

Personal Independence Payment

2. Making a claim



Law Centre (NI)

At a glance

Personal Independence Payment is a new benefit which was introduced in Northern Ireland on 20 June 2016.

From that date it has not been possible for people aged 16 to 64 to make new claims for Disability Living Allowance (DLA). They have to claim PIP instead.

This briefing is aimed at:

- members of the public;
- advisers.

It explains how to make a claim to PIP whether or not you already receive DLA. It also answers some frequently asked questions.

Law Centre (NI)

- promotes social justice and provides specialist legal services to advice organisations and disadvantaged individuals
- in five areas of law: social security, community care, mental health, employment, trafficking and asylum
- through advice, casework, training, information and policy services

Our advice line

9.30am to 1pm, Monday to Friday 9024 4401

Introduction - Personal Independence Payment

Personal Independence Payment (PIP) is a new benefit introduced in Northern Ireland on 20 June 2016. It has replaced Disability Living Allowance (DLA) as the main benefit paid to disabled people of working age (16 – 64) who need help getting around and/ or with daily living activities.

PIP is administered by the Department for Communities (the Department).

If you were aged over 65 on 20 June 2016 and were in receipt of DLA your DLA will continue to be paid as usual.

If you are claiming for a child who is aged under 16, DLA will continue until the Department writes to you to invite you to apply for PIP instead.

If you are making a new claim for a child under 16 you will still apply for DLA.

Law Centre (NI) Information Briefing: *Personal Independence Payment 1. Introduction* provides a more detailed guide on PIP and what it is. For a full list of Law Centre (NI) briefings on Personal Independence Payment and where they can be found online, see page 10.

1. How can I claim PIP?

There are four steps to claiming PIP. Save for step 1, the process is broadly the same regardless of whether you are claiming PIP for the first time or are already in receipt of DLA.

Step 1 - If you are making a fresh claim

→ Phone the PIP Centre and request a claim form

It is not possible to pick up a PIP claim form in a social security office or in a local advice centre.

The main way to make a fresh claim to PIP is by ringing the PIP Centre on the number below:

Phone 0800 012 1573

Textphone 0800 012 1574 (for people with speech or hearing difficulties)

If you have difficulty using the phone then someone can ring on your behalf as long as you are with them. A relative, social worker or local advice agency might be able to assist you.

→ In exceptional circumstances: make a written request

If you cannot claim by phone then you can write to the PIP Centre and ask for a claim form to be sent to you. This form is called form PIP 1. It covers the required information detailed in the next page. (Alternatively, you can phone the PIP Centre to request that a claim form is sent out to you)

Written requests will only be actioned in exceptional circumstances and therefore you should start your claim by phone where possible. Where this is not possible you should clearly explain to the Department why you cannot make the claim by phone.

If the Department does not allow you to start the claim by written request you should ask for confirmation of this decision in writing. You should then seek further legal advice on the issue within 30 days of the date of the decision.

→ Information required

When you first phone the PIP Centre, you will be asked for the information set out below. We recommend that you have this information to hand before phoning as this will help reduce the chance that you might need to ring back. The required information is:

- your contact details;
- your date of birth;
- your national insurance number;
- your bank/ building society account details;
- name and contact details of GP and other healthcare professionals;
- details of any time spent abroad, or in a care home or hospital;
- details of your nationality and immigration status;
- whether you are terminally ill and claiming under the special rules;
- details of any existing claim to DLA.

Following this phone call, a PIP 2 form will be sent to you (see Step 2).

Step 1 - If you are an existing DLA claimant

→ Wait to be contacted by the Department

If you already receive DLA, the Department will contact you in writing to tell you that your award of DLA will be ending and inviting you to claim PIP. The letter will give you some information on PIP, explain the process for claiming and invite you to make a claim to PIP by phoning the PIP Centre. You have 28 days in which to phone the PIP Centre and give the information identified above (see page 3, 'Information required'). Your DLA will continue during this period if you meet the deadline.

