

PERSONAL INDEPENDENCE PAYMENT



Child Poverty Action Group works on behalf of the one in four children in Scotland growing up in poverty. It doesn't have to be like this. We use our understanding of what causes poverty and the impact it has on children's lives to campaign for policies that will prevent and solve poverty – for good.

We provide training, advice and information to make sure low income families get the financial support they need.

PERSONAL INDEPENDENCE PAYMENT

INTRODUCTION

Personal independence payment (PIP) was introduced in April 2013. You claim it instead of disability living allowance (DLA) if you are aged 16 or over and under 65.

WHEN ARE YOU AFFECTED BY PIP IF YOU GET DLA ALREADY?

If you get DLA, were under 65 on 8 April 2013 and are now 16 or over, you can be invited to claim PIP at any point.

At present, you are asked to claim PIP in the following situations.

- If you turn 16, you *must* be asked to claim PIP (unless you are terminally ill or in hospital).
- If your DLA award is coming to an end, you should be contacted around 20 weeks before the award ends and invited to claim PIP.
- You can voluntarily claim PIP, if you are over 16 and were under 65 on 8 April 2013. *Seek advice about whether you are likely to qualify for PIP before making a claim.*
- If you report a change in your circumstances relevant to your DLA award (apart from leaving the UK) you must be asked to claim PIP. *Seek advice about whether your circumstances have changed in a way that is relevant to your DLA award before reporting a change.*

If asked to claim PIP you must do so, or your DLA award will end.

If you get a longer-term or indefinite award of DLA and your circumstances have not changed, it is likely that you will be invited to claim PIP at some point over the next two years. Check any letters from the DWP carefully to see whether you must claim PIP. How this process works is explained later in this factsheet.

WHAT WILL HAPPEN TO PIP IN THE FUTURE?

The Scottish Parliament has the power to change the entitlement conditions for PIP (and DLA), or even to replace them with completely new benefits. For example the Scottish Government have stated that children will continue to get DLA up until they are 18. It is likely that there will be more information available about the plans later in 2018.

WHO CAN CLAIM PIP?

To make a claim for PIP, you must satisfy the following basic conditions.

- You must be over 16 and under 65 (with some exceptions if you are being transferred from DLA).
- You must not be a 'person subject to immigration control' (with limited exceptions – seek advice).
- You must meet residence and presence conditions (normally including being 'habitually resident', and having been present in Great Britain for two of the past three years).
- You must satisfy the disability conditions for one or both of the two components (see below).

For the daily living component only, you do not qualify unless the UK is the 'competent state' responsible for paying you 'cash sickness benefits' under special EU rules for people who have moved between different European countries. You should seek specialist advice if you are refused PIP under these rules.

PIP is not taxable or means-tested, and there are no National Insurance conditions. It is paid to you if you qualify regardless of whether you are in or out of work.

WHAT ARE THE DISABILITY CONDITIONS FOR PIP?

PIP is divided into two components – the daily living component and the mobility component. You can qualify for both components. Each component is payable at two rates, a standard rate and an enhanced rate. Whether you qualify and which rate you get depends on whether you have problems with the daily living and mobility activities below due to a 'physical or mental condition'.

For both components, a 'required period' condition must also be satisfied, which means that you must have had the limitations for three months to qualify, and be expected to have those limitations for a further nine months at that point. Once awarded PIP, your needs must still be expected to last for nine months at the same level throughout your award.

The only exception to these rules is if you claim because you have a terminal illness (which means for PIP that you have a progressive disease and your death from that disease can reasonably be expected within six months). If you are terminally ill, you do not have to satisfy a required period condition; and automatically receive the enhanced rate of the daily living component. You should get a DS1500 form completed by a medical professional if you are terminally ill, and explain this when you claim. Claims by terminally ill people are commonly known as 'special rules' claims.

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Daily living activities

- 1 Preparing food
- 2 Taking nutrition
- 3 Managing therapy or monitoring a health condition
- 4 Washing and bathing
- 5 Managing toilet needs or incontinence
- 6 Dressing and undressing
- 7 Communicating verbally
- 8 Reading and understanding signs, symbols and words
- 9 Engaging with other people face to face
- 10 Making budgeting decisions

Mobility activities

- 1 Planning and following journeys
- 2 Moving around

In the assessment, there are ten daily living activities and two mobility activities. The table above shows the activities. Each activity contains a list of statements describing different difficulties with the activities, called 'descriptors'. Each descriptor scores a certain number of points. You are awarded points for one descriptor in each activity, and the scores are added together to give a total for daily living activities and a total for mobility activities. Lots of the words used in the descriptors are given a special definition for the purposes of the assessment, restricting their meaning. For where to find the full list of the activities, descriptors and definitions, see page 8.

