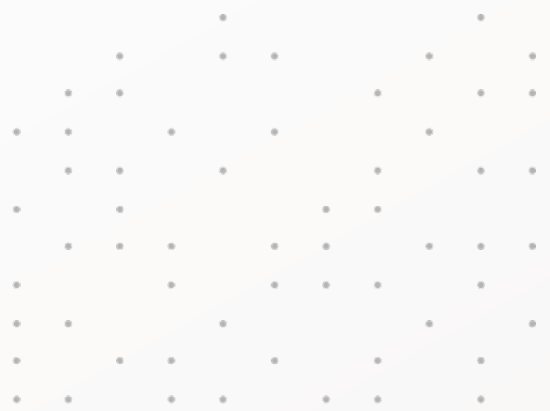




# Personal Independence Payment (PIP)

Hannah Lennox



# This session will cover:

1. Basic eligibility for PIP
2. Assessment Process
3. How to prepare for an appeal hearing
4. Recent case law

# What is PIP & eligibility

- For people who need help taking part in everyday life or who find it difficult to get around.
- PIP is for the disabled person, not for a carer.
- PIP acts as a 'passport' for other types of help, such as the Motability Scheme – see Appendix 2.
  
- PIP replaced DLA for adults
- Average assessment time peaked at 26 weeks in August 2021, but is currently around 16 weeks (Oct 2022)

# Eligibility

## Basic Qualifying Conditions

- Aged 16-64 when they claim
- (Unless terminally ill) Present in GB for 104 / 156 weeks
- Habitually resident in the UK, Channel Islands, Rep of Ireland or Isle of Man

## Disability Conditions

- Unless terminally ill:
  - Points scoring system
  - 'Qualifying period' of 3 months
  - Likely to continue to satisfy test for at least 9 months



