



Draft Social Security (Personal Independence Payment) Regulations 2013

Standard Note:

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Section Social Policy Section

Personal Independence Payment (PIP) is to replace Disability Living Allowance (DLA) for people of working age, starting from April 2013. Part 4 of the *Welfare Reform Act 2012* provides the framework for PIP, but the detailed rules for the new benefit – including the assessment criteria – are to be set out in regulations. Further background can be found in Library briefing SN06422, [Personal Independence Payment: an introduction](#).

On 13 December 2012 the final draft regulations setting out the detailed rules for PIP were laid before Parliament. The regulations incorporate various changes from previous drafts of the assessment criteria, following the Government's consultations. Some changes have been welcomed but disability organisations have concerns about other aspects. The Minister for Disabled People, Esther McVey, and DWP officials [gave evidence to the Work and Pensions Committee on PIP on 21 January](#). On 23 January DWP also published a draft of the [PIP assessment guide for assessment providers](#).

PIP was expected to be fully introduced by 2016, but the timetable for reassessing existing DLA claimants for PIP has been pushed back so that the bulk of the reassessments will not now begin until October 2015, with the process to be completed by late 2018.

PIP was originally expected to reduce working-age DLA caseloads and expenditure by 20 per cent, giving savings of around £1.5 billion a year by 2016-17. The Government estimated that the previous draft of the assessment criteria would have meant around 500,000 fewer people getting benefit by 2015-16 than would have got DLA under the existing rules. It now estimates that, by 2018, around 607,000 fewer people will receive PIP than would have got DLA – a 28% reduction in the caseload. The Government's estimated breakdown of the PIP caseload at May 2018 suggests that expenditure in that year will be around £2.5 billion lower than expenditure on DLA would have been (figures at 2013-14 prices, based on 2013-14 PIP/DLA rates). This equates to savings of 27%.

The draft [Social Security \(Personal Independence Payment\) Regulations 2013](#) are subject to the affirmative procedure.

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1 PIP at a glance

Key features of Personal Independence Payment include:

- non-means-tested, non-taxable benefit payable whether in or out of work, to help with the extra costs arising from ill health or disability
- replaces Disability Living Allowance (DLA) for people of working age (16-64). People aged 65 or over on 8 April 2013 can continue to get DLA
- consists of two components – a mobility component, based on an individual's ability to get around; and a “daily living” component, based on their ability to carry out other key activities necessary to be able to participate in daily life – each paid at two rates
- each component will have two rates – “standard” or “enhanced”
- Weekly rates from April 2013: standard mobility £21.00, enhanced mobility £55.25; standard daily living £53.00, enhanced daily living £79.15
- no automatic entitlement for people with particular conditions (although the existing DLA rules for people with a terminal illness will be carried over to the new benefit)
- entitlement will be determined by a “new, fairer, objective assessment of individual need” to ensure support is “targeted on those individuals whose health condition or impairment has the greatest impact on their day-to-day lives”
- claimants must satisfy the daily living/mobility conditions for three months, and be expected to satisfy the conditions for at least a further nine months, to receive benefit
- advice from an “independent healthcare professional” integral to the assessment process. In most cases, this will involve a face-to-face meeting with the claimant
- fewer will receive PIP than would have received DLA – by 2018, around 607,000 fewer people will receive PIP than would have got DLA and expenditure will be £2.5 billion a year lower than it would otherwise have been
- like DLA, PIP will act as a “passport” to other benefits and services including Carer's Allowance, the Blue Badge scheme and Motability
- all PIP awards to be subject to periodic review
- phased introduction starting from April 2013, but for most existing DLA claimants reassessment will not begin until October 2015, with the process to be completed by late 2018.
- existing DLA claimants do not need to take any action now

Further information including FAQs can be found at the [DWP website](#) and in Library briefing SN06422, *Personal Independence Payment: an introduction*.

1 Overview of the draft PIP regulations

The [draft Social Security \(Personal Independence Payment\) Regulations 2013](#) (hereafter referred to as the “final draft PIP Regulations”) were laid before Parliament on 13 December 2012 and are subject to the affirmative procedure.

The regulations set out the detailed rules on entitlement to PIP. They cover:

- Residence and presence conditions
- Age rules
- “Payability” in certain situations, eg in care homes, hospitals and prisons
- General requirements regarding the PIP assessment, including scoring for the mobility and daily living components and the requirement to attend a face to face assessment
- The lists of “activities” and associated “descriptors” to determine entitlement to both the daily living and the mobility components

Further information on the Government’s final decisions regarding the PIP assessment and other aspects of the new benefit can be found in the following documents published by DWP alongside the final draft PIP Regulations on 13 December:

- [The Government’s response to the consultation on the Personal Independence Payment assessment criteria and regulations](#)
- [Government response to the DLA reform and Personal Independence Payment – completing the detailed design](#)

Easy read and audio versions of the first document are also available at the DWP website via the above link.

Two further notes were published by DWP alongside the final draft PIP Regulations:

- [Personal Independence Payment: Reassessment and Impacts](#)
- [Personal Independence Payment: Outline evaluation proposals](#)

2 Draft guidance for PIP assessors

The House of Lords Secondary Legislation Scrutiny Committee’s 23rd report, published on 17 January, includes consideration of the draft PIP regulations. The draft Regulations are drawn to the “special attention” of the Lords on the grounds that they “give rise to issues of public policy likely to be of interest to the House”. However, the Committee’s report also notes the problem of effective scrutiny in the absence of the detailed guidance which will underpin the new benefit. It concludes:

25. There appears to be general agreement that the DLA system had become flawed and needed revision. We commend the DWP for their extensive consultation on its replacement and for working with voluntary organisations that represent the interests of the disabled in its formulation. However the new benefit also has the objective of

decreasing overall expenditure and targeting it more effectively on those most in need, which according to figures in Lord Freud's statement on 13 December, means that of those reassessed under PIP by October 2015, about 28% of people currently on Disability Living Allowance will get a reduced award and about 30% will get no award. With those consequences in mind the House will therefore wish to examine very carefully whether the initial arrangements set out here seem to be appropriate and also how the outcome of the initial stages will be evaluated. It is unsurprising that the questions raised in correspondence to the Committee relate to the guidance, which is unfortunately not yet available. **As it is so material to the House's understanding of how the system will operate for individuals, rather than on a theoretical level, the Committee suggests that proper scrutiny is not possible if the guidance is not published before the debate on these Regulations takes place.**¹

On 23 January the DWP published a draft of the *PIP Assessment Guide A DWP guidance document for providers carrying out assessments for Personal Independence Payment* on its website. The foreword from the Office of the DWP Chief Medical Adviser states:

This document has been produced by the Department for Work and Pensions (DWP) to provide guidance for providers carrying out assessments for Personal Independence Payment (PIP).

It is intended to supplement the contract documents agreed with providers as part of the commercial process, providing guidance for health professionals carrying out assessment activity and for those responsible for putting in place and delivering processes to ensure the quality of assessments.

