

# Benefits Update for people who are ill, disabled or a Carer during Covid-19 emergency

## I am unable to care because of coronavirus or isolation

If you are claiming Carer's Allowance for looking after someone and you are temporarily unable to care for them because either they or you are self-isolating or ill with coronavirus, Carer's Allowance will continue. New guidance also allows Carers to include providing emotional support to a disabled person in the 35 hours rule for Carers Allowance.

## My Personal Independence Payment (PIP) award is due to end

As a temporary measure the government announced that from the 17 March there will be no new reviews or reassessments for 3 months. The government has said they will be regularly reviewing the position in line with Public Health advice.

Although there has been no published guidance or new legislation, the government has confirmed that all awards that end in the 3 month window will automatically be extended by 6 months. It seems clear that if your award was due to expire on or after 17 March then it should automatically be extended. It would, however, be advisable to contact the DWP to confirm that this has been done in your particular case.

If your award was due to end before 17 March, and a decision has not yet been made on your renewal claim, it is advisable to continue to provide evidence and complete renewal forms as requested. If any responses cannot be made on time, make sure you explain why they are late. In view of the current difficulties it must be hoped that the DWP will be able to be lenient and extend deadlines where necessary.

Although face-to-face assessments have been suspended, if an assessment has already been scheduled, claimants will be contacted by the assessment provider to discuss how the decision process will be taken forward. The government has said there is no need for claimants to do anything if they have been given a medical appointment. Someone will contact them to discuss next steps and alternative arrangements, which could involve either telephone or paper-based assessments. It is important if you have a paper assessment that you have good evidence of your health condition. You should still be able to contact your GP by telephone to provide medical evidence that relates to the way you meet the PIP descriptors. If your award has already ended it is important to try to get a positive decision made as soon as possible. If you find yourself in this situation get advice from one of the organisations at the end of this article.

The government has said that if the review process has already been completed i.e. you have already attended a medical, the reviews will continue to be processed. This appears to mean that a decision

will be made on the review of your PIP award. If you are not happy with the decision the usual process of mandatory reconsideration and subsequent appeal is still available to you.

The situation is still quite unclear and the DWP may extend an existing award if a review has already started. We have heard anecdotally that in these cases the DWP may cancel the existing review. This means that a new review will need to be conducted in time for the award to continue beyond the extended deadline. This process can be started 6 months before the end of the award. There will be a backlog of reviews when restrictions are lifted and it might be in your best interests to request a new claim form to provide information for a future review if your extended PIP award is due to end within 6 months. Seek advice from an organisation such as Citizens Advice if you find yourself in this situation

## I have made a claim for a disability benefit. What happens now?

The government has said they are taking the steps to suspend new assessments in order to ensure the Department's resources are focused on enabling access to financial support for new claimants. Hopefully this means new applications will be prioritised. The press statement does say that if people experience a change in their needs they are still encouraged to contact the Department to ensure they are receiving the correct level of support.

For most AA and DLA claims the decision is made on the paper evidence. The process should continue as before. It is always advisable to provide medical evidence, and evidence from Carers who know the disabled person well that explains how they meet the criteria. This situation has not changed.

The PIP enquiry line has a message saying that if people have received their PIP form the deadline to send back has been extended to 3 months from the date it was received. This will give people additional time if they need it to gather appropriate evidence to attach to the form. Awards of PIP will in most cases be paid from the date on which the claim process was started, i.e. from the initial phone call. Delaying returning the form will inevitably delay the date on which any additional money is received. It is now possible for individuals to receive and return the PIP2 form electronically after the initial call to the Department. Supporting evidence can also be submitted electronically, at the same time as the PIP2.

For new PIP claims there is usually a face-to-face assessment. As these have been suspended it is even more important than usual to provide written evidence of the way in which the claimant meets the criteria. If you feel there is enough paper evidence you could ask in the application form for a decision to be made without a face-to-face assessment or you could ask for a telephone assessment to be arranged. Ultimately the decision maker will still need to be persuaded that the criteria are met in order for an award to be made.

If you are not happy with the decision the usual process of mandatory reconsideration and subsequent appeal is still available to you. You should also consider seeking specific advice from an advice organisation such as Citizens Advice.