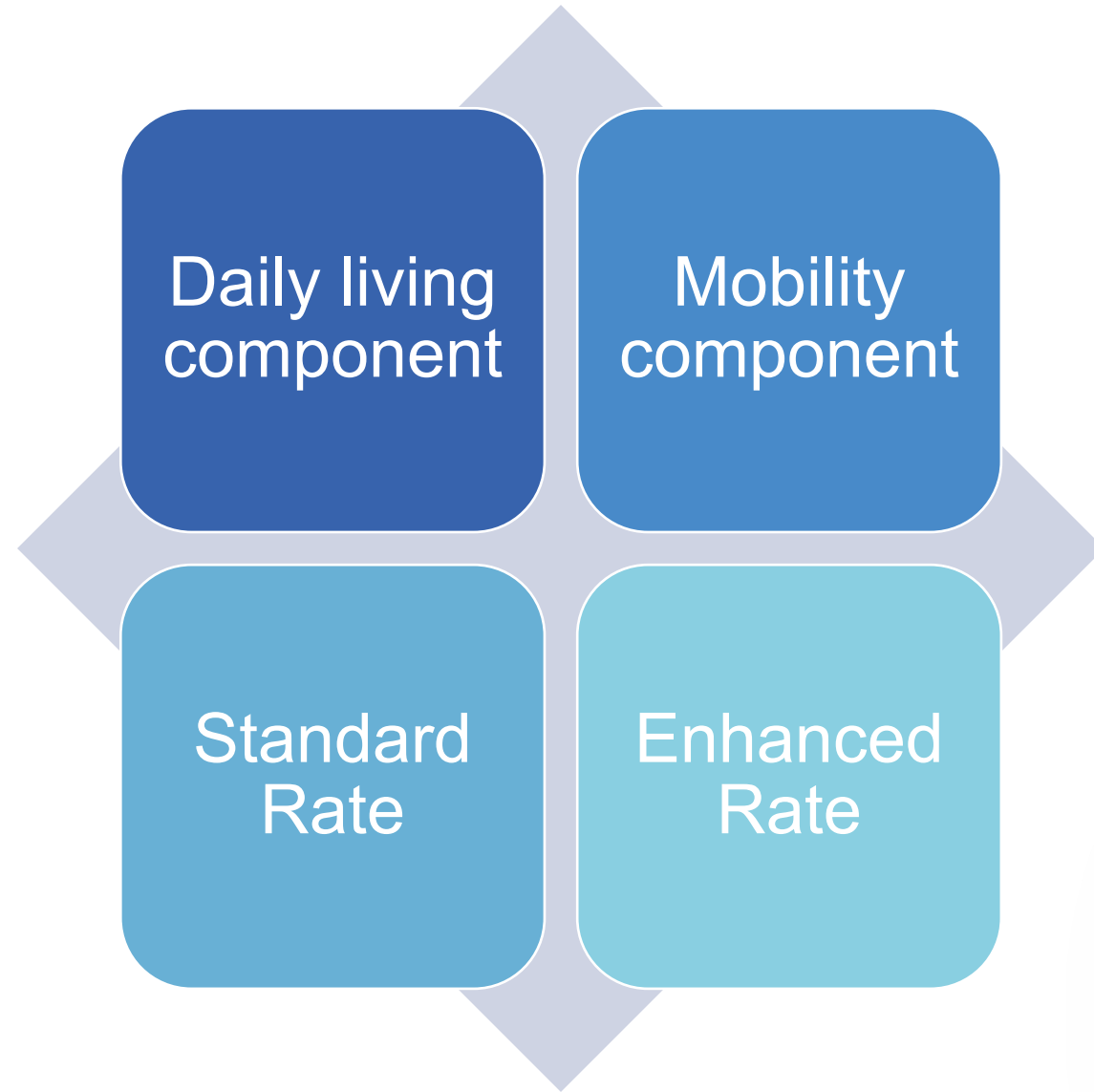
# Claiming PIP

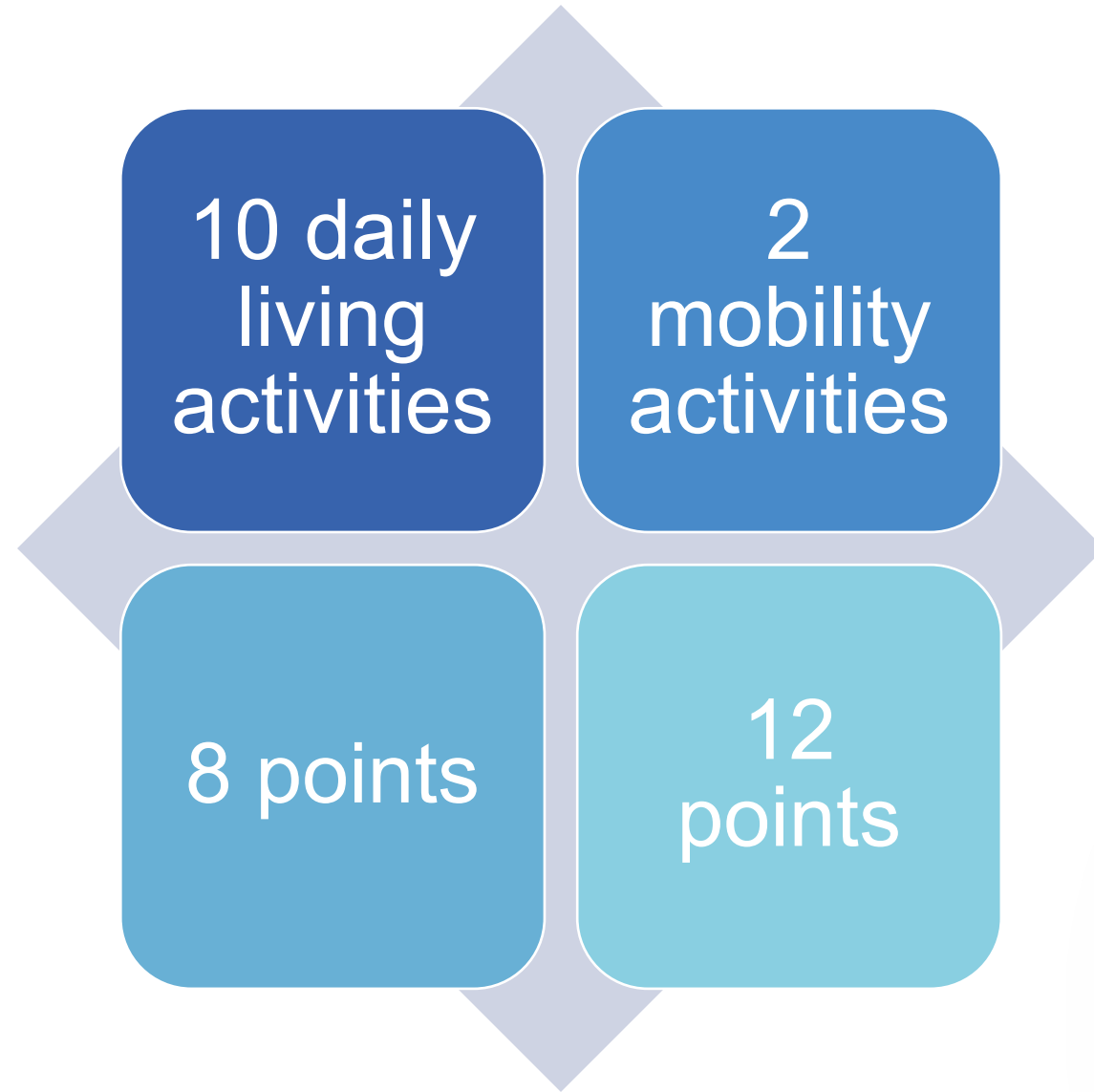
Two forms:

**PIP1** questions look at if the person satisfies the basic qualifying conditions for PIP

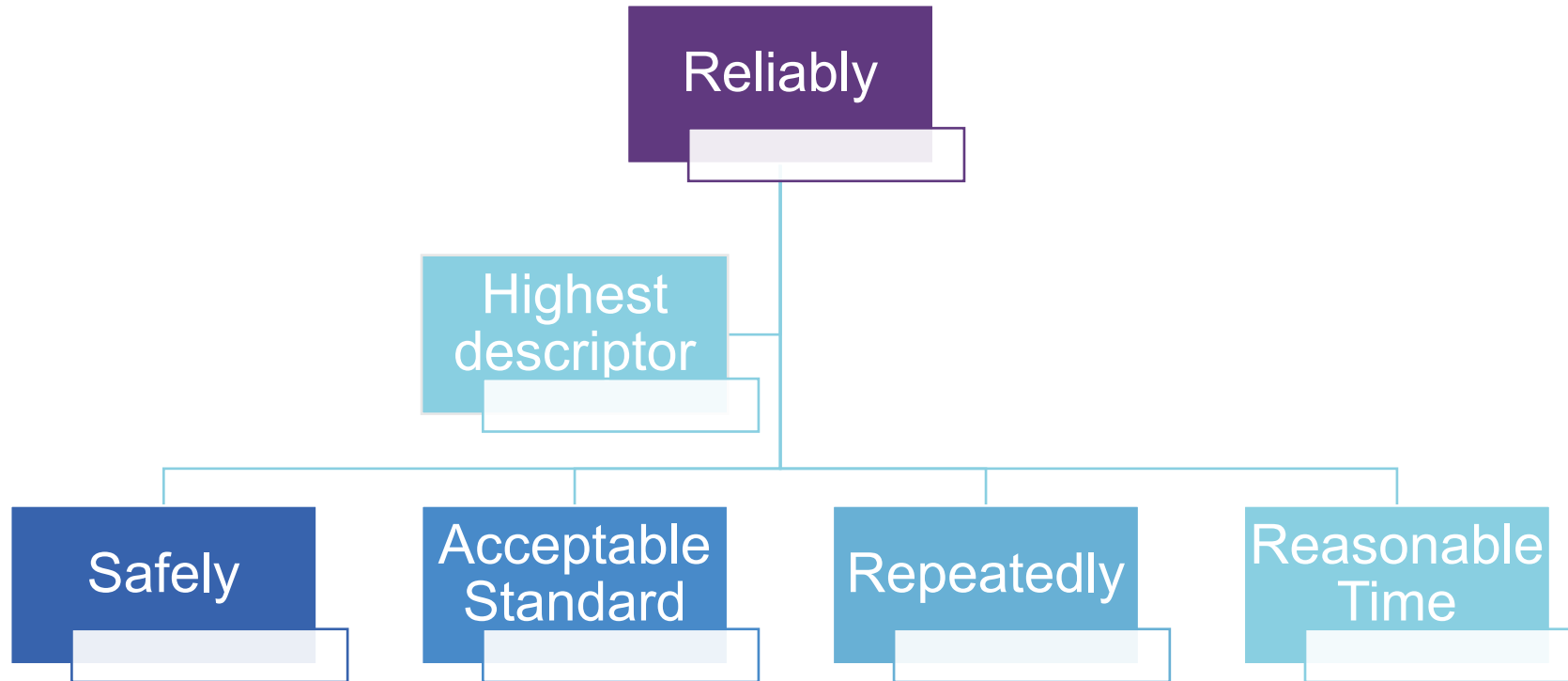
**PIP2** is lengthy but must be returned within one month (subject to any agreed extension).

