



## Independent Review of the Personal Independence Payment assessment

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Personal Independence Payment (PIP) is replacing Disability Living Allowance for people of working age. PIP is non-means-tested and is intended to help with the extra costs arising from ill health or disability.

Entitlement to PIP is 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.” 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.

Section 89 of the *Welfare Reform Act 2012* requires the Secretary of State to commission an independent review of how the Personal Independence Payment assessment is working. On 10 April 2014 it was announced that Paul Gray CB, the current chair of the Social Security Advisory Committee (SSAC), had been appointed “Independent Reviewer” of the PIP assessment.

Following a “Call for Evidence”, the first report of the Independent Review was published on 17 December 2014. It makes recommendations (for the short, medium and long-term) in three main areas:

- Improving the claimant experience
- Clarifying and improving the collection of further evidence
- Assuring the fairness and consistency of PIP award outcomes

On 27 February the Government said that it accepted in full all but one of the review’s short-term recommendations. It will be for the next Government to respond to the medium and long-term recommendations.

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# 1 Background

**Personal Independence Payment (PIP)** is replacing Disability Living Allowance (DLA) for people of working age. Like DLA, PIP is a 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. PIP 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 is paid at two rates ("standard" or "enhanced").

Entitlement 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." There is no automatic entitlement for people with particular conditions, although the existing DLA rules for people with a terminal illness have been carried over to the new benefit. All PIP awards to be subject to periodic review.

The Department for Work and Pensions is responsible for handling claims for PIP and making decisions on entitlement to benefit. Contracted assessment providers are however a key element in the claims process. The application form and any accompanying evidence submitted by the claimant are forwarded the assessment provider, who decides whether a face to face consultation is necessary.

There are four separate contracts for undertaking PIP assessments, covering different geographical areas ("Lots"). The three contracts for Great Britain were awarded in August 2012, and the fourth contract – for Northern Ireland – was awarded in November 2012. The contract holders are:<sup>1</sup>

Lot 1 - North West England/North East England/Scotland/Isle of Man

- Atos Healthcare

Lot 2 - Central England/Wales

- Capita Business Services Ltd

Lot 3 - London/Southern England

- Atos Healthcare

Lot 4 - Northern Ireland

- Capita Business Services Ltd

The Government believes that Personal Independence Payment will have certain advantages over Disability Living Allowance:

- It will target support more closely on those most in need of support
- It will be more responsive as claimants' circumstances change
- It will be based on a fairer, more transparent and consistent assessment of need

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<sup>1</sup> DWP, *Health and Disability Assessment Services Framework*

- It will be easier for claimants, DWP staff and disability organisations to understand<sup>2</sup>

Fewer will receive PIP than would have received DLA. By 2018, it is estimated that 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 the case under DLA.

The timetable for introducing PIP has been revised twice. PIP was introduced for new claims from April 2013, but for most existing DLA claimants reassessment would not begin until October 2015. Reassessment of DLA claimants with fixed-term awards, or reporting changes in circumstances, started in some areas in October 2013. Reassessment is gradually being extended to further postcode areas. The Government says that a more “controlled approach” to the introduction of PIP will enable it to learn lessons from the “living running” of the new benefit.

In a report in February 2014, the National Audit Office said that “poor early operational performance” had led to “long uncertain delays” for PIP claimants. The Department had failed to allow sufficient time to test the new system, and unexpected delays in the assessment process had led to a large backlog of claims. Both the Work and Pensions Committee and the Public Accounts Committee have described the level of service to PIP claimants and the length of time people are having to wait for decisions on PIP claims as unacceptable.

The Government has acknowledged that the situation is not satisfactory and is “working collaboratively” with the assessment providers to improve performance and reduce the backlog of claims. The Government said that, as a result of actions it was taking, by autumn 2014 no PIP claimant would have to wait more than six months for an assessment and by the end of the year no one would be waiting more than 16 weeks.

Further information can be found in Library briefing SN06861, [Introduction of Personal Independence Payment](#).

## 2 The Independent Review

[Section 89 of the Welfare Reform Act 2012](#) commits the Secretary of State for Work and Pensions to publish two independent reports on how the PIP assessment process is working. The first was due within two years of PIP starting in April 2013.

