

12 Award Reviews -02 PIP Award Reviews

Background

1. From the 27th June 2016 when making an award review decision for Personal Independence Payment (PIP) the Case Manager (CM) will be able to decide the level and period of award based on all current evidence and evidence from the previous assessment without the need to refer the case to an AP (Assessment Provider). Where the CM is unable to make a decision, they may still refer the case to the AP.

2. An Award Review (AR) is instigated by the Secretary of State (SofS) to review an award set at a time prescribed by the CM, using advice from the Assessment Provider (AP) when the original decision is made. This is where the claimant is still likely to have daily living or mobility needs at the point of review but those needs may have changed.

Note: Although Planned Interventions have now been renamed to ARs, various computer system screens will still refer to Planned Interventions.

3. You'll look at or consider looking at, an existing award, to decide if you need to amend or change it, prior to the termination date.

Changes when setting a review date with effect from 31st May 2019

4. From 31st May 2019 CMs will no longer regularly review PIP awards for claimants who have reached State Pension age (SPa), unless they tell us that their needs have changed.

5. When setting an award period, you **must** identify the appropriate level and duration of award as normal, then check the claimant's age. If the claimant is aged 57 or over, you **must** check the date on which the claimant will reach their SPa.

6. If the Award Review date goes beyond the claimant's SPa date, you **must** set a ten year ongoing award,

Note: there may be circumstances when the AR is not triggered.

PIP Award Duration

Type of PIP Award

15. When making award decisions, CM/APs will put cases into one of three groups.

Fixed period award no review date - where there is a reasonable expectation to see a significant improvement in needs arising from the

claimant's health condition or disability, to the extent they no longer require PIP. These cases won't have an AR.

Fixed period award with review date - where it's likely the claimant's level of restriction in daily living and mobility activities may change at a later stage. That is the claimant may have some improvement or deterioration that could result in a change in the rate of PIP entitlement. The CM decides the review point and then sets the end date of the award for 12 months after the review date.

On-going award - where the claimant's restrictions on daily living and/or mobility are unlikely to change significantly, or where the Award Review date goes beyond the claimant's SPa, these cases will have an AR at least every 10 years.

16. The resulting AR is designed to ensure the correct level of entitlement is in place.

17. PIPCS will start Award Review action on the review date.
Trigger Exclusions

18. PIPCS will check if an Advance Claim or Change of Circumstances (CofC) AR is on-going. If so, the planned AR is no longer required.

. PIPCS also checks to see if PIP is in payment:

- if PIP isn't in payment, for example, imprisonment, long-term hospitalisation, suspected fraud etc., PIPCS will defer the AR until payment is reinstated
- if payment of PIP isn't reinstated before the award end date, the AR isn't required and no further action will be taken
- if payment is reinstated before the end of Award Notification (PIP.506) is issued, PIPCS will prompt an AR.

Note: The rules keep running until either payment is reinstated or the End of Award notification is issued, whichever happens first.

Change of rates Over State Pension Age

223. Although a claimant who is over State Pension age cannot claim PIP; if the claimant was entitled to PIP before reaching State Pension age, they can continue to receive benefit for as long as the entitlement conditions are still satisfied. However, the rates of PIP that the claimant may be entitled to are affected once the claimant reaches State Pension age.

Note: Where the term "State Pension age" is used in this guidance it refers to the age of when a person can claim their State Pension or age 65 whichever is the higher.

224. Where the previous award is in respect of only the daily living component, you cannot additionally award any rate of the mobility

component (or increase from standard to enhanced rate of the mobility component) on an award review unless a relevant CofC occurred before the claimant reached the age of 65 or State Pension age. If a CofC has occurred before the age of 65 or State Pension age the increase can be paid but the effective date is likely to be either the date:

- SofS instigated the award review
- QP satisfied

For example:

The claimant is in receipt of the standard rate of the daily living component of PIP. On 11/05/18 the Secretary of State issues an AR1 for a planned award review. The Secretary of State discovers the claimant had a stroke on 02/02/15 (age 64 and 11 months) and following investigations the CM decides the claimant now qualifies for an enhanced mobility component. In this case the AR1 was issued to the claimant on 11/05/18 therefore the effective date of supersession would be 11/05/18.

The claimant is in receipt of the standard rate of the daily living component of PIP. On 11/05/18 the Secretary of State issues an AR1 for a planned award review. The Secretary of State discovers the claimant had a stroke on 02/04/18 (age 64 and 11 months) and following investigations the CM decides the claimant now qualifies for the enhanced mobility component. In this case the AR1 was issued to the claimant on 11/05/18 but the qualifying period was not satisfied until 02/07/18. Therefore, the effective date of supersession would be 02/07/18.