All Health Professionals (HPs) undertaking assessments on behalf of DWP must be registered practitioners who have also met requirements around training, experience and competence. This document must be read with the understanding that as experienced practitioners and trained disability analysts, HPs will have detailed knowledge of the principles and practice of relevant diagnostic techniques and therefore such information is not contained in this guidance.

In addition, the guidance is not a stand-alone document, and should form only a part of the training and written documentation that HPs receive from providers.

Although the guidance may be of interest to lay readers, it must be remembered that some of the information may not be readily understood by those who are not trained and experienced HPs. It also focuses specifically on the role of HPs in the assessment and the quality of their work. It is not intended to cover all the requirements placed on providers as part of the PIP assessment contracts; their full business processes; or work carried out by DWP to monitor and manage provider performance.

The draft guidance states that "This document will continue to be refined in the run-up to the implementation of PIP."

3 Basic conditions for the benefit

The final draft PIP Regulations confirm the key conditions that claimants will have to satisfy to receive Personal Independence Payment. To get PIP claimants must:

- Satisfy the age conditions;

¹ [HL 101 2012-13](#), para 25, original emphasis

- Have satisfied the daily living and/or mobility conditions for a period of three months, and be expected to satisfy them for a further nine months (taken together this is referred to as the “required period condition”); and
- Satisfy residence and presence conditions.

The residence and presence requirements are that the person must usually:

- Be present in Great Britain (although temporary absence abroad of up to 13 weeks will be permitted (or up to 26 weeks if it is for medical treatment) – this is longer than the four weeks previously proposed, which respondents to the DWP’s consultation felt was too short);
- Have been present in Great Britain for 104 weeks out of the previous 156 weeks (the “past presence test”); and
- Be “habitually resident”.

The past presence test will not however apply to those who are terminally ill.

Serving members of the Armed Forces and their families will be treated as present and habitually resident in Great Britain when serving and stationed abroad.

The same rules will also apply to Attendance Allowance, Disability Living Allowance and Carer’s Allowance.

A habitual residence test has not hitherto been applied in claims for extra-costs disability benefits or Carer’s Allowance. Further information on the test and how it is currently applied is given in Library briefing SN00416, [The Habitual Residence Test](#).

As currently with AA and the DLA care component, the daily living component of PIP will stop after 28 days for publicly-funded care home residents. The PIP mobility component will however continue to be payable indefinitely if a person goes into a care home (provided they continue to satisfy the disability and other conditions). This mirrors the current rules for the DLA mobility component.

For hospital in-patients, both components of PIP will stop after 28 days unless the person is wholly funding their treatment and accommodation, in line with the current rules for AA and DLA.

Further information on the Government’s final decisions on the basic rules for PIP and the circumstances where it will and will not be payable can be found in the [Government’s response to the consultation on DLA reform and Personal Independence Payment – completing the detailed design](#), at the DWP website.²

2 Development of the assessment

The Government has said that the assessment for Personal Independence Payment is designed to provide “a more holistic assessment of the impact of a health condition on an individual’s ability to participate in everyday life.” It is intended to cover sensory impairments,

² 13 December 2012

developmental needs, cognitive impairments and mental conditions, as well as physical disabilities.

The first draft of the proposed assessment criteria for PIP was published in May 2011 and an informal consultation ran until August 2011. This was followed by a second draft in November 2011, and in January 2012 a final consultation began on the PIP assessment criteria, descriptor weightings and entitlement thresholds.

The consultation papers on the proposed PIP assessment can be found at the [DWP website](#). The final public consultation ran until 30 April 2012.

Disability organisations have voiced concerns about the way in which the assessment will be applied, about the requirement for almost all claimants to attend face to face assessments (and regular reassessments) with an “independent healthcare professional”, about the knowledge and expertise of assessors in relation of particular disabilities, about the need for decisions to be based on all the evidence about a person’s condition (including evidence from the claimant’s own GP or consultant). Further background on these concerns can be found in Library briefing SN06422, [Personal Independence Payment: an introduction](#). The remainder of this note looks at issues raised in relation to the assessment criteria set out in the final draft PIP Regulations published on 13 December 2012.

[The Government’s response to the consultation on the Personal Independence Payment assessment criteria and regulations](#), published alongside the final draft PIP Regulations on 13 December, outlines the main changes made since the previous draft PIP assessment criteria published in early 2012:

1.3 As a result of the comments received from disabled people and disability organisations, we have made a number of changes to the assessment criteria. The key changes are as follows:

- We have **broadened our approach to aids and appliances** to include aids that are not specially designed for use by disabled people. Examples of these could include **electric can openers or food processors**. This will apply where an individual is completely reliant on the aid or appliance to complete an activity as a result of their health condition or impairment, rather than out of choice. This change is in response to comments received stating some disabled people incur extra costs as a result of increased reliance on standard aids.
- We have **included ‘supervision’** in *Taking nutrition* to take account of individuals whose health conditions or impairments put them at an increased risk of choking.
- We have **changed the *Bathing and grooming* activity to *Washing and Bathing*** to make it clearer and easier to understand and assess. At the suggestion of respondents, the activity has also been broadened to include washing the entire body.
- We have **divided the *Communicating* activity into two** – *Communicating verbally* and *Reading and understanding signs, symbols and words*. By doing this we are ensuring that the impact of barriers to reading and understanding written material are effectively taken into account in the assessment and that individuals who have difficulty with both **verbal communication and reading** are given appropriate priority.
- We are **making reference to specialist orientation aids such as long canes** in the *Planning and following a journey* activity. Many respondents commented that

the mobility criteria do not take sufficient account of the impact of visual impairment, and that the barriers faced by people reliant on orientation aids are as great as for those who use assistance dogs.

- We have **re-written the *Moving around activity*** to make it easier to understand and apply. The feedback we received from most respondents showed this activity was not clear. It was commonly believed that only people who use wheelchairs could qualify for the enhanced rate of the Mobility component from this activity, despite this not being our intention.

1.4 While we have incorporated much of the feedback we have received into the final draft of the assessment criteria, we have not taken on board all of the suggestions, for example:

- We **have not introduced an additional activity on maintaining a safe and clean home environment**. We believe such an activity would be difficult to assess and is not needed. The assessment is not designed to take into account every area of daily life, but to look at a range of activities which, as a whole, act as a proxy for overall level of need. We are confident that the activities included in the final assessment will provide an accurate indication of levels of need and will award appropriate priority in the benefit as a result.
- We **have not removed the reference to ‘overwhelming psychological distress’**. This is because we disagree that it sets too high a threshold, nor do we believe it will exclude individuals who have serious anxiety that results from their health condition or impairment.

The DWP’s response also explains:

4.1 There are a number of overarching principles and approaches which must be applied across the PIP assessment, in relation to both the Daily Living component and Mobility component. The principles will be set out in the Regulations governing the assessment and/or in supporting guidance.

The final draft PIP regulations set out twelve different “activities” to be considered in determining entitlement to the benefit; ten relate to the “daily living” component and two relate to the mobility component:

Daily Living (10 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 (2 activities):

11. planning and following journeys
12. moving around

For each activity there is a series of “descriptors” which define increasing levels of difficulty carrying out the activity. A score is allocated to each descriptor. Claimants will be allocated a descriptor (and score) for each activity in the assessment.

