

Personal Independence Payment

3. Moving from DLA to PIP



At a glance

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

From that date it has not been possible for people aged 16 to 64 to make a claim for Disability Living Allowance. They have had to claim PIP instead.

However, those receiving DLA will continue to do so until they are contacted by the Department for Communities (the Department). This briefing describes how those with awards of Disability Living Allowance will be affected by the introduction of Personal Independence Payment.

The briefing is aimed at:

- members of the public currently in receipt of DLA
- advisers

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

9.30 to 1pm, Monday to Friday 9024 4401

Introduction - Personal Independence Payment

Personal Independence Payment 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 to 64) who need help getting around and/or with daily living activities.

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

It is not possible to claim PIP and DLA at the same time.

People under 65 and over 16 who were receiving DLA on 20 June 2016 will be contacted before the end of 2018 and invited to claim PIP as their claim for DLA will be ending.

This briefing sets out answers to some frequently asked questions for people who are currently in receipt of DLA.

For a list of the descriptors used in assessing entitlement to PIP, see appendix 1 of Law Centre (NI) information briefing *Personal Independence Payment 1. Introduction*.

A full list of Law Centre (NI) information briefings on PIP and where they can be found online is available on page 6.

1. Will I be entitled to PIP if I currently receive DLA?

If you are in receipt of DLA there is no automatic entitlement to PIP. Your entitlement will need to be assessed under the new criteria for PIP.

Even if you have an indefinite award of DLA or have received DLA for many years, you will have to be assessed under the new rules.

It is a good idea to look at the new rules on entitlement to PIP which are set out in Law Centre (NI) briefing *Personal Independence Payment 1. Introduction* and review the test criteria in the Appendix.

2. When my DLA award is due for renewal will I have to claim PIP?

Yes. When your fixed period award of DLA is due to end, you will be invited to make a claim for PIP. It will no longer be possible to make a claim for DLA if you are aged 16 to 64.

3. If my condition changes can I receive a higher rate of DLA?

From 20 June 2016, if you contact the Department to advise that your condition has changed you will be invited to make a fresh claim for PIP. It is not possible to ask for a higher rate of DLA. It is advisable to take independent advice about your likely entitlement to PIP before notifying any deterioration in condition.

4. I was over 65 on 20 June 2016 - will I be invited to claim PIP?

No. If you were aged 65 or over on 20 June 2016 your DLA will continue to be paid as long as you satisfy the criteria of entitlement and you will not be invited to claim PIP.

5. I claim for a child - what will happen when the child reaches 16?

Children under the age of 16 who currently receive DLA will continue to receive it.

About 20 weeks before the child reaches 16, the Department will contact you as the parent/guardian/appointee to check the situation and to give you advance notice that the case will be reassessed for PIP once the child turns 16.

When the child turns 16, a letter will be issued inviting a claim for PIP.

6. I am on an indefinite/long term award – when will I be contacted for reassessment?

You will be contacted before December 2018 and invited to claim PIP. This will happen on a random basis but the plan is that all customers will have been contacted before December 2018.

7. Can I choose to claim PIP before I am contacted by the Department?

Yes, it is possible to opt to claim PIP.

However, if you are considering a claim for PIP it is a good idea to take independent advice about potential entitlement under the new test for PIP. This is because once a claim for PIP is started it is not possible to choose to return to your award of DLA.

8. Will I be paid during the reassessment period?

Yes, you will continue to receive DLA until your entitlement to PIP is determined if you make a claim when you are asked to do so and provide all the necessary information.

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 ask you to call the PIP centre within 28 days. It is very important that you contact the PIP centre on Freephone 0800 012 1573 within the 28 day time limit. If you do not contact the PIP centre within 28 days as requested, your DLA will be suspended following three attempts by the Department over two days to contact you by phone to take the claim.

If your DLA is suspended, the Department will contact you either before or when the suspension is imposed, informing you that you have another 28 days to contact the PIP Centre. If at that point you do not provide the required information within those 28 days, your DLA claim will be terminated and your only option will be to make a fresh claim to PIP. You will not, however, receive DLA during this process.

Once you have made contact with the PIP centre by phone and given them the required information, a claim form (called PIP 2) will be sent out to you. You will have a month to return this form.

You will continue to receive DLA as long as you return the completed form within a month. If you do not return the form by this date, or choose not to claim PIP, your award of DLA will be suspended. If you have problems with filling the form, you can ask for extra time and you will be given two extra weeks. But it is vital that you ask for the extension or the computer will automatically disallow the claim once the deadline has passed.

For more information on the application process, see Law Centre (NI) Information Briefing *Personal Independence Payment 2. Making a Claim*.

9. If I receive less PIP than DLA will there be any compensation?

If you receive less PIP than DLA then your DLA should continue for a further 28 days. You should consider challenging the PIP decision by lodging a Mandatory Reconsideration request. See Law Centre (NI) Information Briefing *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

A special scheme has been established in Northern Ireland to make some payments to people who are financially worse off after they have been reassessed for PIP. See Law Centre (NI) briefing *Personal Independence Payment 4. Supplementary Payments*.

10. What if I decide not to claim PIP when invited to do so?

If you notify the Department that you do not wish to claim PIP when invited then your DLA will terminate after 14 days from the next payment day. Take advice before you decide not to claim PIP and to challenge a PIP decision. Although you may find the claiming process stressful many people will have an entitlement to PIP on reassessment and if not may be entitled to supplementary payments as long as they claim PIP and challenge any decision.

11. Will PIP affect other benefits?

If you receive the Daily Living Component of PIP, then a carer will be entitled to Carer's Allowance for looking after you if they meet the rules of entitlement for that benefit.

PIP will not be counted as income for means tested benefits or tax credits.

PIP gives access to disability premiums in the current benefit system in the same way as DLA does at present.

12. Will PIP give entitlement to a Motability car?

If you are awarded the Enhanced rate of the mobility component of PIP you will qualify for the Motability Scheme in the same way as at present.

However, PIP is a new benefit with different rules and some people who currently receive the higher rate mobility component of DLA and access the Motability Scheme may not be assessed as entitled to the enhanced rate of the mobility component of PIP. As a result, they will no longer be able to access Motability even though their circumstances have not changed.

If you are not awarded the enhanced rate of the mobility component, there may be some circumstances in which you can retain your Motability car for a period or be entitled to a lump sum payment when you return it. For more information, see our briefing on the new provisions for Motability: <http://www.lawcentreni.org/Publications/Law-Centre-Information-Briefings/Motability-and-PIP-Information-Briefing-June-2017.pdf>

Law Centre (NI) social security advice line

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

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

Law Centre (NI) briefings on Personal Independence Payment

Personal Independence Payment 1. Introduction

<http://www.lawcentreni.org/Publications/Law-Centre-Information-Briefings/PIP-1.Introduction-September-2016updatedSept2017.pdf>

Personal Independence Payment 2. Making a claim

<http://www.lawcentreni.org/Publications/Law-Centre-Information-Briefings/PIP-2.Making-a-Claim-September-2016updatedSept2017.pdf>

Personal Independence Payment 3. Moving from DLA to PIP

<http://www.lawcentreni.org/Publications/Law-Centre-Information-Briefings/PIP-3.Moving-from-DLA-to-PIP-September-2016updatedSept2017.pdf>

Personal Independence Payment 4. Supplementary payments

<http://www.lawcentreni.org/Publications/Law-Centre-Information-Briefings/PIP-4.Supplementary-Payments-September-2016updated2017.pdf>

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