225. Due to the claimant's needs starting over the age of 65 or State Pension age, you must advise CMs how to input decisions where mobility either:

- cannot be considered
- cannot be increased

Change of Rates Age 65 or over

145. Although a claimant who is over 65 or State Pension age cannot claim PIP; if the claimant was entitled to PIP before reaching 65 or State Pension age, they can continue to receive benefit for as long as the entitlement conditions are still satisfied. However, the rates of PIP that the claimant may be entitled to are affected once the claimant is over State Pension age

146. Where the previous award is in respect of only the daily living component, you cannot additionally award any rate of the mobility component **(or increase from standard to enhanced rate of the mobility component)** on a further claim unless a relevant CofC occurred before the claimant reached 65. If a CofC has occurred before the age of 65 but wasn't notified in the appropriate timescale, the increase **can be paid** but the effective date is likely to be either the date:

- the claimant reported the CofC or
- the date that the SofS instigated the award review

147. Due to the claimants needs starting over the age of 65 or State Pension age, you must advise CMs how to input decisions where mobility either:

- cannot be considered
- cannot be increased

chapter 09,09b -12 Setting an Award

Setting an award period

1. These instructions do not apply to SRTi cases (Special Rules for Terminally Ill people).

2. When making an award, you'll need to enter how long you are awarding benefit for.

Note: Once you have made your decision you must check if the claimant is aged 57 or over. If the claimant is aged 57 check the claimant's State Pension age (SPa) using the State Pension age calculator. . If the Award Review date is on or after the claimant's SPa date, then you must set an on-going award with a 'light touch' review at 10 years.

3. You can select from different award periods. Award lengths are based on a range of factors including the claimant's condition(s), age and the needs arising and whether or when those needs may change, (taking into account such matters as planned treatment/therapy or learning/adapting to manage a condition).

4. An award period can be from a minimum of 9 months to an 'On-going award.' (With a 10 year Award Review date).

5. The award period options for you to consider are:

- these are made where the claimant's health condition(s) and needs arising are very unlikely to improve; or
- the claimant's Award Review date is on or after the claimant's State Pension date

the Award Review date will always be 10 years from the assessment date.

The award period can be for a minimum of 2 years up to a maximum of 10 years. You must set the end date of the award for 12 months after the review date.

Longer Fixed Term award (LFT)

Short Fixed Term award (SFT) – With Review These are for a maximum of 2 years. You'll set the review date for 1 year after the consultation. You must set the end date for 12 months after the review date.

Short Fixed Term award (SFT) - No Review These are without Award Reviews. They can be for a minimum of 9 months and up to a maximum of 2 years

When setting an award period

6. When setting an Award period you must consider the claimant's health condition(s), and the needs arising .The evidence you should consider can come from:

- the claimant's questionnaire
- any other evidence provided – this includes evidence provided by the claimant and evidence collected by the Assessment Provider (AP) and the AP recommendations and advice

Following the explanation the AP gives before considering any award period, it's important to check:

- the period chosen is appropriate and consistent with the condition(s) and other evidence received
- the AP has provided a suitable explanation of their recommendation
- the AP has completed all relevant advice sections

The AP will provide a review period unless they either consider the claimant's needs are stable and highly unlikely to improve, in which case you may consider an On-going award, or the needs are expected to have improved to the point that a PIP award is no longer appropriate '

- You must take the appropriate actions to clarify anything in the AP's recommendation or other evidence that is unclear, or if there has been any relevant evidence received at DWP the AP may not have seen
- If there are any issues with the report/evidence please refer to the Re-Work instruction. If you require any advice regarding award duration connected to the report consult the QAM who may contact the AP .

On-going Award

1. Ongoing awards for claimants can be reached in one of three ways:

- following advice from the AP that no review is required and the claimant's restrictions on Daily Living/ and or Mobility are stable and unlikely to change significantly or they have very high levels of needs, which will only deteriorate
- where the claimant is awarded enhanced/enhanced and their needs **are not** going to improve or would only deteriorate

- the claimant's Award Review date is on or after the claimant's SPa date

Note: You may also consider an enhanced daily living award alone where the claimant is State Pension Age or over **and** has either not been awarded the mobility component or has been awarded the mobility component at the standard rate and their mobility needs are not going to improve.

2. If the AP considers the claimant's restrictions will continue but are likely to deteriorate, they may advise on an appropriate review period rather than no review.

3. If the AP recommends a review date, you **must** consider whether the AP has:

- also answered 'Yes' in the PA3/4 report to the question 'It is likely that the functional restriction identified in this report will be present at the recommended point of review'; **or**
- stated that the claimant's condition **is not** likely to improve or deteriorate over the specified period

4. If the AP considers the claimant's restrictions are likely to deteriorate, check if the outcome is enhanced/enhanced. If so, an ongoing award should be made.

5. If you decide an ongoing award applies, **don't** record an end date in PIPCS

6. The award review date will be set from the consultation date and will **always** be 10 years.

7. Ongoing awards will be subject to a 'light touch' review however, this process is yet to be designed.