

# Personal Independence Payment – Policy briefing note

## Delivery – the operational approach

### Objectives

1. We want to ensure that Personal Independence Payment will be simple for the claimant to claim and efficient for the Department to administer. We will work with disabled people, their organisations and carers to ensure that the claiming process will be clear and easy to understand and navigate.
2. The new assessment to determine entitlement to the benefit will be fairer, more transparent and objective. It will provide individuals with the opportunity to explain their individual circumstances and for independent assessors to clarify points with them. We envisage that this will reduce the amount of information we need to gather through the claim form, therefore making the form less burdensome for the claimant.
3. Claimants will know how their award has been determined, how much is payable and for how long it will be paid. This improved understanding should also support our ambition to reduce the number of cases going to appeal.

### Considerations

4. Disability Living Allowance (DLA) was built on benefits that were introduced in the 1970s and has not been fundamentally reformed since it was introduced in 1992. Responses to the DLA Reform consultation showed that many individuals and disability organisations thought that the benefit needed to be updated, and made easier for disabled people to understand and for the Department for Work and Pensions (DWP) to administer.<sup>1</sup>
5. DLA is difficult for individuals to apply for and the claiming process is paper-based. It is also difficult for staff to administer and has no systematic process for checking the ongoing accuracy of awards. It lacks consistency in the way it supports disabled people with similar needs. A large body of case law that has built up over the years has increased the tendency for decisions to be perceived as inconsistent and subjective.

### Key policy proposals

6. Personal Independence Payment will be introduced for working-age adults (16 – 64) from 2013 and the new objective assessment is being designed to assess individual needs.
7. The Government is committed to streamlining and improving the claim process while ensuring that it is more transparent and less complex. This includes seeking and using the most appropriate information to support the decision-making process.

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<sup>1</sup> *Government's response to the consultation on Disability Living Allowance reform* (Cm 8051), Department for Work and Pensions, April 2011.

8. Employment and Support Allowance and Personal Independence Payment are different benefits paid for very different reasons. Any direct comparison between the Work Capability Assessment (WCA) and the new assessment for Personal Independence Payment is not therefore possible or helpful. We are, however, seeking to learn from the experience of the WCA. As part of this we are looking closely at the findings of the first independent review of the WCA carried out by Professor Malcolm Harrington<sup>2</sup> in order to inform the design of the Personal Independence Payment claiming and assessment processes.

## **Our rationale**

9. In their responses to the consultation, most organisations agreed that DLA needed modernising. People are unclear about who qualifies for the benefit<sup>3</sup>, and there were concerns around the subjective nature of the current assessment process, which could lead to inconsistent awards. During the design of Personal Independence Payment we will develop a more transparent system for assessing individual need, improve the consistency of decision making and simplify both the claim form and claim process.
10. We know that peoples' circumstances can change over time, but over 70 per cent of the current DLA caseload have indefinite awards<sup>4</sup>, and individuals are not clear on how and when they should report changes in their circumstances – when their care or mobility needs increase or decrease. This results in both under and overpayment of benefit.<sup>5</sup>

## **How it will work in practice**

11. We are still considering how best to deliver the new benefit – but our clear intention is to design and develop a process that is efficient, straightforward and recognises how disabled people, carers and their representatives seek to access services. We will do this by putting the individual at the heart of the claims process and by consulting with them during the design and testing stages.
12. The new assessment will include advice provided by a trained independent assessor who will collect evidence from a wide range of sources. In many cases this will involve a face-to-face consultation with a trained independent assessor, but in some other cases a paper-based assessment may be more suitable. The key is a review process that is applied sensitively and appropriately, which disabled people and their representatives have helped us to design to get it right.

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<sup>2</sup> *An Independent Review of the Work Capability Assessment*

<sup>3</sup> *Disability Living Allowance: Disallowed Claims*, DWP Research Report No 490, Department for Work and Pensions, 2008.

<sup>4</sup> *Analysis of Disability Living Allowance: DLA Awards*, Department for Work and Pensions, March 2011

<sup>5</sup> *Fraud, error and other incorrectness in Disability Living Allowance: The results of the Benefit Review of Disability Living Allowance*, 2005.

13. The assessment is being designed to take account of the impact of physical, sensory, mental, intellectual and cognitive impairments on individuals' ability to undertake a range of key everyday activities.
14. DWP will retain the overall decision making responsibilities for the Personal Independence Payment award. The trained independent assessor advice and all additional medical evidence will be used by the DWP Decision Maker to determine entitlement to Personal Independence Payment. This approach is in line with the recommendations from Professor Harrington's review. This will lead to a more transparent and objective assessment of individual need and fairer and more consistent decision making.
15. The claimant will be informed clearly how their award has been decided based on the overall assessment; the rate of their award; the period of their award; and what future changes to their needs they need to report.
16. A more transparent and objective assessment, with improved notifications helping customers better understand Personal Independence Payment will, we anticipate, help reduce unnecessary disputes and appeals. Claimants who disagree with decisions will have the same formal disputes process as other social security benefits. A DWP reconsideration process will scrutinise the evidence and original decision to better inform an explanation or a review of that decision. This process will provide greater engagement with claimants to improve their understanding of the reasons for the decision with the aim of reducing unnecessary appeals. Decision Makers will change erroneous decisions rather than send them to a Tribunal. If a claimant's points at issue are not resolved, they can still appeal to the HM Courts & Tribunals Service.

### **Further work we will do**

17. We are looking to set up multiple channels through which disabled people and their carers will be able to access Personal Independence Payment information, make claims and report changes in their circumstances. This approach recognises the diverse accessibility needs of our claimants – we are committed to establishing online claim facilities in the future in addition to a paper claim form.
18. The DLA claim form is too long and complicated. We will actively work with disabled people, their organisations and carers to design an improved form that is understandable and as straightforward as possible.
19. We recognise that a key element will be that the trained independent assessors and Decision Makers have appropriate training and guidance to carry out their roles effectively – this will be informed by the early design and testing of the assessment. We will develop an approach that provides Decision Makers with access to disability specific experts on a continuous basis together with a comprehensive training regime for staff, and the development and publication of new procedural guidance for staff.
20. We are also exploring ways of introducing a quality assurance regime for the trained independent assessor and the DWP decision maker to ensure that decisions are, and remain, justifiable and consistent.

21. Existing working age DLA claimants will be re-assessed for entitlement to Personal Independence Payment following its introduction in 2013. Our aim is to ensure that individuals feel well-supported during this process and this will be at the heart of our thinking as we develop a strategy for migrating existing DLA working age customers to Personal Independence Payment.

22. In addition, there are a number of areas of specific activity that we will be taking forward to support the introduction and delivery of Personal Independence Payment, including:

- Design and development of a new IT system
- Production of new claimant information materials including the claim process described above
- Development of the contract specification to support the procurement exercise to select the service provider that will deliver the objective assessment