If you do not make the claim to PIP, or choose not to claim PIP, your DLA will be suspended. However, the Department will make three attempts to contact you by phone over two days before suspending your benefit.

If your DLA is suspended because you have missed the deadline the Department will call to your house within four weeks to assist you in making the claim. The Department has confirmed that home visits will be carried out until 2018 Your DLA claim will be terminated if you still fail to make a claim for PIP within 28 days of the date of suspension. Your only option if your DLA is terminated will be to make a fresh claim to PIP. You will not, however, receive DLA during this process.

If you make the claim within the time limits you will be sent a PIP2 form and must follow the process as outlined below.

The next steps in the claims process apply equally to people who claim PIP for the first time and those who are being migrated from DLA.

Step 2: Complete 'How your disability affects you' form

This form, also known as the PIP 2 Form, gives you an opportunity to set out how your condition affects you in your own words. The questions on the form gather information that link to the tests for PIP which has 10 daily living activities and 2 mobility activities (see Appendix in Law Centre (NI) Information Briefing: *Personal Independence Payment 1. Introduction*). It is very important to take time to fill the form in comprehensively and there are detailed notes to help you. The form must be returned within one month of the date that it was sent to you. You can ask for this time limit to be extended and the Department will automatically grant you a further two weeks. However, it is vital that you ask for the extension or the computer will automatically disallow the claim once the deadline has passed.

Completing the form

- Read the information notes on the form carefully. If you fail to mention difficulties that you have on this form, it may be less likely that you will be believed if you challenge the decision, so take time to complete the form fully and give as much information as you can.
- Consider contacting a local advice centre for help with completing the form as an adviser will be able to help you focus on relevant issues.
- It is a good idea to draft potential answers so that you can discuss these with your adviser. Your answers should not be exaggerated but do not underestimate your difficulties. It is often a good idea to discuss your draft response with someone such as a carer or family member who knows you well. They can help input into how you describe your difficulties and needs.
- If you have a variable condition you will have to set out how often your difficulties arise. It is a good idea to keep a diary for a couple of weeks so that you can describe how often you had bad days and what specific difficulties you had on those days.
- List any aids or appliances used by you to complete any task as well as any difficulty you have using them. Also list any aids or appliances which you think would help you carry out your daily tasks.
- If you have any further evidence such as a report from your GP, an occupational therapist or social worker, or a statement from a family member, then send this to the Department along with the form. The more evidence you can supply to support your application, the better.
- However, be mindful of the one month time limit for returning the form. Do not delay returning the form while you obtain further information. Instead, return the form within the time limit and make it clear on the form or in an attached letter that you will send in the additional information once you receive it.
- It is advisable to return the form by recorded delivery.

Step 3 – Assessment

An independent Health Professional will review your claim form along with any additional evidence. The Health Professional will decide whether a face to face consultation is necessary to decide your claim.

Most PIP claimants will be asked to attend a face to face consultation/assessment to assess how their condition affects their daily living and mobility needs. Capita carries out these assessments for the Department in Northern Ireland.

You should receive at least seven days written notice of the date and time of the assessment. You should consider taking along a friend or family member for support.

The assessment is usually carried out in an assessment centre.

If you cannot attend an assessment centre, you should contact the Department and ask for a home visit. You may need to provide medical evidence to explain why you cannot attend an assessment centre. If your request is refused and you do not attend the assessment your claim may be disallowed unless you can show good cause.

It is advisable to read your claim form again before going to the medical assessment. This will ensure you are alert to relevant issues and give answers in keeping with what is stated on your claim form.

At the assessment

The Health Professional will ask you questions about your condition and how you manage the different daily living and mobility activities. The Health Professional will record the information you give them at the same time, so speak slow and clearly and ensure that they record and understand the points you are making.