On 10 April 2014 it was announced that Paul Gray CB, the current chair of the Social Security Advisory Committee (SSAC), had been appointed “independent reviewer” of the PIP assessment. Mr Gray would however, during the period of the review, “stand aside from any consideration by SSAC of issues relating to personal independence payment.”<sup>3</sup> Then independent review’s terms of reference are:

To provide the Secretary of State for Work & Pensions with an independent report evaluating the:

- operation of the Personal Independence Payment assessment

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<sup>2</sup> National Audit Office, [Personal Independence Payment: early progress](#), HC 1070 2013-14, 27 February 2014, para1.5

<sup>3</sup> HC Deb 10 April 2014 c32WMS.

- PIP claimants' experience of taking part in the assessment
- perceptions of healthcare professionals and other staff involved in carrying out the assessment
- effectiveness of the PIP assessment in correctly identifying those claimants who are currently eligible for enhanced or standard rate PIP as a result of needs arising from their condition; and
- effectiveness of the PIP assessment in correctly identifying claimants whose needs arising from their condition are such that they are eligible for the mobility component of PIP.

The review is considering all stages of the PIP process – from making a claim, the face to face consultation, the daily living and mobility criteria and getting a decision. As part of the review, DWP launched a “call for evidence” on 23 June 2014 aimed at organisations and individuals with information about how all aspects of the PIP process and assessment are operating.<sup>4</sup>

In his foreword to the call for evidence, Mr Gary said:

The Minister of State for Disabled People has asked me to undertake this first independent review of the operation of the PIP assessment in line with the timescale specified in the Welfare Reform Act 2012

I am very conscious that this legislative requirement means the review is taking place at a relatively early stage in PIP's history. While that inevitably implies that much of the evidence about its operation will be at a preliminary stage, it also offers the opportunity to make observations and recommendations at a formative stage in the rollout of the system. For that reason I intend using my Terms of Reference (Annex A) as a framework to allow me to take a broad look at all aspects of the PIP process.

The stated aim of the DWP, in their development of the PIP assessment, was more accurately, objectively and consistently to assess an individual's requirement for additional support. Disabled people face very differing circumstances, so the assessment is intended to measure the impact of a person's health condition or impairment on their ability to carry out daily living or mobility activities, not to focus solely on the health condition or impairment itself. How effectively that challenging aim is being met, and being perceived to be met, will be a central part of this review

But I also plan to look at all other stages of the PIP process. For example, how people claim and receive decisions is just as important as ensuring they have been treated fairly and effectively, and the operation of the assessment also needs to be seen in that broader context.

Any review can of course only be as good as the quality of the evidence on which it is based. In launching this important first stage of the review, I therefore hope that everyone who is in a position to provide me with relevant and robustly based evidence will do so. I will use this to make recommendations, where I see that they are needed, on the future development and effectiveness of PIP.

The deadline for submissions was 5 September.

The Independent Reviewer's report to the Secretary of State for Work and Pensions was to be laid before Parliament before the end of 2014.

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<sup>4</sup> [Personal Independence Payment \(PIP\) assessment: first independent review call for evidence](#)

## 2.1 Responses to the call for evidence

Links to submissions from selected organisations are given below. This may not however be a representative of responses as a whole to the call for evidence; only some organisations have made their submissions available online.

Alzheimer Scotland, [Response to Personal Independence Payment – Assessment Review](#) (4 September 2014)

Citizens Advice, [Personal Independence Payment \(PIP\) Assessment First Independent Review – Citizens Advice response](#) (12 September 2014)

Disability Equality NW (DENW), Preston Learning Disability Forum (PLDF) and Independent Community Advocacy Network North (ICANN), [PIP Independent Review: Submission and response to Questions](#) (1 September 2014)

Headway, [First independent review of the Personal Independence Payment assessment - Headway response](#) (September 2014)

National Association of Welfare Rights Advisers, [Response to Personal Independence Payment – Independent Review: A Call for Evidence](#) (September 2014)

RNIB, [Personal Independence Payment \(PIP\) assessment: first independent review call for evidence - RNIB group response](#) (September 2014)

## 3 The first report

The first report, [An Independent Review of the Personal Independence Payment Assessment](#), was published on 17 December 2014.

In his foreword, Mr Gray notes that with implementation of PIP being less advanced than originally planned, it was too soon to draw definitive conclusions on many aspects since “the evidence is simply not yet available to do so reliably or robustly.”

Mr Gray also noted that the primary focus of early comment and attention on PIP had been on the “unfortunate reality of long delays and backlogs in the assessment process.” He had taken it as given that appropriate remedial action was being taken to address this, and had therefore made the main focus of his review the further actions that need to be addressed.