There is a 'threshold' score to become entitled to a component. The thresholds are:

- 8 points for the standard rate of a component; *and*
- 12 points for the enhanced rate of a component.

As some conditions fluctuate over time, the regulations set out how you score points if your needs vary from day to day. If you should score points for the activity on over half the days in the 'required period' - for a single descriptor or a combination of scoring descriptors - you will be given some points in the assessment.

You are awarded the highest scoring descriptor from an activity that applies to you on over half of the days in the required period. If no descriptor applies on over half of the days, but you score points for two or more of the scoring descriptors (added together) on over half of the days, the descriptor that applies most often and scores some points is awarded.

You should only be awarded a particular descriptor if you can undertake an activity at the level it describes 'reliably'. This means that if you cannot manage the activity safely, as often as you need to during the day, to an acceptable standard and in under twice the maximum time it would normally take someone with no disability or health problem, you should be awarded a higher scoring descriptor.

HOW DO YOU CLAIM AND GET PAID?

The main method of claiming PIP is by telephone, and eventually online claims will also be available. Paper claim forms can be provided for people who cannot use these methods, although the easiest way to obtain these is to call the telephone claims number. The number is 0800 917 2222 (textphone 0800 917 7777, lines open Monday-Friday, 8am-6pm). You should claim as soon as you may qualify (unless you already get DLA, in which case seek advice first) as PIP claims cannot be backdated.

The initial claim only requires quite basic information, and there is then a separate stage of evidence gathering. This involves completing a paper questionnaire about the impact of your disability or health problem on the specified daily living and mobility activities, which you have to return within a month of the date it was sent to you. Most people also have a face to face assessment. A PIP claim is refused if you fail to return the questionnaire or take part in an assessment without good reason. The assessor may contact your doctor or other professionals, but you should not assume that they will. You can send in supporting evidence with the questionnaire, which can include evidence from a carer or family member as well as medical evidence. You can take someone with you to the assessment to offer support.

If you are terminally ill, the claims process is different. You are asked questions about the mobility activities as part of your initial claim, and do not have to complete the normal questionnaire or go to an assessment.

Payment is normally made 4-weekly, paid directly into your bank account. You can be paid weekly in advance if you are terminally ill.

THE AMOUNT OF PIP

The table below shows the weekly amounts of PIP.

Component	Standard rate	Enhanced rate
Daily living	£57.30	£85.60
Mobility	£22.65	£59.75

WHAT HAPPENS IF YOU ARE IN HOSPITAL, CARE OR PRISON?

PIP is not normally paid if you are in hospital, residential care or prison. There are some exceptions to this rule:

- if you are a self-funding hospital or care home resident you can still get paid PIP;
- the mobility component is still paid if you are in residential care; *and*
- payment continues as normal for your first 28 days in hospital, prison or care.

Different periods in hospital, care and prison are linked together, stopping you from qualifying for a further 28 days' payment if you move from one to the other. Periods in hospital or care separated by 28 days or less link together, and two periods in prison link together where separated by less than one year.

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HOW LONG IS AN AWARD MADE FOR?

An award must be made for a fixed time unless this would not be appropriate. If your condition is expected to improve over time, an award of up to two years is likely to be made. Longer awards are made where change is less likely; and indefinite awards in a few cases. Even indefinite awards can be reassessed at any point during your award, to check whether you still satisfy the entitlement conditions.

WHAT HAPPENS WHEN YOUR AWARD IS ABOUT TO END?

You are likely to be sent a questionnaire with daily living and mobility activities about a year before your award is due to end. You must return this, and attend any assessment that you are asked to go to, or your PIP will stop. The DWP then decides whether to change, extend or end your award. You can challenge this decision if you disagree with it (see below).

You may not be contacted, and if you are not the law allows you to make a new claim up to six months before your award is due to end. You should be reminded to claim again about 14 weeks before your award ends, but should get advice about this, as you may need to make a new claim sooner to be sure of getting a decision before your existing award ends, depending on where you live.

WHAT HAPPENS WHEN YOU REACH 65?