The total scores for all of the activities related to each component are then added together to determine entitlement for that component. The entitlement threshold for each component is 8 points for the “standard” rate and 12 points for the “enhanced rate.”

Disability organisations have flagged up a number of issues in relation to the final draft PIP Regulations, but two aspects have caused particular concern:

- The Government decision not to state explicitly in the regulations the requirement that disabled people will only be regarded as capable of undertaking a task if they can do so “**reliably, repeatedly, safely and in a timely fashion**”. Instead, it is proposed to cover this in guidance. Disability organisations argue that these terms should be set out in the regulations to give greater certainty for claimants and assessors alike.
- In the final version of the test relating to “**moving around**”, people will only qualify for the enhanced rate of the mobility component if they either cannot move around, or can move but not more than **20 metres**. This is significant reduction in the qualifying distance of 50m in the previous draft of the assessment criteria. This change, it is argued, would result in a significant reduction in the numbers eligible for higher rate mobility assistance, and as a result many people would no longer be eligible for a Motability vehicle.

These issues are covered below.

3 Ability to undertake activities “reliably”

In explanatory notes accompanying the previous (second) draft of the PIP assessment criteria the Government made it clear that an individual would have to be able to complete an activity descriptor “reliably, repeatedly, safely and in a timely manner”, and if they could not they should be considered unable to complete the activity described at that level. The notes explained:

Reliably means to a reasonable standard.

In a timely fashion means in less than twice the time it would take for an individual without any impairment.

Repeatedly means completed as often during the day as the individual activity requires. Consideration needs to be given to the cumulative effects of symptoms such as pain and fatigue – i.e. whether completing the activity adversely affects the individual’s ability to subsequently complete other activities.

Safely means in a fashion that is unlikely to cause harm to the individual, either directly or through vulnerability to the actions of others; or to another person.³

³ DWP, [Personal Independence Payment: assessment thresholds and consultation](#), January 2012, p14

The Government sought views on this proposal, and on whether these terms should be defined within the regulations.

The DWP's response to the assessment criteria consultation published alongside the final draft PIP Regulations in December 2012 said that most of those who responded were "extremely supportive" of its proposals in this area. It stated however:

We do not want these terms to be overly prescriptive but instead to be flexible enough to cope with individuals' circumstances and the varied lives claimants lead. For example, having reflected further we do not feel it appropriate to define 'in a timely manner' as in twice the time that it would take an individual without an impairment. Instead we think consideration should be given to what is reasonable in the circumstances.

As a result we have decided not to give definitions which are overly restrictive. We will, however, provide guidance for Assessment Providers and Decision Makers, using examples to help explain the criteria and their use but without being prescriptive.⁴

It added:

Most respondents to the consultation were keen to have the terms included and defined in the legislation itself. We carefully considered whether this would be a viable option but concluded that the broad definitions we are using are not conducive to a legislative framework and without definitions we could not include them in the Regulations. As such we have not referred to these matters in the final Regulations. We can offer reassurance that, while these terms will not be in the legislation, they remain an integral part of the PIP assessment.⁵

The decision not to include definitions of "safely, reliable, repeatedly and in a timely manner" in the regulations have caused great concern among disability organisations. The Disability Benefits Consortium argues that ensuring these four concepts are in the regulations would result in "fewer costly appeals against PIP decisions, a fairer assessment for all disabled people and mitigate the negative effect of the newly introduced switch from 50 metres to 20 metres". It adds:

Failing to put these four concepts into the regulations and only including "a broad heading of reliability" in the guidance would result in confusion for claimants and assessors, an increase in contested decisions and the assessment criteria effectively being decided by future case law rather than Parliament.⁶

The Spartacus network's briefing for the House of Lords Secondary Legislation Scrutiny Committee states (original emphasis):

A vital part of the assessment criteria for PIP is the qualification that in order to be considered able to perform an activity, a claimant must be able to undertake it 'safely, reliably, repeatedly, and in a timely manner'. **This qualification is vital because it should ensure the assessor always takes account of issues such as pain, fatigue, breathlessness, nausea etc by building that consideration into the legal framework of the assessment itself.** Indeed, the Government acknowledges in its [response to the consultation on the PIP assessment criteria and regulations](#), that **'most respondents to the consultation were keen to have the terms included and**

⁴ [The Government's response to the consultation on the Personal Independence Payment assessment criteria and regulations](#), December 2012, p12

⁵ Ibid. p13

⁶ [DBC briefing on the Social Security \(Personal Independence Payment\) Regulations 2013](#), January 2013

defined in the legislation itself' (paragraph 4.11). In addition, many respondents suggested incorporating this qualification into each of the 12 assessment activities (see paragraph 4.6), as it is so very important. Our own analysis of the 173 consultation responses from organisations shows that almost all recommended the qualification be included in the regulations and thus given full legal force. For example, in [its response the Social Security Advisory Committee said](#):

'We note that many definitions have not been included in the regulations but are to be described in the guidance, for example, definitions of pain and discomfort. We recommend that both are included in the regulations, as should be the definitions of descriptors such as 'safely', 'timely', 'repeatedly' and 'reliably'.⁷

The Spartacus briefing adds (original emphasis):

We have serious concerns that the Government's failure to give legal force to the terms 'safely, reliably, repeatedly and in a timely manner', by omitting them from the regulations themselves, will fatally undermine the objective stated in paragraph 7.4 of the [explanatory memorandum to the regulations](#) that the assessment should be 'transparent and objective' and assess claimants' 'entitlement to the benefit fairly and consistently'.

The Government may intend that Healthcare Professionals (employed by a mix of contractors and sub-contractors run by Atos and Capita and thus potentially even more difficult to properly scrutinise than the direct contracting system used in ESA) and Decision Makers give due regard to the definitions of 'safely, reliably, repeatedly and in a timely manner', but if they do not have legal force this cannot be guaranteed. Again echoing difficulties known within the ESA system, without inclusion of these factors in the regulations there is likely to be a high volume of appeals clogging Her Majesty's Courts and Tribunals Service so that legal definitions can be created by precedent, where the failure to give full legal force to the definitions has prevented private contractors and DWP from applying them consistently and correctly.

Without clear, legally enforceable definitions of these factors, the discretion and objectivity the Government have been so keen to emphasise is utterly absent. The definitions may be subject to unilateral change if specified only in internal guidance, and even if Tribunals can consider these factors, the system will be chaos until sufficient time and appeal cases develop precedent to establish their meaning.⁸

"Reliability" is covered in pp72-78 of the draft [PIP assessment guide for assessment providers](#) published on the DWP website on 23 January.

The issue was raised in Starred Questions in the House of Lords on 24 January. Responding for the Government, Lord Freud indicated that the Government was reconsidering its position, and that he would provide a further update on 31 January:

Asked By Lord Alton of Liverpool

To ask Her Majesty's Government what assessment they have made of the effect of the proposed introduction of the Personal Independence Payment on the mobility of sick and disabled people; and of the omission of the words "reliably, safely, repeatedly and in a timely manner" from the text of the Regulations setting out the qualifying criteria for the payment.

