qualifying young claimants to be treated as having limited capability for work in certain circumstances

42120 To help satisfy the condition relating to youth claimants can be treated as having LCW for days on which they are entitled to SSP¹ (see DMG Chapter 41).

1 ESA Regs, reg 33(1)

42121 - 42124

Disabled students treated as having limited capability for work

42125 For the purposes of ESA(IR) a claimant is treated as having LCW¹ where the claimant is

1. not a qualifying young person **and**
2. receiving education **and**
3. entitled to DLA, AFIP or PIP².

Note: See DMG Chapter 41 for further guidance on education.

1 ESA Regs, reg 33(2); 2 reg 18

42126 DMs should note that a qualifying young person ceases to be a qualifying young person where they are in receipt of ESA¹. See DMG Chapter 41 for where a qualifying young person can be entitled to ESA(IR).

1 CHB (Gen) Regs, reg 2(4) & 8

42127 - 42139