- If you have not claimed PIP or DLA before you turn 65, you claim attendance allowance instead.
- If you reach the age of 65 and are receiving PIP, you continue to receive it for as long as you still meet the entitlement conditions.
- You can be awarded PIP after turning 65, if you claimed before you were 65.
- It is possible to renew your award, or make a new claim if entitlement ceased within the past year and you still have the same medical condition(s).
- It is not possible to qualify for the mobility component for the first time after the age of 65, or move to a higher rate of it than you are already awarded.
- It is possible to qualify for the daily living component after the age of 65 if the mobility component is in payment; or to move between rates if your needs change.

WHAT HAPPENS IF YOU GET DISABILITY LIVING ALLOWANCE ALREADY?

Existing working age DLA claimants will be transferred to PIP, using the process below.

When the transfer process affects you

If you get DLA and were under 65 on 8 April 2013, you will be contacted and invited to make a claim for PIP. When this is likely to happen is explained on the first page of this factsheet.

How the transfer process works

- Once you claim PIP, the assessment process is similar to a new claim. Your DLA award ends when the PIP claim is decided, whether you are awarded PIP or not.
- If you do not respond to the invitation to claim PIP, your DLA award is suspended four weeks later (or longer if reasonable). If you claim PIP within the four weeks after suspension, your DLA award is restored until a decision is made on your PIP claim.
- If you do not claim PIP within four weeks of your DLA being suspended, your DLA award is terminated. You can make a new claim for PIP straight away.

Your DLA award is extended for up to one year after your 16th birthday, to allow a decision to be made on your PIP claim. Any other DLA award can be extended for as long as is needed to make sure that there is time to decide if you are entitled to PIP or not.

Normally, your DLA ends four to eight weeks after your PIP claim is decided (whether you are awarded PIP or not). However, if you are terminally ill and awarded a higher rate of PIP than your DLA was, then your PIP entitlement starts up to a week after the decision is made.

HOW DOES PIP AFFECT YOUR OTHER BENEFITS?

- If you get the daily living component of PIP, then a carer may be able to claim carer's allowance for looking after you. **Seek advice as this can affect your own benefits.**
- PIP is not counted as income for means-tested benefits or tax credits.
- Being entitled to PIP gives access to the disability premiums, additions and elements that can increase means-tested benefits and tax credits. Make sure that you tell the DWP, local authority and HMRC as soon as you are awarded PIP if you already get any benefits or tax credits. Also seek advice, as you may now qualify for the first time.
- If a young person still included in your universal credit claim is entitled to PIP, a disabled child amount is payable in your household's universal credit award.
- If you get the enhanced rate of the PIP mobility component, you can access the Motability scheme, if your award has over a year left to run.
- You cannot get PIP at the same time as some industrial injuries benefits, war pensions or armed forces compensation payments, or NHS mobility assistance.

IS THERE A RIGHT OF APPEAL?

There is a right of appeal to a First-tier Tribunal against most decisions concerning entitlement to PIP. However, you normally have to request a revision before you can appeal. This is explained on the decision notice – it is very important that you request a revision within one month of the date on the decision notice. When a revision request has been considered you are sent a 'mandatory reconsideration notice', and you can then appeal directly to the tribunal within one month of the date on the notice.

FURTHER INFORMATION

CPAG information at: www.cpag.org.uk, and CPAG publications about PIP available from our online bookshop. Both the Welfare Benefits and Tax Credits Handbook and Personal independence payment: what you need to know contain the full list of PIP activities, descriptors and definitions.

The DWP have placed information about PIP on the internet at www.gov.uk/pip. There is a PIP telephone helpline on 0800 121 4433 (textphone 0800 121 4493).

CHILD POVERTY ACTION GROUP IN SCOTLAND

Advice line for frontline advisers and support workers 0141 552 0552
Monday – Thursday 10am – 4pm; Friday 10am – 12 noon

Email: advice@cpagscotland.org.uk

CPAG in Scotland's advice line is only for frontline workers in Scotland. If you are having problems with your own tax credit or benefit claim and are in need of advice you should contact your local Citizen's Advice Bureau or other local welfare rights service.

- View our full range of factsheets online at: www.cpag.org.uk/scotland/factsheets
- CPAG publishes the *Welfare Benefits and Tax Credits Handbook*, a comprehensive guide to benefits and tax credit for claimants and advisers. Find out more at: www.cpag.org.uk/bookshop
- We run a wide range of training courses on benefits and tax credits for workers of different levels of experience. Find out more at: www.cpag.org.uk/scotland/training
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IN SCOTLAND

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