⁷ Spartacus Network, [The Social Security \(Personal Independence Payment\) Regulations 2013: Submission to House of Lords Secondary Legislation Scrutiny Committee](#), p2

⁸ Ibid. pp2-3

The Parliamentary Under-Secretary of State, Department for Work and Pensions (Lord Freud): My Lords, the mobility component of the personal independence payment is designed to support those disabled people who face the greatest barriers to mobility. The principle that individuals must be able to complete activities safely, reliably, repeatedly and in a timely manner is integral to the assessment. We do not believe that this needs to be dealt with in regulations. However, we are looking urgently at whether it is possible to do this in a way that will achieve the outcomes that noble Lords and the Government want.

Lord Alton of Liverpool: My Lords, I thank the Minister for that reply. Does he accept that, with one-third of disabled people living in poverty and an estimated 42% fewer being eligible for mobility support-many fearing that they will become prisoners in their own homes-his admission that under the new regime some disabled people will have their specially adapted vehicles taken away from them or offered to them to buy has caused widespread disbelief and considerable distress? Will he say how many repatriations will be involved and at least ensure that those four words he has referred to-"reliably", "safely", "repeatedly" and "timely"-remain in the regulations, as almost every single disability rights organisation in the country have urged him and the Government to do?

Lord Freud: My Lords, I recognise the strength of feeling around retaining those words, and we are very actively looking at how to put them into the regulations in a way that works legally. I am planning to update Peers next week, on 31 January, on exactly where we have got to. We are looking to incorporate them in regulations and have a device for doing it in that way.

Baroness Thomas of Winchester: My Lords, I am encouraged by my noble friend's words. I am not an expert in anything much at all in this House but I am an expert in not being able to walk very well. I have form in this area because I have been through the DWP tribunal system, so this is one area that I know something about. Does my noble friend accept that if these words are not made statutory in some way or another, the number of appeals will rocket so much, and there will be such a period of uncertainty in so many ways for so many people, that it is not worth not putting in these words?

Lord Freud: My noble friend is, as always, much too modest about all her other capabilities. We are looking at this very actively and have clocked that there is great concern. It is not-and was not-our intention for people to be concerned about this particular area, and I hope that I will have a definitive approach to present to Peers in a week's time, in plenty of time for the [House of Lords] debate on the regulations, which will happen on 13 February.⁹

4 Criteria for the enhanced rate mobility component

The second draft of the PIP assessment criteria included the following descriptors and associated scores for the "Moving around" activity:

<p>a. Can move at least 200 metres either – (i) unaided; or (ii) using an aid or appliance, other than a wheelchair or a motorised device.</p>	<p>0</p>
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⁹ [HL Deb 24 January 2013 cc1179-1180](#)

b. Can move at least 50 metres but not more than 200 metres either – (i) unaided; or (ii) using an aid or appliance, other than a wheelchair or a motorised device.	4
c. Can move up to 50 metres unaided but no further.	8
d. Cannot move up to 50 metres without using an aid or appliance, other than a wheelchair or a motorised device.	10
e. Cannot move up to 50 metres without using a wheelchair propelled by the claimant.	12
f. Cannot move up to 50 metres without using a wheelchair propelled by another person or a motorised device.	15
g. Cannot either – (i) move around at all; or (ii) transfer unaided from one seated position to another adjacent seated position.	15

Under the final draft PIP Regulations however, individuals who do not need a wheelchair will only qualify for the enhanced rate mobility component if they can move only short distances of no more than 20 metres, rather than 50 metres:

a. Can stand and then move more than 200 metres, either aided or unaided.	0
b. Can stand and then move more than 50 metres but no more than 200 metres, either aided or unaided	4
c. Can stand and then move unaided more than 20 metres but no more than 50 metres.	8
d. Can stand and then move using an aid or appliance more than 20 metres but no more than 50 metres.	10
e. Can stand and then move more than 1 metre but no more than 20 metres, either aided or unaided.	12
f. Cannot, either aided or unaided, – (i) stand; or (ii) move more than 1 metre.	12

The Disability Benefits Consortium comments:

The assessment criteria published in the regulations for the mobility component of PIP were significantly different to the criteria consulted on. The Government's own figures show an additional 148,000 people who would have been receiving the higher rate of DLA will not now receive the enhanced rate of PIP. The total number of people being removed from the enhanced rate of the PIP mobility component is now given as 428,000.

The previous criteria proposed that people with physical walking difficulties (who have no difficulty planning and following a journey) will only qualify for the enhanced mobility component if they are unable to walk more than 50 metres. However, despite no prior indication it was being considered and none of the consultation responses proposing it, this distance has been slashed to 20 metres in the final criteria.

Many wheelchair users may be able to move as far as 20 metres, but not more than 50 metres, and face significant barriers and costs in remaining mobile, including powered wheelchairs, scooters and adapted cars. If these regulations are passed, such people will no longer receive the highest rate of the benefit, meaning a reduction to their income of over £3,600 a year.

In addition, being in receipt of the enhanced rate of the PIP mobility component will mean people remain eligible for a Motability vehicle. This is their means of independence and participation, the lifeline that enables them to get to work, to GP appointments, to the shops or to take their children to school. If the regulations are passed in their current form then an extra 148,000 people will lose out on the enhanced rate and potential access to a Motability vehicle.¹⁰

In its briefing for the Lords Secondary Legislation Scrutiny Committee, the Spartacus Network comments (original emphasis):

The discovery on 13th December that the regulations give the qualifying distance for the enhanced mobility component for Activity 12, getting around, as 20 metres came as a major shock. **None of the organisations responding to the consultation suggested 20 metres should be the appropriate distance; only one appeared to speculate that any distance shorter than 50 metres might be appropriate.** Whilst the criterion for the higher rate mobility component of DLA is 'unable or virtually unable to walk', on the basis of 25 years of legal precedent (<http://www.disabilityrightsuk.org/dlalaw.htm#Higher>) 50 metres is generally taken to be a reasonable guide, although the speed and manner in which the claimant walks and any risks to health are also taken into account.

The Spartacus briefing states that, in light of DWP figures suggesting that by 2018 around 428,000 fewer claimants would receive the enhanced PIP mobility component than would have qualified for the higher rate DLA mobility component¹¹, comments from DWP officials to the effect that broadly the same number of people would score 12 points or more under the "Moving around" activity as would have done under the previous draft criteria are "very puzzling." It adds (original emphasis):

Setting the bar so high for the enhanced mobility component of PIP for getting around undermines the objective in paragraph 73 of the Explanatory Memorandum, that PIP should 'provide a cash contribution to individuals to help them meet the additional costs they face as a result of a long-term health condition or disability'. Since powered wheelchairs, scooters, cars, wheelchair accessible vehicles and accessible taxis are all high cost items, the mobility component is extremely important to people with significant difficulty getting around. Many DLA claimants manage these high costs by using their higher rate mobility component to lease a car, wheelchair accessible vehicle, powered wheelchair or scooter from the Motability scheme, for which those able to claim the enhanced mobility component of PIP will also be eligible. A reduction of 428,000, nearly half a million, in the number eligible for the scheme (recognising, of course, that not all who

¹⁰ DBC briefing on the Social Security (Personal Independence Payment) Regulations 2013, January 2013

¹¹ See DWP, *Personal Independence Payment: Reassessment and Impacts*, 13 December 2012, Tables 7 and 8

are eligible use it, as they use the money towards other forms of transport), represents a massive **42% fewer working age disabled people able to access this help**.