Be prepared to discuss very intimate and personal issues in detail. An assessment report will be compiled and can include informal observations such as whether you attended alone so if you are accompanied by a person waiting outside you will need to tell the Health Professional who it is and why you need the support.

You should remember that it is the help you need that is important, not the help you actually receive, so make sure to highlight any help you need as opposed to only the help you receive.

If you are being assessed on a good day, you will need to describe to the Health Professional how you are affected on bad days and how often these happen. If your condition is variable, you should also tell the assessor about fluctuations and how often you are affected. You should also explain in detail any difficulty you have with completing daily tasks and whether or not you can complete them reliably, repeatedly, safely and in a timely manner.

If you are not fluent in English, contact Capita and ask that an interpreter is present at the assessment.

Your case will then be sent back to the Department together with the Health Professional's report and recommendations.

Step 4: the decision

A PIP case manager will then consider your application form along with the report of the Health Professional, any evidence from your GP and any other evidence that you have submitted and will decide if you are entitled to any rate of PIP.

You will receive a written decision. PIP is normally awarded for a fixed period of one to five years although if appropriate an indefinite award may be made. The Department can review any PIP decision at any time to check if it is correct. This means that you could be reassessed at any time.

If you are turned down for PIP you can challenge this decision. Equally, if you believe that you should have been given a higher or longer award of PIP you can challenge this too.

However, there is always the risk that the new decision may be less favourable, therefore you should always take advice if you are challenging the level or duration of the award.

For information on challenging the decision please see the answer to question 12 below.

2. Can I make an online claim for PIP?

Not yet. In the future claimants will be able to make an online claim for PIP but that facility is not yet available. It is expected that this will be operation by April 2017.

3. How will current DLA claimants be affected?

If you are aged 16 to 64 and were in receipt of DLA on 20 June 2016, you will continue to be paid DLA. This will continue until you are reassessed under PIP at some point before the end of 2018.

Please see Law Centre (NI) Information Briefing *Personal Independence Payment 3. Moving from DLA to PIP* for more detailed information.

4. When will my date of claim start?

If you claim by phone, your date of claim will generally be the date of your phone call.

If you write and request a paper claim form, the date of claim will be the date your request is received, as long as you return the properly completed claim form within one month (or longer if reasonable). Therefore, if making a written request, we would advise you to send your request by recorded delivery to prove the date of receipt of your request.

5. Can my PIP claim be backdated?

No. It is not possible to backdate a claim for PIP even if you would have been entitled before the date of claim. We therefore recommend that you claim PIP as soon as you think you are entitled and taking into consideration the past and future tests explained in question 6 below.

6. Can I claim PIP immediately if I get sick or become disabled?

No. You must have had the condition for three months before being able to claim PIP (this is called the 'required period'). In addition, the condition must be expected to continue for a further nine months.

There are some exceptions to this rule, for example if you are terminally ill or have specific rights under European law. If in doubt, seek advice.

7. Can I claim PIP in advance?

You can claim PIP in advance if you will satisfy the conditions within three months of the claim being decided. This is particularly relevant where you do not satisfy the 'required period' condition at the initial time of claiming.

8. What happens when my PIP award comes to an end?

If your award of PIP was made for more than 18 months, the Department will contact you 12 months before it is due to end with a view to collecting up to date information for the purposes of a renewal. You are not required to make a fresh claim to PIP.

If, however, your award was made for 18 months or less, the Department will advise you that your claim is coming to an end and it is up to you to make a fresh claim. The Department will not conduct a renewal.

9. How is a claim for PIP affected if I am terminally ill?

Special rules apply if you have a terminal illness and are not expected to live for more than six months. It is also possible to claim PIP on behalf of a terminally ill person with or without the person's knowledge.