## My Disability Living allowance (DLA) award is due to end

If you are in the process of transferring from DLA to PIP it is important that you complete the process. Your award of DLA should continue until a decision on the PIP award is made. If you fail to provide information requested during the PIP assessment process there is a real danger your award of DLA will end.

If you have not already started the process of transferring to PIP, your DLA award should automatically continue, even if there is an end date, while the current suspension of reviews continues.

## I am in receipt of DLA and my condition has deteriorated.

If you are a child under 16, or a person who was already 65 on the 8 April 2013 then you can request a review of your DLA award. This should take place in the normal way. The government has said that 'if people experience a change in their needs they are still encouraged to contact the Department to ensure they are receiving the correct level of support'.

If you are a working age adult receiving DLA, or were under 65 on the 8 April 2013 this situation has not been specifically addressed at the moment. It is, however, likely that you will be required to claim PIP if you are in receipt of DLA and your condition has deteriorated. You will need to consider carefully if the change in your condition means that you will be awarded a higher level of PIP. Remember the test for the high rate of the mobility component under PIP is a test based on standing and moving 20m whereas under DLA the high rate of the mobility component is awarded based on a 50m test. There are some people who currently receive DLA with the high rate of the mobility component who will only receive the standard rate of the PIP mobility component.

An explanation of the PIP criteria can be found at:

<https://www.gov.uk/government/publications/personal-independence-payment-assessment-guide-for-assessment-providers/pip-assessment-guide-part-2-the-assessment-criteria#daily-living-activities>

<https://www.gov.uk/government/publications/personal-independence-payment-assessment-guide-for-assessment-providers/pip-assessment-guide-part-2-the-assessment-criteria#mobility-activities>

If you decide to report a change of circumstances you should also consider seeking specific advice from an advice organisation such as Citizens Advice.

## I am in receipt of Attendance Allowance and my condition has deteriorated

In this situation you can request a review of your AA award. This should take place in the normal way. The government has said that 'if people experience a change in their needs they are still encouraged to contact the Department to ensure they are receiving the correct level of support'.

You will need to contact the AA helpline to request a review. Your existing award of AA should continue in the meantime. It may well take longer than usual for a decision to be made.

## I am challenging a DLA, PIP or AA decision

If you have an existing award of DLA, PIP or AA and you are challenging the rate, then the process will continue as normal, subject to the changes implemented for tribunals as a result of the coronavirus. You will continue to receive your existing award while the challenge continues.

The Mandatory Reconsideration process is a paper exercise. You can provide extra evidence to the DWP to support your claim. The decision-making process will not change as a result of changes implemented as a result of the coronavirus. It is not clear at this stage what impact the current situation will have on the speed of decision making.

If you are not successful at Mandatory Reconsideration, and you wish to continue to challenge the decision by appealing, you need to follow the usual process that is explained in your mandatory reconsideration letter. You have the opportunity to provide further written evidence. Because of the coronavirus there have been changes to the tribunal practices.

A disability benefit appeal would normally be heard by a three person panel. Rules have been put in place to allow decisions to be made by a smaller panel if necessary in the individual circumstances. There is also greater flexibility in using technology for hearings including the use of telephone hearings or video conferences using Skype.

As usual it is important for anyone appealing a disability benefit decision to look carefully at the criteria and gather evidence that explains how they meet them. You should also consider seeking specific advice from an advice organisation such as Citizens Advice. There has been some anecdotal evidence that the DWP are changing their decision before the tribunal sits where there is good evidence that the claimant meets the criteria. There is no harm in drawing the DWP's attention to new evidence provided for an appeal.

## Contact details:

Attendance Allowance helpline: 0800 731 0122

Textphone: 0800 731 0317

Carer's Allowance Unit: 0800 731 0297

Textphone: 0800 731 0317

Disability Living Allowance - under 16: 0800 121 4600

Textphone: 0800 121 4523

Disability Living Allowance - born after 8 April 1948: 0800 121 4600

Textphone: 0800 121 4523

Disability Living Allowance - born before 8 April 1948: 0800 731 0122

Textphone: 0800 731 0317

Personal Independence Payment helpline: 0800 121 4433

Textphone: 0800 121 4493

This information is correct as of 19 May 2020. If the information changes we will update this article.