Many disabled people are hugely fearful of the isolation and loss of independence they expect to experience if their Motability vehicle is taken away because despite remaining significantly disabled they are re-defined as no longer eligible; for those who use taxis the standard mobility rate of about £21 per week will buy them very few journeys compared with the £55.50 enhanced rate. Many are also fearful they will be unable to get to work, travel to medical appointments, go shopping, visit friends, take their children to school etc. The prohibitive cost of replacing their car, wheelchair accessible vehicle, powered wheelchair or scooter, removed by Motability as they lose their eligibility, will effectively deny them their independence and their ability to look after their health, go to work or parent their children.

Paragraph 74 of the Explanatory Memorandum states that ‘Priority in the benefit will go to those individuals ... who need the most support to [complete the activities]’. If ‘most support’ is indicated by, among other factors, ‘highest cost’, this policy objective is not fulfilled in relation to people with mobility difficulties who need vehicles with complex adaptations but who can walk a little more than 20 metres, as the regulations as drafted deny access to the scheme designed to assist with these high costs.

The Government’s reasons for reducing the threshold to 20 metres were discussed during the [Work and Pensions Committee’s evidence session with the Minister for Disabled People and DWP officials on 21 January](#).¹²

Lord Freud was also asked about the change from 50 metres to 20 metres at Lords Starred Questions on 24 January:

Baroness Grey-Thompson: My Lords, I am very disappointed that this issue did not come to the Floor of the House for proper debate. At the very least, the change to 20 metres should have been clearly stated in the consultation documents. The lack of consultation with disabled people and all supporting evidence from experts in disability access as to what distance enables practical mobility and participation mean that there is a real risk that this issue will be open to judicial review. Is the Minister willing to take that risk?

Lord Freud: My Lords, the change was made because there was great concern among disability organisations about the previous draft. The concern was that only people in wheelchairs would qualify for the higher rate—that was picked up by Parkinson’s UK, the Multiple Sclerosis Society, the Disability Benefits Consortium and the National AIDS Trust, among others. That is why the change was made. I admit that I would have preferred there to have been more consultation on the 20 metres, but there is no effective change in the number of people receiving higher-rate mobility allowance because of this change. I hope that noble Lords will accept my assurances on this. That change has made it clearer and simpler to operate this measure; it has not changed the numbers affected. Before we start reassessing people in 2015, we will have had a full independent review which will have gone through this issue, among others, by the end of 2014.

Baroness Uddin: My Lords-

¹² See [QQ51-67 of the uncorrected transcript to be published as HC 916 2012-14](#). This is an uncorrected transcript of evidence taken in public and reported to the House. Neither witnesses nor Members have had the opportunity to correct the record. The transcript is not yet an approved formal record of these proceedings.

Lord Sterling of Plaistow: My Lords, I declare my interest as chairman of Motability, which I co-founded in 1977 with the late Lord Goodman. Today, we have more than 620,000 vehicles on the road, which is probably the largest fleet of its type in the world. I fully support the principle that the welfare state should help those most in need, and government are actively implementing that principle, but we must appreciate that uncertainty about the effect of these changes will cause considerable worry and stress for many disabled people and their families. As my noble friend the Minister is more than aware, and as has been spoken about today, there is concern among disabled people at the recent change from 50 metres to 20 metres as the distance specified in the regulations for higher-rate mobility allowance. As the timetable for PIP implementation has been extended, will the Minister consider providing further information on, and rationale for, this change-through seminars, for example-thereby maintaining the trust and confidence in PIP being developed?

Lord Freud: My Lords, I have to accept that there was inadequate discussion of the changes and that there is inadequate understanding of them-just the concerns that I am hearing today underline that. I shall pick up the suggestion of my noble friend about further communication with the relevant parties and look at how best to do that.¹³

5 Other comment

Further comment on the final draft PIP Regulations from selected organisations is summarised below. The organisations listed are those which have, so far, produced briefings which are in the public domain. This may not necessarily be a representative cross section of opinion on the draft Regulations.

5.1 Disability Benefits Consortium

In addition to calling the 20 metre qualifying distance to be removed from the regulations and for them to include the words “safely, reliably, repeatedly and in a timely manner”, the Disability Benefits Consortium also argues that the guidance that will be used by PIP assessors, and the way in which assessments are carried out, will be crucial. DBC is therefore calling for:

- An opportunity to formally comment on the guidance, before it begins to be put into use
- A sensible approach to the lengths of awards, to avoid costly reassessments where they are unnecessary
- Re-use of data already held on DLA recipients, especially for vulnerable claimants, those with sensory impairments and those with long-term, degenerative conditions, to avoid unnecessary distress and the cost to Government of carrying out unnecessary assessments
- Providers to be compelled to consider additional evidence, for example from doctors, consultants and nurses, not solely a face-to-face assessment with the claimant
- Assessments to be audio recorded, to assist with reviewing how PIP works and speeding up appeals processes

¹³ HL Deb 24 January 2013 cc11811182

- The proposed four week deadline to apply for PIP (part 1) and one calendar month to return Part 2 application forms form to be extended to 12 weeks to provide a realistic timeframe for people to seek advice from agencies such as the CAB
- The claim form to give people the opportunity to give the fullest evidence and not be restrictive, particularly to enable identification of those with higher needs who may not require a face to face assessment if adequate evidence is supplied in the claim form
- Full transparency in the decision-making process, allowing claimants to see their assessments and against which descriptors they have scored points¹⁴

5.2 RNIB

The Royal National Institute of Blind People's submission to the Lords Secondary Legislation Scrutiny Committee also emphasises the importance of the guidance to be used by PIP assessors. It argues that the guidance "should emphasise the practical benefits of using medical information at an early stage in the claims process."

RNIB is also seeking clarification about some of the descriptors. In particular, it draws attention to the descriptor "Cannot read or understand signs, symbols or words at all", which scores 8 points in the new Daily Living activity. "Reading and understanding signs, symbols and words." The RNIB submission states:

14. We would like the Government to confirm that someone who is partially sighted would qualify for 8 points under descriptor 'e' on 'Reading and understanding signs, symbols and words' if they are able to use an aid or appliance at home to enable them to read standard text, but when out of the home would be unable to read signs or symbols at all. Clearly it would be impractical and in many cases ineffective for individuals to take low vision aids like video magnifiers with them as a means of reading signs, symbols and words outside the home.