Other “contextual factors” are highlighted in Mr Gray’s foreword, including the major challenges which flow from assessing functional impacts for millions of people accurately and consistently, and the fact that the design of PIP was undertaken in a context of “fiscal austerity.” Mr Gray states that, against this background-

I have decided that it would not be appropriate in this Review to consider whether or not the assessment criteria for PIP are the right ones. They were set in the design phase following lengthy consultation and, although they may not command universal support, I have concluded the right focus for this first Independent Review is whether they are being applied in the way intended.

Mr Gray also notes that the contractual arrangements between the DWP and its “delivery partners” had been subject both to Parliamentary scrutiny and to public comment, adding “I

have also chosen not to look in any detail at these issues, although it may be that my observations and recommendations could have implications for their evolution.”

The first review had therefore focused on underlying issues and includes recommendations in three main areas:

- Improving the claimant experience
- Clarifying and improving the collection of further evidence
- Assuring the fairness and consistency of PIP award outcomes

The Executive Summary gives the following overview of the main findings from the first review:

1. The current Personal Independence Payment (PIP) process gives a disjointed experience for claimants. Some short term improvements are needed, for example to communications including decision letters. In the longer term, there should be a more integrated, digitally enabled claims process under common branding that would improve claimant experience and effectiveness.

2. The way in which further evidence is collected can be clarified and improved. PIP is an assessment of functional impact yet it is widely perceived as a ‘medical’. Health professionals other than General Practitioners (GPs) are often well placed to provide relevant further evidence. The potential for sharing information already held by the Department and across the wider public sector should be explored.

3. It is too early to draw definitive conclusions about the overall effectiveness of the PIP assessment based on available published data. A rigorous evaluation strategy that will enable regular assessments of the fairness and consistency of award outcomes should be put in place, with priority given to the effectiveness of the assessment for people with a mental health condition or learning disability.<sup>5</sup>

The Call for Evidence had received a high response, particularly from people who had claimed PIP or supported claimants:

The overriding theme, also reflected in other inputs to the Review, was the impact of delays and backlogs, with a particular frustration from claimants about knowing the status of their claim and how long they would need to wait. Delays in receiving awards have had an impact on claimants’ financial position, including the knock-on to passported benefits linked to PIP. Another strong theme from all groups was concern over the quality of decision award letters.

12. Other main areas where comments were received from claimants and their representatives were the complexity of and time taken to complete the PIP2 claim form; mixed experiences of the actual face-to-face assessment including a lack of transparency; difficulties with appointment logistics; and views that the impact of fluctuating conditions and mental health conditions may not be being appropriately addressed.

13. In addition, inputs received from DWP staff, assessment providers and others highlighted constraints posed by different IT and associated systems; some positive feedback from health professionals about involvement in PIP assessments but some concerns about the degree of engagement with case managers - a view shared by

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<sup>5</sup> Ibid. p4

DWP staff; areas of dissatisfaction with the arrangements for collecting further evidence; and concerns about the number of appointments lost through non-attendance by claimants.<sup>6</sup>

The review's recommendations under each of the three themes include short, medium and longer term actions:

### ***Improving the claimant experience***

#### **Short-term**

1. Revise external communications with claimants so that they understand what to expect at the assessment and to reinforce claimant rights and responsibilities
2. a. Redesign the structure and content of decision letters; and  
b. Review case manager training and guidance to strengthen decision letter writing skills and make sure quality checks take place
3. Take action to begin a sustained programme to build better working relationships between case managers and health professionals
4. Ensure assessment provider assessment rooms are configured so that the assessor and the claimant sit at a 90 degree angle

#### **Medium-term**

5. Maximise the use of more proactive communications with claimants throughout the claims process, for example greater use of outbound SMS messages
6. Ensure that the policy intent for award review arrangements is being met and that guidance reflects this; and that decision letters provide a clear explanation of the rationale for review timings in individual cases (not using the language of 'interventions')

#### **Longer-term**

7. Review the PIP claims process, adopting a design that maximises the opportunities presented by greater use of digital and other technologies and can be implemented in a phased and progressive way, which:
  - a. gives high priority to the introduction of a mechanism, such as an online portal, that allows claimants to track the status of their claim
  - b. moves away from a "one size fits all" model for the claims process and supports a more tailored approach based on the needs of claimants
  - c. uses contact with the claimant to identify what information and evidence may already be available to support the claim
  - d. makes the claimant journey more integrated under common branding