Health assessment





# Disability Conditions





# 10 Daily Living Activities

1. Preparing food
2. Taking nutrition
3. Managing therapy or monitoring a health condition
4. Washing and bathing
5. Managing toilet needs or incontinence
6. Dressing and undressing
7. Communicating verbally
8. Reading and understanding signs, symbols and words
9. Engaging with other people face to face
10. Making budgeting decisions

# Preparing Food

	Activity 1	
<b>a</b>	Can prepare and cook a simple meal unaided.	Score 0
<b>b</b>	Needs to use an aid or appliance to be able to either prepare or cook a simple meal.	Score 2
<b>c</b>	Cannot cook a simple meal using a conventional cooker but is able to do so using a microwave.	
	Score 2	
<b>d</b>	Needs prompting to be able to either prepare or cook a simple meal.	Score 2
<b>e</b>	Needs supervision or assistance to either prepare or cook a simple meal.	Score 4
<b>f</b>	Cannot prepare and cook food.	Score 8

# Dressing and Undressing

	Activity 6	
<b>a</b>	Can dress and undress unaided.	Score 0
<b>b</b>	Needs to use an aid or appliance to be able to dress or undress.	Score 2
<b>c</b>	Needs either	
	(i) prompting to be able to dress, undress or determine appropriate circumstances	
	for remaining clothed; or	
	(ii) prompting or assistance to be able to select appropriate clothing.	Score 2
<b>d</b>	Needs assistance to be able to dress or undress their lower body.	Score 2
<b>e</b>	Needs assistance to be able to dress or undress their upper body.	Score 4
<b>f</b>	Cannot dress or undress at all.	Score 8

# Two mobility activities

Planning  
and  
Following  
Journeys

Moving  
Around

# Planning and Following Journeys

	Activity 1	
<b>a</b>	Can plan and follow the route of a journey unaided.	Score 0
<b>b</b>	Needs prompting to be able to undertake any journey to avoid overwhelming psychological distress to the claimant.	Score 4
<b>c</b>	Cannot plan the route of a journey.	Score 8
<b>d</b>	Cannot follow the route of an unfamiliar journey without another person, assistance dog or orientation aid.	Score 10
<b>e</b>	Cannot undertake any journey because it would cause overwhelming psychological distress to the claimant.	Score 10
<b>f</b>	Cannot follow the route of a familiar journey without another person, an assistance dog or an orientation aid.	Score 12

# Moving Around

	Activity 2	
a	Can stand and then move more than 200 metres, either aided or unaided.	Score 0
b	Can stand and then move more than 50 metres but no more than 200 metres, either aided or unaided.	Score 4
c	Can stand and then move unaided more than 20 metres but no more than 50 metres.	Score 8
d	Can stand and then move using an aid or appliance more than 20 metres but no more than 50 metres.	Score 10
e	Can stand and then move more than 1 metre but no more than 20 metres, either aided or unaided.	Score 12
f	Cannot, either aided or unaided, (i) stand; or (ii) move more than 1 metre.	Score 12


# Duration of Award

## Individual Circumstances

- 2 years
- 5 years
- 10 years
- Indefinite award

## Periodic reviews

'Special rules' – 3 years



# ‘Special Rules’ – terminally ill

Quicker claim process

‘Reasonably be expected’ within the next twelve months

Enhanced rate of daily living component

Mobility component?