15. We need this point to be clarified further in guidance. This is vital, as Activity 8 is the only part of the daily living assessment criteria where partially sighted people could score 8 points and become eligible for the standard rate...¹⁵

5.3 Disability Rights UK

A [note at Disability Rights UK's website](#) outlines its concerns about the final draft PIP regulations:

Act now to protest PIP changes

15 January 2013

Disability Rights UK, in common with a number of other organisations, has concerns about some of the changes to and omissions from the last draft of the PIP regulations, published 13 December 2012. We believe that these will lead to potentially thousands, perhaps hundreds of thousands, losing out under PIP.

In particular we are concerned about;

- The decision to reduce the walking distance test in Activity 2. Moving around from 50 metres to 20 metres.

¹⁴ DBC briefing on the Social Security (Personal Independence Payment) Regulations 2013, January 2013

¹⁵ RNIB, [Personal Independence Payment and Universal Credit regulations: Briefing for Secondary Legislation Scrutiny Committee](#), December 2012

- The failure to include a definition of the term ‘reliably’ into the regulations – In guidance notes the DWP states that for a descriptor to apply you must be able to reliably complete the activity as described in the descriptor. ‘Reliably’ is supposed to mean whether you can do an activity safely, to a necessary and appropriate standard, repeatedly and in a reasonable time period. Disability Rights UK would like to see this definition within the regulations.
- The lack of provision for those who need supervision – Our suggestion as a starting point for discussion, **in bold**, is to change the wording for Activity 3. Managing therapy or monitoring a health condition as follows:
 - a Either (i) does not receive medication or therapy or need to monitor a health condition; or (ii) can manage medication or therapy or monitor a health condition unaided. Score – 0
 - b Needs either (i) to use an aid or appliance to be able to manage medication; or (ii) supervision, prompting or assistance to be able to manage medication or monitor a health condition. Score - 1
 - c Needs supervision, prompting or assistance to be able to manage therapy **or monitor a health condition** unaided that takes no more than 3.5 hours a week. Score 2
 - d Needs supervision, prompting or assistance to be able to manage therapy **or monitor a health condition** that takes more than 3.5 but no more than 7 hours a week. Score 4
 - e Needs supervision, prompting or assistance to be able to manage therapy **or monitor a health condition** that takes more than 7 but no more than 14 hours a week. Score 6
 - f Needs supervision, prompting or assistance to be able to manage therapy **or monitor a health condition** that takes more than 14 hours a week. Score 8
 - g Needs supervision, prompting or assistance to be able to manage therapy or monitor a health condition that takes more than 21 hours a week. Score – 12**

Disability Rights UK would also like to see those who reach the age of 65 between the age of 65 between 8 April 2013 and October 2015 exempted from PIP altogether because we believe that it is an absurdity to retrospectively apply the assessment to those who are no longer of working age. Currently assessment of these cases will start from October 2015. The remedy for this already exists using regulation 3(1) of the [Personal Independence Payment: draft of the transitional regulations](#).

5.4 MS Society

In its submission to the Lords Secondary Legislation Scrutiny Committee the Multiple Sclerosis Society states that, while it welcomes recent changes to the criteria including the broadened definition of “aids and appliances” and the addition of “supervision” to a number of activities, it also has “a number of serious concerns regarding the way that some of the regulations have been shaped and phrased, and the impact this could have on people with MS.”¹⁶

¹⁶ [MS Society letter to the Chairman of the Secondary Legislation Scrutiny Committee](#), 21 December 2012

The concerns outlined in the MS Society's submission include the proposed 20 metre rule for the higher

Specific concerns include:

- The approach to assessing people with fluctuating conditions set out in regulation 7. The MS society believes that assessing whether someone fits a descriptor on at least 50% of days will be "an extremely complicated and difficult task" for many people with MS. In addition, the proposed approach fails to recognise the needs of people who have short but severe fluctuations, and those who meet the requirements of two descriptors in the same activity but for less than 100% of the time.
- The proposed 28 day time limit for existing DLA claimants to make a claim for PIP.¹⁷ It notes that there is provision to extend this, but it is not clear under what circumstances an extension might be allowed.
- "Good reason" for failure to attend a face to face assessment considers only the claimant's health or disability (see regulation 10). There is no guarantee that other valid reasons for rescheduling an appointment (eg unavailability of a carer or friend, work commitments, planned holidays, family crisis or bereavement) would be accepted.
- Insufficient safeguards to ensure that those with long-term conditions or impairments which are unlikely to change over time are not subject to "unnecessary, costly and stressful reassessments."
- Lack of clarity about the criteria for the activity "Planning and following a journey".
- Various concerns about the descriptors under the Daily Living activities.

6 Impact of PIP

6.1 Caseloads and savings

PIP was originally expected to reduce DLA caseloads and expenditure by 20 per cent. Savings expected to result from the reform were to be equivalent to 20% of forecast working age DLA expenditure.¹⁸ The Budget 2012 Red book suggested savings would be around £1.5 billion a year by 2016-17.¹⁹

In its report published on 17 January, The House of Lords Secondary Legislation Scrutiny Committee commented that "DWP has appeared rather reticent about publishing up-to-date headline figures for this policy change. This point was also raised in the debate on the Minister's Statement. Figures are not stated in the [Explanatory Memorandum], the reader is instead referred to the Impact Assessment published in May 2012."²⁰

A DWP note, *Personal Independence Payment: Reassessment and Impacts*, published alongside the final draft PIP Regulations in December, does however give updated estimates

¹⁷ This provision is in fact in the *draft Personal Independence Payment (Transitional Provisions) Regulations*, the final version of which have not yet been laid before Parliament

¹⁸ DWP, *DLA reform Impact Assessment*, May 2012

¹⁹ HC 1853 2010-12, March 2012, Table 2.2

²⁰ [HL 101 2012-13](#), para 18

of the numbers expected to qualify for different combinations of PIP when reassessment of the remaining DLA claimants is completed in 2018, and equivalent figures for the numbers who would have received DLA by then, had the existing DLA rules remained in force. Using these figures and the 2013-14 rates for PIP and DLA already announced, it is possible to give an estimate of the expected savings as a result of the introduction of PIP.²¹

The first table below gives the breakdown of the estimated working-age DLA caseload and expenditure in 2018, on the assumption that PIP is not introduced and the DLA continues.

The second table gives the estimated PIP caseload and expenditure in 2018 (assuming reassessment of working-age DLA claimants has been completed).