### ***Further evidence***

#### **Short-term**

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<sup>6</sup> Ibid. p6



8. For the face-to-face assessment, reinforce existing guidance for health professionals to ensure consistency in how they introduce themselves and the functional nature of the assessment and limit the emphasis placed on collecting clinical information

#### **Medium-term**

9. Explore opportunities for improving the collection of further evidence by:

a. reviewing external communications so that messages about further evidence are consistent and give greater clarity about the type of evidence required and who is responsible for gathering the information

b. where appropriate and relevant, sharing information and evidence from a Work Capability Assessment or other sources of information held by the Department

c. examining the potential for wider sharing of information and evidence across assessments carried out in other parts of the public sector, for example health and social care reports

#### ***The effectiveness of the assessment***

#### **Short-term**

10. Monitor the application of activity 11 'Planning and following journeys' and ensure there is a clear explanation of the purpose of the activity for Departmental staff, health professionals and claimants

11. Review how aids and appliances are taken into account in PIP assessments against original policy intent, and make any necessary adjustments to guidance and training

12. Ensure the consistent application of existing guidance for health professionals on reliability and fluctuating conditions

#### **Medium-term**

13. Put in place and announce a rigorous quantitative and qualitative evaluation strategy, with a scheduled plan for the publication of findings which includes a priority focus on the effectiveness of PIP assessments for people with a mental health condition or learning disability

14. Provide assurance of fair and consistent PIP award outcomes by supplementing existing 'vertical' quality assurance with the assessment of 'horizontal' consistency

### **3.1 Initial responses**

Responses from disability organisations so far have mainly concentrated on the issue of delays to PIP claims and backlogs.

A news item at the **Disability Rights UK** website gives its initial response to the report of the Independent Review:

Disability Rights UK is deeply unsurprised that the independent review of PIP has found the process 'disjointed'. We believe that this is putting it mildly given that [today's published PIP statistics show a backlog of 240,800 claims](#) (40%) awaiting clearance.

Whilst we welcome some of the recommendations of the review and call on government to implement them in full, there is little in the review which inspires confidence in the PIP backlog being cleared.

We hear from people daily who are struggling with the PIP claim process; who experience massive hardship because of delays of months in getting their assessment completed. Disability Rights UK would like to see a halt to the further roll out of PIP, in October 2015, until the existing backlog has been fully cleared.<sup>7</sup>

Claire Nurden, Senior Policy Officer and co-chair of the **Disability Benefits Consortium** (a national coalition of over 50 charities and other organisations “committed to working towards a fair benefits system”) responded

“This review highlights that Personal Independence Payment is not yet fit for purpose. People are facing serious delays of more than a year in some cases, and claimants are finding the process confusing. Too often, they cannot get the information they need to understand what they need to do. This is causing unnecessary stress. Processes for collecting essential information about claims are not working properly. In some cases, disabled people are being forced to go through another assessment for the benefit years before they were originally told they would have to re-apply.

More than 4 in 10 people are still waiting for their PIP claim to be fully processed. Many of those left waiting, or those who have received an incorrect decision, are left in financial turmoil, isolated and unable to access the support they need, like transport to hospital appointments, wheelchairs or help around the home.

Alarm bells need to ring in Government. Urgent work must be done to improve the process. The test must not be extended to more people until it is proven that these problems have been addressed”.<sup>8</sup>

Responding to the report, Sarah Lambert, Head of Policy at the **National Autistic Society (NAS)**, said:

This is the latest in a series of reports recognising the unacceptable delays people with disabilities, including autism, face accessing this essential benefit. Yet, so far, the Government has ignored these warnings and instead allowed an unmanageable backlog of unassessed claimants to develop.

We're deeply concerned about the impact these delays are having on people with autism who rely on disability benefits to do things that many of us take for granted, such as making decisions about money or preparing or eating food. For them, PIP is nothing short of a lifeline.

The report suggests ways of tinkering with the assessment process but this won't deal with the most pressing issue of the huge backlog of claimants. The Government must recognise the damage the backlog is having on people with autism and suspend reassessments immediately, until it's cleared.<sup>9</sup>

Responding to the publication of the Independent Review and the latest PIP quarterly statistics, Juliet Bouverie, Director of Services and Influencing at **Macmillan Cancer Support**, said:

“Today's review acknowledges the need for improvement in a system that is currently riddled with delays. While we are pleased that more claims are being processed, it remains an absolute disgrace that thousands of people with cancer have been forced

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<sup>7</sup> DRUK, [PIP independent review published](#), 17 December 2014 [accessed 18 January 2015]

<sup>8</sup> Disability Benefits Consortium, [PIP announcements – charities respond](#), 17 December 2014 –accessed 18 January 2015]

<sup>9</sup> National Autistic Society, [First independent review of Personal Independence Payment published](#), 18 December 2014 [accessed 18 January 2015]

to wait six months [1] or more just to find out whether they were even eligible for the disability benefit.