# Completing a PIP2 Form

Avoid labels

Optimism

Good and bad days

Detail

Health professionals

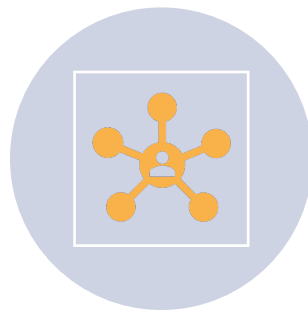
Other evidence



# Other Evidence



PRESCRIPTION LISTS  
CARE PLANS  
INFORMATION FROM HEALTH  
PROFESSIONALS



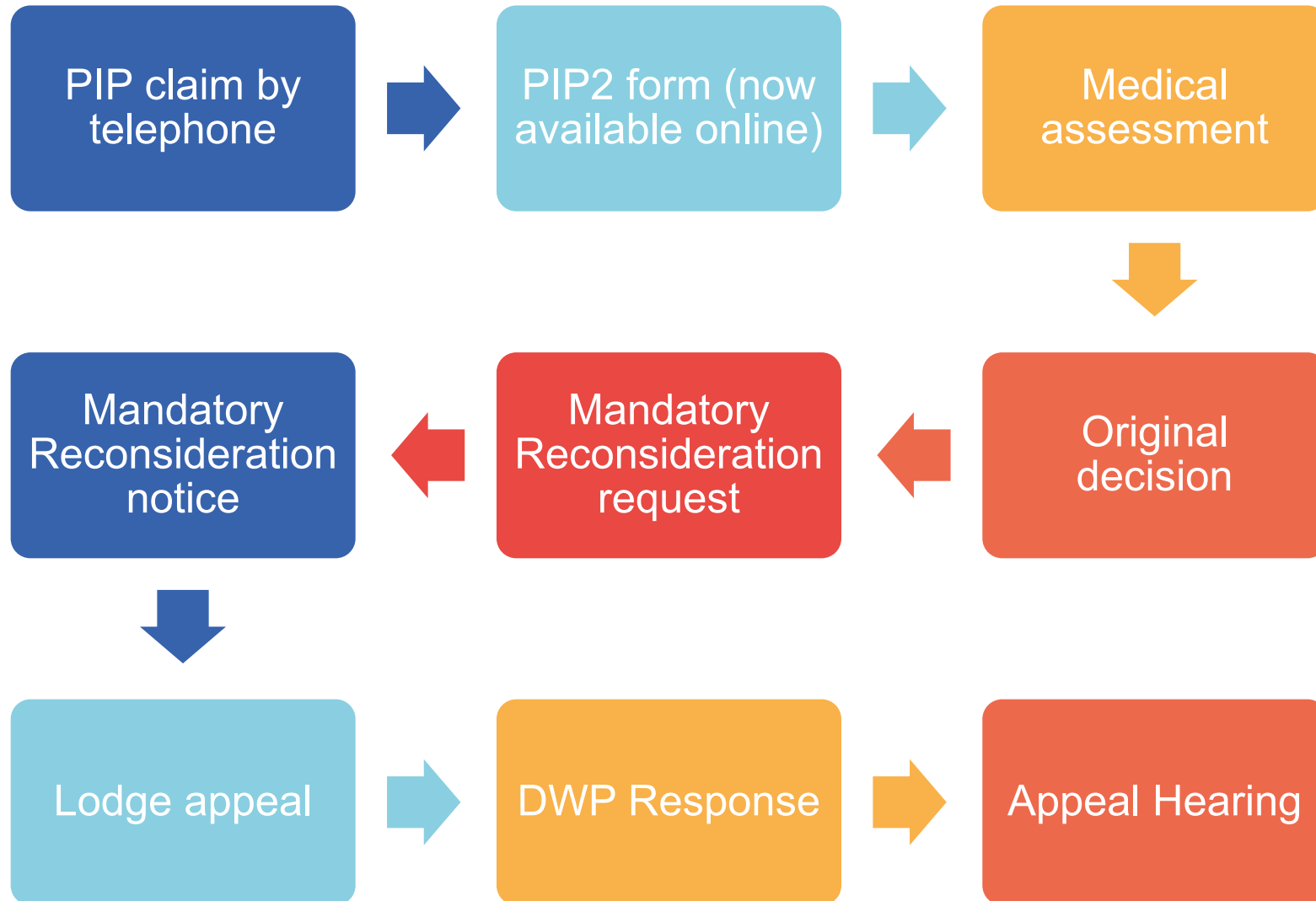
EVIDENCE FROM OTHER PEOPLE  
SOCIAL WORKER, CARER,  
RELATIVE OR FRIEND



DIARY

# Appeals Process

# The claimant's journey to an appeal hearing



# During the Hearing

**Purpose:** Independent decision about the claimant's entitlement to PIP at the date of the original decision

## The Tribunal Panel

- Tribunal chair (judge)
- Doctor
- Layperson with understanding of health conditions/disabilities

## Who else?

- DWP representative
- Emotional support

**Timings:** Usually around 40 minutes



# Submissions

Put the claimant in the best position possible

Address each of the PIP activities in dispute

Point the Tribunal to the relevant evidence in the bundle

Your aim: to not have to say anything during the hearing



# Submissions

- Summary
- Suggested Reading
- Background
- Submissions

Additional sections?





# Reviewing the DWP's Response and Bundle

Do we need to reply?

Do we need documents to refute decision?

Do we need to ask the client for more information?

Quick reference guide to important documents

Evidence in support

Evidence against



# Recent Case Law



# AW v SSWP (PIP)

[2022] UKUT 316 (AAC) (24 November 2022) (appeal number: UA-2021-000723-PIP)

Ticking “sometimes”



# MH v SSWP (PIP)

[2022] UKUT 248 (AAC) (12 September 2022) (appeal number: UA-2021-000155-PIP)

*R v Lucas* 1981 QB 720



# AC v SSWP (PIP)

[2021] UKUT 216 (AAC) (Appeal number:  
CPIP/1627/2020)

Ability in context

# A BPP success

16 year old with an above-the-knee amputation

Original decision: no entitlement

MRN: no entitlement

DWP conceded based on reasons for appeal