Costs with reforms

PIP

Daily Living	Mobility	Caseload (000)	Cost per case per week (£)	Total cost per year (£000)
Enhanced	Enhanced	357	134.40	2,501,719
Enhanced	Standard	198	100.15	1,033,921
Enhanced	No	119	79.15	491,099
Standard	Enhanced	117	108.25	660,366
Standard	Standard	198	74.00	763,955
Standard	No	221	53.00	610,716
No	Enhanced	128	55.25	368,734
No	Standard	238	21.00	260,596
Total		1,576		6,691,105

Costs without reforms

DLA

Care	Mobility	Caseload (000)	Cost per case per week (£)	Total cost per year (£000)
Higher	Higher	354	134.40	2,480,696
Higher	Low	175	100.15	913,819
Higher	No	10	79.15	41,269
Medium	Higher	293	108.25	1,653,737
Medium	Low	476	74.00	1,836,579
Medium	No	34	53.00	93,956
Low	Higher	270	76.25	1,073,432
Low	Low	235	42.00	514,622
Low	No	179	21.00	195,994
No	Higher	113	55.25	325,523
No	Low	43	21.00	47,082
Total		2,182		9,176,710

²¹ See DWP, *Personal Independence Payment: Reassessment and Impacts*, 13 December 2012, Tables 7 and 8

The Government estimates that by May 2018, 607,000 fewer people will receive PIP than would have got DLA under the existing rules.²² This represents a reduction of 28% in the working-age caseload by 2018. The Government's estimated breakdown of the PIP caseload at May 2018 by component suggests that total annual expenditure on PIP will be around £6.7 billion by 2018. This is around £2.5 billion lower than estimated expenditure on DLA by 2018 (£9.2 billion), had the existing DLA rules remained in place (figures at 2013-14 prices, based on 2013-14 PIP/DLA rates). This equates to savings of 27%.

The Minister for Disabled People was asked about the apparent change to the estimate of the impact of PIP during the work and Pensions Committee's evidence session on 21 January:

Q2 Chair: We are pleased that you are here this afternoon. I will start with some questions around caseload and expenditure. The first time we heard that there were going to be changes to DLA was in the Budget in 2010 when the Red Book said that there would be a reduction in caseload and expenditure of 20%, a figure that I think we have since realised was perhaps plucked out of the air. However, the DWP's latest projection indicates that the reduction in caseload and expenditure as result of these changes will be around 27% to 28% by the time the PIP reassessments are completed in 2018. Why has that happened and how can you justify going a lot further than the original projections in the budget?

Esther McVey: I would like to put the new PIP benefit into the context of DLA and the need for a change and a need for a new benefit, which I know those on both sides of the House and the Select Committee had welcomed, and that we need to move forward on that for various reasons: the fact that many people did not have medical assessments and 71% of people had lifetime awards. What we were looking for was a fair system and a very clear system so people knew their eligibility, and one that, at this time of fiscal constraint, was workable, manageable and would continue working for the future.

What we had committed to do was continue to spend £50 billion every year on benefits and support. What we said was that we will spend more than the money that was spent in 2009 every year until 2015, and so when we talked about the cuts it was not cuts in the expenditure now; it was looking at the measured increase of the benefits, because it had increased by nearly 40% in 10 years. That level of increase was no longer sustainable, so we had to look at a sustainable benefit.

We know that we are talking about a reduction in growth, not a reduction in the figures. What we did have was a proposed reduction of growth by 20% by 2015, and I am pleased to say that figure is now 14%, so we have reduced that reduction; it will be a 14% reduction of growth by 2015. As for the May 2018 figures, to me they are hypothetical, because we are having a review in 2014, when we will completely review it and really I can only pledge any savings during the time I will be accountable, which is in this Parliament. Therefore, the figures I can guarantee and will be looking at are those up to 2015 and within this Parliament, and that figure is less than the original proposed reduction.²³

²² The total working-age PIP caseload is expected to be around 1,575,000 in May 2018. The corresponding estimate for May 2018 under the existing DLA rules is 2,182,000; see DWP, [Personal Independence Payment: Reassessment and Impacts](#), 13 December 2012

²³ **Uncorrected transcript to be published as HC 916 2012-14. This is an uncorrected transcript of evidence taken in public and reported to the House. Neither witnesses nor Members have had the opportunity to correct the record. The transcript is not yet an approved formal record of these proceedings.**

Personal Independence Payment: Reassessment and Impacts also gives estimates of the likely outcome under PIP for existing working-age DLA claimants to reassessment. The Department estimates that by the time “managed reassessment” is complete in October 2018, a total of 1.75 million DLA claimants will have been reassessed for PIP. The likely outcome of reassessment is as follows (although the Department emphasises that forecasts could change “as a result of operational experience, including the findings of the review of the PIP assessment which will report by the end of 2014”):

Award increased	510,000
Award unchanged	270,000
Award decreased	510,000
No award	450,000

6.2 Other impacts

The House of Lords Secondary Legislation Scrutiny Committee also noted the statement in the Department’s Explanatory Memorandum accompanying the final draft PIP Regulations that “There is no impact on business or civil society organisations.”²⁴ The Committee’s report states:

The Committee questioned DWP on this as we are aware that benefits applicants are heavily dependent on assistance from voluntary organisations. This point is also taken up in the evidence we have received. DWP states:

“The introduction of PIP, of itself, provides no Regulatory burden on third sector organisations. However, we are aware that claimants will seek advice from voluntary sector organisations and recognise the valuable support charities provide. That is why throughout the design and development of Personal Independence Payment we have put claimants and disability organisations, including charities, at the heart of our reforms.

We are continuing to work with disability charities to support them with their preparations for the introduction of PIP. We also continue to support Disabled People's User Led Organisations (DPULO) in order for them to become stronger, more sustainable organisations through our DPULO programme.

We remain absolutely committed to introducing Personal Independence Payment in an open and transparent manner. We have published a range of information to keep claimants and disability organisations informed, including answers to frequently asked questions. We are also developing a set of information to provide support to these organisations and help them with conversations with claimants. This information can be found at: <http://dwp.gov.uk/policy/disability/personal-independence-payment/information-for-advisers/>

A vital part of this process will be learning from disabled people's experiences, and that is why we will continue to involve them, and their organisations, in supporting this work going forward. We will be looking closely at both the experience of claimants and

²⁴ *Explanatory Memorandum to The Social Security (Personal Independence Payment) Regulations 2013*, para 10.1

support organisations throughout the implementation and feeding any lessons learned into our continuous improvement work."²⁵

In its submission to the Committee, the Spartacus network stated:

We assume civil society organisations to mean organisations in the voluntary sector. Many such organisations are already stretched to their limit, supporting people in financial difficulty for a number of reasons including benefit changes, DWP error and low wages. Disabled people and people with chronic health conditions whose benefit is reduced or removed in the migration from DLA to PIP will add to the growing numbers requiring support from voluntary sector organisations such as food banks, advocacy services and community transport providers. In addition, the reassessment process and the inevitable appeals as the new benefit 'beds in' will lead claimants to seek support from welfare rights organisations, most of whom are facing a loss of funding due to the removal of legal aid from most welfare cases as well as reduced funding from local councils.²⁶

Spartacus also questions the assertion in the Department's Explanatory Memorandum accompanying the final draft PIP Regulations that the impact of PIP on the public sector will be "negligible."²⁷ It describes this as "an extraordinary remark, especially in the light of some organisations' responses to the consultation."²⁸ It notes concerns voiced by local authorities about increased demands on social services departments, possible additional burdens on health services and the loss of tax revenue of disabled people losing DLA are forced to stop working or reduce their hours.²⁹

7 Revised implementation schedule

The Government originally proposed to introduce PIP for new claims starting from April 2013 (initially in certain parts of North West and North East England), with reassessment of existing working-age DLA claimants to start from October 2013. By spring 2016, all working-age DLA claimants would have been contacted about reassessment.

