



Citizens Advice Devon

COVID-19: WHAT CAN YOU CLAIM?

6. DISABILITY BENEFITS CHANGES

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Introduction

There are a number of changes to the way that benefits for sick and disabled people are being assessed during the pandemic. These notes cover the main changes relating to disability benefits: Disability Living Allowance (DLA), Personal Independence Payment (PIP) and Attendance Allowance (AA).

The notes refer to the DWP helplines for each of these benefits. For details of these, go to:

<https://www.gov.uk/disability-benefits-helpline>

Reviews and Reassessments

On 23 March 2020, PIP, DLA and AA ‘reviews’ and ‘reassessments’ were suspended for at least three months. At the time of writing (August 2020) some PIP and DLA reviews are now taking place. Face-to-face assessments for disability benefits were also suspended for at least three months from 17 March 2020.

The intention was to extend most DLA, PIP and AA awards that were coming to an end without you being asked to take any action. If your award is ending in less than six months and you have not been notified in writing that it will be extended, you are likely to need to make a new claim. You should contact the DWP helpline for the benefit in question, as soon as possible.

The recorded messages on the helplines are changing frequently, so it is a good idea to get advice before relying on the information below if it is different from DWP information or advice.

Not getting a disability benefit but think you may be entitled

You can make a new claim for DLA, PIP or AA during the COVID-19 outbreak. Claim as soon as possible as your claim cannot be backdated. For information on whether you might qualify and on how to claim, go to www.citizensadvice.org.uk

Waiting for a decision on your disability benefit claim

If you have already sent in your DLA or AA claim form, then you just need to wait for the decision. You can send in additional evidence anytime you want to. If you have claimed PIP, see below.

Waiting to complete a claim form

Personal Independence Payment

You usually claim PIP by phoning the PIP helpline. They send you a 'How your disability affects you' questionnaire (PIP2), and then you may be assessed. Earlier in the pandemic, the normal deadline of one month for returning the form was extended to 90 days, starting from the date it was sent out. However, you should phone the PIP enquiry line to check what the deadline is for your individual claim. If you return the questionnaire late, your claim may be refused, but you may be able to challenge this decision – get advice about this. It is also a good idea to get help with completing the form - contact Citizens Advice or another advice agency.

Disability Living Allowance and Attendance Allowance

For DLA and AA, you make the claim by returning the form. You normally have 6 weeks to do this, but this was also extended to 3 months for claims made between April and June. Again, check the helplines about this. You can ask for a further extension if you need more time.

PIP award is being reviewed

A PIP review usually happens about a year before your award is due to end. You are sent an 'AR1' form. At the moment, a recorded message on the PIP enquiry line says you don't need to complete and return the form and that your award will continue. You should get a letter confirming this, but phone the helpline if you are uncertain.

If you think you should now be entitled to a higher rate of benefit and don't want the award extended, you can still fill in the form and return it, but you should get advice about this first, as you could end up with less benefit than you are getting now. If you do send it in, an assessment might take place - see below.

If your award ends in less than six months' time and you have not been told in writing that it will be extended, check this by phoning the helpline.

If your award is not being reviewed, see below.

PIP award is due to end within six months' time

Not all PIP awards are reviewed. Instead, DWP usually prompts you about three months before your award will end, to make a new claim. You can make a new claim up to six months before your award ends. If your award ends in less than six months, and the DWP have not sent you a review form or told you in writing that your award will be extended, you should make a new claim as soon as possible.

DLA or AA award is due to end within six months' time

Usually, DWP sends you another claim form about six months before your DLA or AA award ends. During the pandemic, some people were told that they did not need to return the form and that their awards were automatically being extended for 6 months. This should have been confirmed in writing, but you can check by phoning the helpline. This was also supposed to be happening with AA, but this is not clear. Again, contact the helpline to check.

If you don't want the award extended because you think you are entitled to a higher rate of benefit now, get advice about this. You can still fill in and return the form, but you might end up with less benefit – see changes of circumstances below.

In receipt of DLA and invited to claim PIP

PIP replaces DLA for people over 16. This happens usually when people reach age 16 or when people over 16 on DLA report a change of circumstances. These transfers have been delayed with current awards of DLA being extended by six months. DWP should write to confirm this, but you can check by phoning the helpline.

You can choose to still claim PIP if you think that you will get more benefit than you currently do on DLA. It is important to get advice before you do this, because you might end up with less benefit – see below.

Once you claim PIP, the rules are the same as for new claims – see above.

Changes of circumstances

If your circumstances have changed and you think you might be entitled to more benefit, you can still report the change. It's important to get advice about this, as the DWP can decide to stop your current benefit or reduce it, or, if you have claimed a new benefit, that you are not entitled to it or are entitled to it at a lower rate than your previous benefit was paid at. Get advice about this.

Assessments

Face-to-face assessments, usually the norm, are currently suspended.

PIP

The assessment will be by phone. Your claim can be refused or your award stopped if you refuse to take part in a telephone assessments. If you cannot take part or need extra help to take part, you can explain this. You can challenge decisions on this.

DLA

DWP can contact you by phone to ask additional questions but this is not usual. If you want the DWP to talk to someone else or need help to explain your needs, explain this if they contact you.

Challenging decisions

If you get a decision saying that your benefit is stopping or being reduced, you can challenge this. You need to request a mandatory reconsideration, usually within one month of the date of the decision, although the time limit can be extended. You can then appeal to a tribunal if the decision is not changed. It helps to get advice on challenging decisions.

Appeals to tribunals

If possible, a tribunal judge will assess your case without a hearing. Instead they'll make a decision based only on the documents. Some tribunals have closed so it's a good idea to check where you should send your documents - you can find contact details for your tribunal at <http://sscs.venues.tribunals.gov.uk/venues/venues.htm>

If the judge assesses your case based on the documents, they'll send you a 'provisional decision'. If you don't agree with the provisional decision, tell the tribunal you want a hearing instead.

If there has to be a hearing, the tribunal might suggest a phone call or video conference.

Tell the tribunal as soon as possible if you will find it difficult to have a remote hearing. For example, tell them if you don't have the equipment for a conference call. You can find out what happens at a remote hearing at <https://www.gov.uk/guidance/how-to-join-telephone-and-video-hearings-during-coronavirus-covid-19-outbreak>

FOR FURTHER INFORMATION AND ADVICE:

Visit www.citizensadvice.org.uk and search for 'coronavirus'

Phone: Devon Adviceline 9.00am–4.00pm Monday–Friday:

03444 111444