

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.

I am a Carer and I am no longer working

You can claim Carer's Allowance if you are earning less than £128, through employed or self-employed work. As a result of the Coronavirus you may have reduced your hours or stopped working all together. If you are earning less than the threshold and care for a person claiming Attendance Allowance, daily living component of PIP, or DLA at the middle or high rate of Care Component, for at least 35 hours per week, you may now be able to claim Carers Allowance. This is £67.25 per week. It is taxable income. Carer's Allowance (CA) is unearned income in the calculation of Universal Credit, which means a UC award is reduced £ for £ by CA. You will receive a National Insurance credit for each week you receive CA.

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

As a temporary measure, in the early stages of the pandemic, the government announced that from the 17 March 2020 there would be no new reviews or reassessments for 3 months. The government stated that all awards that ended in this 3-month window would automatically be extended by 6 months. The government did not introduce any new legislation to make this change in their practice as they have powers under existing legislation to supersede decisions on their own initiative. PIP is awarded at a specific level for a particular term, e.g. standard rate daily living and standard rate mobility for 3 years. At the end of the term of the award PIP ends unless a new 'renewal' claim has been decided.

There is no current statement from government that PIP awards will be automatically extended using the powers they have to supersede their own decisions. This option is still, however, available should they wish to exercise it. It is understood that claimants are still receiving extension letters. A decision to extend the award of PIP needs to be made before the award ends.

The DWP have now recommenced reviews and reassessments - if you are unsure about your PIP award or haven't heard from the DWP, contact them to confirm what is happening. If you have been sent a form for completion you must send it back, as failure to provide evidence when requested can result in the award ending. Unless you have been specifically notified that your particular award has been extended ensure you make a new claim before the end of your existing award. In most, but not all, cases if your award is due to end you will be contacted and asked to complete a renewal claim. If you are sent a new form you should complete it and send it back by the deadline set. If this is not possible make sure you contact the DWP and request extra time.

While the DWP are assessing your continued eligibility for PIP, time is passing. If the term of your existing award expires before a decision on your new claim is made, PIP will stop. If you send the form back in time and a decision is eventually made in your favour you will receive back payments for the gap in payment. But any gap in entitlement could affect not only payment of PIP but also awards of benefits to others that are based on your award of PIP. This could include Carer's Allowance and Income Support for the person who cares for you.

If you have an existing award of PIP that is due to end within the next 6 months, check with the DWP to see if they have extended your award. If not you can make a new claim. If you have not heard from the DWP and you know that the term of your PIP award is due to end within 6 months, ring the DWP and request a renewal PIP claim form. This will give the DWP more time to make a decision on a new award and hopefully avoid a gap in payment.

Face to face assessments continue to be suspended. If possible, assessments are being done by telephone or based on the paperwork provided. This creates a problem if a decision on a new award is delayed because a decision cannot be made without a face to face assessment as the existing award of PIP will stop unless the DWP has already decided to extend it. It is more important than ever that as much evidence of how you meet the criteria is provided with your renewal claim. Your local Citizens Advice or other advice agency can help you with this.

One source of good evidence of your health condition would be your doctor or consultant. 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.

If you are not happy with the decision the usual process of mandatory reconsideration and subsequent appeal is still available to you.

As a result of the pandemic it although telephone medical assessments can be conducted, there will inevitably be a backlog and as a result there is the opportunity for more cases to be decided on paper evidence. It will, therefore be in your interests to provide as much relevant medical evidence as possible with your renewal application.

it might be in your best interests to request a new claim form to provide information for a future review if your 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?

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 deadline to send back PIP forms 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 actually 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 assessments have been suspended it is even more important than usual to provide written evidence of the way in which the criteria are met. 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 a decision that has been made by the DWP 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.

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 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 crisis.

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 crisis 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 1 February 2021. If the information changes we will update this article.