“These delays are a further blow to cancer patients who have to prove that they have been affected by their disease for at least three months before the state will consider them as eligible for help.

“A recent survey of Macmillan benefits advisers reveals shocking statistics: nearly a third (30%) know of someone who has died while waiting for their benefits, almost one in two (48%) have come across patients who cannot afford to feed themselves properly, and around three in five (59%) say delays have left people unable to heat their homes [2]. This is completely unacceptable, particularly as winter approaches and the weather turns colder. No one should have to face these situations simply because they have been diagnosed with cancer.

“What we are seeing is failure in the system that is having a very real and shattering impact on the lives of people with cancer. Under the old system, cancer patients only had to wait for 11 weeks at most before receiving their benefits.

“The Department for Work and Pensions had committed to reducing these delays to 16 weeks by December but they have now shifted the goal-posts. Macmillan is calling on the DWP to be transparent about waiting times and urgently commit to reducing them to 11 weeks.<sup>10</sup>

In a press release responding both to the latest PIP statistics and to the first Independent Review, James Bolton, policy officer at **Mencap**, said

Gray's review recognises the serious flaws and failures in the PIP claims process – failures which Mencap has raised concerns about time and time again. In particular, Gray's acknowledgement that we need to move away from a 'one size fits all' model and use a more tailored approach based on the claimants needs highlights one of many flaws that have plagued the process since its inception.

People with a learning disability have told us that the extreme waiting times – which often exceed a year – combined with the completely inaccessible claim process are causing stress, anxiety and financial hardship. This dire situation simply cannot continue.

We urge the government to fully accept and implement the recommendations of the Gray review and to act with urgency to reduce the completely unacceptable, damaging and frankly dangerous backlog of claims.<sup>11</sup>

Mr Bolton highlights one suggestion from Mr Gray that he believes would “significantly improve the process”:

We welcome Paul Gray's recommendation to improve the collection of further evidence for claimants, as we believe this is vital at reducing the number of face-to-face assessments that people with a learning disability will undergo, and all of their claim to be assessed fully on paper.<sup>12</sup>

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<sup>10</sup> Macmillan Cancer Support, *Macmillan responds to PIP Independent Review and quarterly statistics*, 17 December 2014 [accessed 18 January 2015]

<sup>11</sup> Mencap, *Unfit disability benefits process shows poor signs of improvement*, 17 December 2014 [accessed 18 January 2015]

<sup>12</sup> Ibid.

### 3.2 Government response to the short-term recommendations

The Government announced on 27 February 2015 that it accepted in full all but one of the eight short-term recommendations of the review. However, given the “broad scope” of some of the medium and longer-term recommendations, and the wider context including the Smith Commission’s recommendation devolve disability benefits in Scotland and the upcoming General Election, a full response to these recommendations would not be given until after the May 2015 General Election:

The Department for Work and Pensions has already made significant improvements to the PIP process, particularly in relation to waiting times. This response is therefore an important step in making further improvements to ensure the PIP process works as well as it can for all claimants. It will be the first of two, and focuses on the short-term recommendations made in the review. It sets out the action the Department will take, together with the assessment providers, to continue to deliver positive changes to support PIP claimants through the assessment process.

The Department accepts all the short-term recommendations in full except the recommendation to configure assessment rooms in a specific way. We believe we are able to deliver the principle of an open, engaging consultation without being prescriptive about seating arrangements, and will work with the assessment providers to deliver that.

The broad scope of some of the medium and longer-term recommendations, such as those which will require the commitment of other organisations and cross-government agreement, will require further consideration, particularly in light of the recent recommendation by the Smith Commission to devolve disability benefits in Scotland. Having done further work to fully understand the wider implications of those recommendations, the Department intends to provide a subsequent response addressing them in due course.<sup>13</sup>

Further details can be found in the [Government’s response to the Independent Review of the Personal Independence Payment Assessment](#), published on 27 February.<sup>14</sup>

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<sup>13</sup> WS 321, 27 February 2015

<sup>14</sup> Cm 9015