

# Personal Independence Payments, Disability Living Allowance and Attendance Allowance Briefing Paper



Updated September 2019

## Introduction

The purpose of this briefing is to explain the current changes regarding disability benefits and how they affect older people. Personal Independence Payments (PIP) are replacing the Disability Living Allowance (DLA) for disabled people aged 16 to 64, and all new claimants aged 16-64 will be put on to PIP. Those who are 65 or over that make a new claim, or have had a previous PIP / DLA award that has ended and not been renewed, will have to apply for Attendance Allowance.

## PIP, DLA and older people

If a person is on PIP at 64 and there is no change to their status, they will stay on PIP post 65 and onwards. People will continue to get DLA if they were born on or before 8 April 1948 and have an existing claim. These people will not be reassessed for PIP and will remain on DLA, if they continue to satisfy the eligibility criteria.

It was announced on 9<sup>th</sup> July 2019 that 290,000 disabled pensioners will no longer have their PIP benefits regularly reviewed if their personal circumstances are unlikely to change. Pensioners will now only face a check every 10 years. Those under pension age will still be required to have regular reviews in order to keep their award. There will also be a trial which will see PIP assessments video recorded in order to improve transparency and build trust in the process.

The date of when the claimant's next reassessment is dependent on their own personal circumstances. The example from the guidance on the next time a PIP reassessment will take place is between 9 months and 8 years per reassessment, if the claimant is under pension age. Longer awards are made in circumstances where conditions are unlikely to change. Those making a new claim for PIP will be subject to an initial assessment to see if they meet the qualifying criteria.

## What are the differences between DLA and PIP?

DLA and PIP will continue to be made up of two components which are a daily living component, for everyday tasks and a mobility component, for additional help with getting around. The level of award depends on how a person's condition affects them in their day to day lives. Claimants may be eligible for one or both components. Neither DLA nor PIP is a means tested benefit.

DLA and PIP are usually paid every 4 weeks. They are tax free and you can get it whether you're in or out of work. DLA had three award levels, whereas PIP only has two award level, with the lowest tier of award having been deleted. The 2019/20 rates are found overleaf.

(weekly rate)	DLA – living	DLA - mobility	PIP – living	PIP - mobility
lower	£23.20	£23.20	deleted	deleted
standard	£58.70	n/a	£58.70	£23.20
enhanced	£87.65	£61.20	£87.65	£61.20

### **Do DLA and PIP have differing qualifying criteria?**

Assessments look at the way an individual's health condition or disability impacts them while completing daily activities, such as cooking or taking a shower. The criteria for PIP are stricter than those for DLA - for example, in the past someone was considered to be "virtually unable to walk", and therefore eligible, if they could not walk more than about 50 metres. Under PIP, that was dropped to 20 metres, excluding, at the government's estimate, more than 420,000 people.

### **Who carries out the assessment?**

PIP includes an assessment which is carried out by Atos or Capita on behalf of the government. Money is allocated according to a points system and eligibility is kept under regular review. They are not carried out by independent impartial doctors or assessors. This results in a lack of transparency in the assessment process and inter-assessor and regional variability. Furthermore, issues with the standards of the assessments have frequently been raised.

### **What is Attendance Allowance?**

If someone is 65 or over, they can apply for an Attendance Allowance, as they are above the qualifying age for PIP. Attendance Allowance is also tax free, paid weekly and helps with extra costs for those who have a disability severe enough that they need someone to look after them. The 2019/20 rates are as follows:

Lower rate per week	£58.70	Frequent help or constant supervision during the day, or supervision at night
Higher rate per week	£87.65	Help or supervision throughout both day and night, or you're terminally ill

### **How could this affect older people?**

When managed reassessment started from late 2015, the eldest potential claimants were invited first. The government stated that this was to ensure that individuals were assessed for PIP as close as possible to their 65th birthday. This means that older people are more likely to lose out sooner if they are rejected and their award stopped.

If moving from DLA to PIP and a claimant's award is reduced, the DWP will, for four weeks, pay the existing DLA award level to give limited support. However, with older people are being assessed first, if they are rejected, they will lose out first, and as they are more likely to no longer be in any form of work, this is likely to have a detrimental effect on their income.

## **Can people appeal the decision to reduce or stop awards?**

As with many statutory processes, if you disagree with the decision, you can ask for the decision to be looked in to again. The appeals process is termed a 'mandatory reconsideration' and is made to the DWP. If the initial appeal is rejected, a final appeal can be submitted to a tribunal. In 2016, DWP figures show that 66,180 people had a DWP decision to reduce or stop their award overturned. With around 65% of all cases that reach a tribunal being overturned, compared to 18% of cases reversed at the mandatory reconsideration stage.

## **Conclusion**

Whilst the NPC welcomes the news that reassessments for pensioners will no longer take place as frequently. However, with stricter qualifying criteria, one-off assessments and non-impartial assessors, there are truly worrying and ingrained failures with the way the transition from DLA to PIP is being rolled out. Any bias in the system is unacceptable, and the fact that this is being targeted towards older, disabled people and those who are most in need, will only widen social inequality and erode people's quality of life when they are nearing the age of retirement.

## **Further information**

1. Disability Living Allowance <https://www.gov.uk/dla-disability-living-allowance-benefit>
2. Personal Independent Payment <https://www.gov.uk/pip>
3. Attendance Allowance <https://www.gov.uk/attendance-allowance>
4. DLA rates <https://www.gov.uk/dla-disability-living-allowance-benefit/DLA-rates>
5. PIP Assessment Guide Part One - The Assessment Process [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/753699/pip-assessment-guide-part-1-assessment-process.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/753699/pip-assessment-guide-part-1-assessment-process.pdf)
6. HM Government Press Release - <https://www.gov.uk/government/news/thousands-of-pensioners-to-benefit-from-pip-assessment-overhaul>

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