If you are terminally ill and the special rules apply to you:

- you need to complete the PIP 1 claim form described above which asks basic identification information;
- you will not need to complete the 'How your disability affects you' form (PIP 2 form);
- you need to have your doctor complete and return a DS1500 form to support your claim which can be obtained from your GP, nurse or social worker;
- you will not need to attend a face to face consultation;
- you will be automatically entitled to the enhanced rate of the Daily Living component of PIP without having to satisfy the normal qualifying period;
- you may also be entitled to the mobility component if you have mobility needs.

If you think you or someone you care for might qualify under these special rules you should phone 08000 012 1573 (textphone 08000 012 1574) and explain that the claim relates to terminal illness so that it is not treated as a standard application for PIP.

You do not have to send in a new DS1500 if you have sent one to the Department in the last six months for PIP or any other social security benefit.

10. How is PIP paid?

PIP is usually paid every four weeks in arrears. If you are terminally ill, PIP is paid weekly in advance.

11. Can I claim PIP and DLA at the same time?

No, it is not possible to claim PIP and DLA at the same time. Your DLA can only continue until a decision is made on your PIP claim and payment of PIP made. You will be paid DLA for 28 days after a successful PIP decision is made. Your DLA payments will end earlier if you fail to return the PIP claim form by the date required or if you fail to make a claim to PIP when invited to do so by the Department. Please see steps 1 and step 2 above.

12. I live in the Republic of Ireland but work in Northern Ireland, can I claim PIP?

This is a complicated question and depends on the facts of each case. The rules which allow you to claim PIP in another EU state are governed by European law.

The ability to claim the daily living component of PIP will continue as long as the UK remains in the EU and the UK is your competent state. We are not sure what will happen when the UK formally leaves the EU but it is likely that the ability to export PIP will stop.

The mobility component of PIP cannot be exported under any circumstance.

If you live in the Republic of Ireland and work in Northern Ireland, you will continue to get the care component of DLA until you are successfully migrated across to PIP. People in these circumstances will be contacted at random and invited to claim PIP.

If you have been prevented from making a claim, you should ask the PIP Centre to put the decision in writing. You will then have the right to challenge that decision.

Anyone who might be affected by this should seek specialist advice from our advice line.

13. What happens if my claim for PIP is refused?

You must write to the PIP Centre (using the address on the decision letter) asking for a mandatory reconsideration of the decision. This must be done within one month of the date of the decision. If you are still not happy after this mandatory reconsideration is decided you can then appeal the original decision.

for more detailed information, please see Law Centre (NI) briefing paper *Mandatory Reconsideration and Direct Lodgement of Appeals*: www.lawcentreni.org/Publications/Law-Centre-Information-Briefings/Mandatory-reconsideration-Law-Centre-NI-information-briefing-May-2016.pdf

14. What will happen to my motability car when I am transferred to PIP?

You will only get a motability car if you are awarded the enhanced rate of the mobility component of PIP. If you are not awarded this rate, your motability car will be removed within 21 days. There is no provision in the mitigations package to compensate you for this loss.

Law Centre (NI) advice line

Advisers are welcome to contact the Law Centre's social security legal advice line with queries about this and other benefits issues.

(028) 9024 4401, 9.30 to 1pm, Monday to Friday

Law Centre (NI) briefings on Personal Independence Payment

Personal Independence Payment 1. Introduction

www.lawcentreni.org/Publications/Law-Centre-Information-Briefings/PIP-1.Introduction-September-2016.pdf

Personal Independence Payment 2. Making a claim

www.lawcentreni.org/Publications/Law-Centre-Information-Briefings/PIP-2.Making-a-Claim-September-2016.pdf

Personal Independence Payment 3. Moving from DLA to PIP

www.lawcentreni.org/Publications/Law-Centre-Information-Briefings/PIP-3.Moving-from-DLA-to-PIP-September-2016.pdf

Personal Independence Payment 4. Supplementary payments

www.lawcentreni.org/Publications/Law-Centre-Information-Briefings/PIP-4.Supplementary-Payments-September-2016.pdf

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