However, the Government now envisages a "significantly slower migration profile." PIP will be introduced for new claims from April 2013 as previously announced, but the main reassessment programme will not now start until October 2015. The

Personal Independence Payment: Reassessment and Impacts, published alongside the final draft PIP Regulations, states:

Compared to the high level assessment strategy published in March 2012, and on which we consulted earlier this year [ie 2012], we will be undertaking a significantly slower migration profile. This means that we can take the time to learn from the early introduction of PIP – for example, we will be able to consider the findings of our first independent review to Parliament on the operation of the PIP assessment, which we

²⁵ [HL 101 2012-13](#), para 21

²⁶ Spartacus Network, *The Social Security (Personal Independence Payment) Regulations 2013: Submission to House of Lords Secondary Legislation Scrutiny Committee*, p6

²⁷ *Explanatory Memorandum to The Social Security (Personal Independence Payment) Regulations 2013*, para 10.1

²⁸ Spartacus Network, *The Social Security (Personal Independence Payment) Regulations 2013: Submission to House of Lords Secondary Legislation Scrutiny Committee*, p4

²⁹ See also section 3 of Library briefing SN06422, *Personal Independence Payment: an introduction*, on estimates of the wider impact of PIP

intend to complete by the end of 2014. The peak period of reassessments will now not start until October 2015 - around two years later - which means we have more time to ensure that the assessment is working as intended and that it is meeting individual needs.

The DWP note gives details of the revised implementation schedule:

From 8 April 2013

From 8 April 2013 new claims to PIP will be taken in the controlled start area in the North West and part of the North East of England. Postcodes affected are:

BL, CA, CH (except CH5, CH6, CH7 and CH8), CW, DH, DL (except DL6, DL7, DL8, DL9, DL10 and DL11), FY, L, LA (except LA2 7, LA2 8, LA6 2 and LA6 3), M, NE, PR, SR, TS (except TS9), WA and WN.

During this time we will not invite any existing DLA claimants to claim PIP. Nor will we allow claims from DLA recipients who are seeking to make an early application to PIP ("self-selectors").

From June 2013

In addition to the area covered by the controlled start new claims to PIP will be taken in all remaining areas of GB.

We will no longer accept new claims for DLA from anyone aged 16-64, unless they are making a renewal claim from a fixed term DLA award which is due to expire before the end of February 2014. These claimants will re-claim DLA, and where entitlement continues will be invited to claim PIP at a later stage.

From October 2013

The following DLA recipients will begin to be invited to claim PIP:

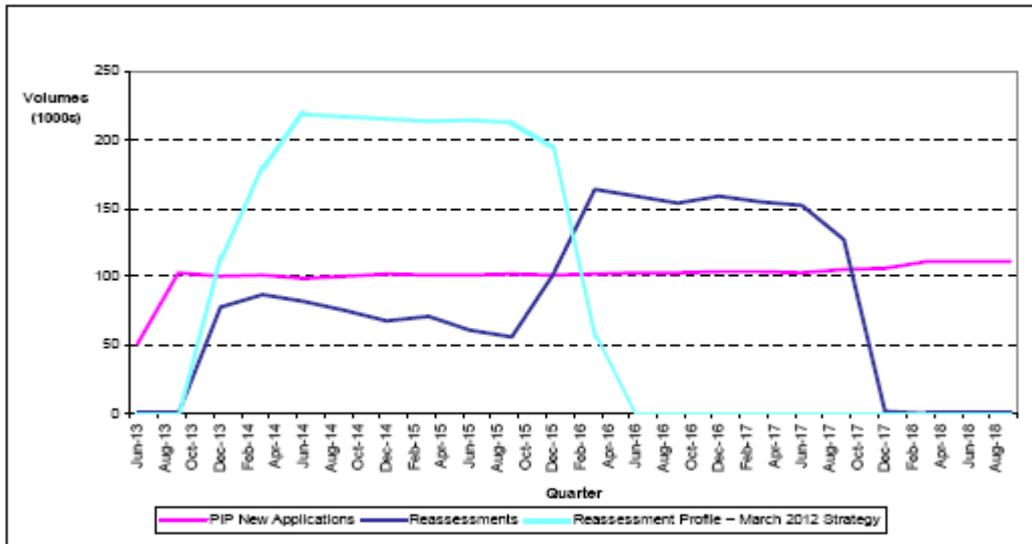
- Children turning 16 (with the exception of those awarded DLA under the rules for people who are terminally ill) will be invited to claim PIP when their existing fixed term award is coming to an end;
- People reporting changes of circumstances which would affect their rate of payment (this does not include payability decisions as a result of going into a care home, hospital or prison or other changes of circumstances e.g. change of address). The rate of DLA will not be adjusted;
- Fixed-term DLA award recipients whose award expires from the end of February 2014 (reassessment activity starts approximately 20 weeks before existing DLA awards end); and
- Self-selectors (includes those with indefinite or fixed-term awards).

From October 2015

All the remaining claimants in receipt of a DLA award will be invited to make a claim for PIP. We will randomly select those recipients of DLA in receipt of an indefinite award or a fixed term award, and notify them about what they need to do to claim PIP. We will invite claims as early as possible from recipients who have turned 65 after 8 April 2013, when PIP was first introduced.

The following chart, also from the DWP’s note *Personal Independence Payment: Reassessment and Impacts*, shows how the revised “reassessment profile” differs from the previous plans. While it may give the impression that reassessment of existing claimants will have been completed by early 2018, the note states that “managed reassessment” is not expected to be complete until October 2018.

Figure 1: Revised reassessment volumes on a quarterly basis:



8 Evaluating PIP

Section 89 of the *Welfare Reform Act 2012* provides for two biennial, independent reviews within the first four years of the implementation of PIP assessment. The first is to report within two years beginning with the date on which the first assessment regulations come into force, and the second within four years of that date. The Government has also given a “firm undertaking” that there will be a third independent review if there are “ongoing issues with the operation of the assessment.”³⁰ The aim is to complete the first review by the end of 2014, to enable any required changes to be implemented by October 2015.

The DWP is also to carry out a programme of monitoring and evaluation using a range of methods and sources. *Personal Independence Payment: Outline evaluation proposals*, published alongside the final draft PIP Regulations, gives some information. The “evaluation themes” will cover:

- Claimant experiences of PIP
- Implementation and delivery
- Claimant outcomes (eg the relationship between employment and PIP)
- The effectiveness of the decision-making, reconsiderations and appeals processes

³⁰ HL Deb 17 January 2012 cc526-527

The DWP's evaluation work is "designed to help inform and complement the two statutory independent reviews."³¹

³¹ DWP, *Personal Independence Payment: Outline evaluation proposals*, December 2012, para 13