EXPLANATORY MEMORANDUM TO

THE PERSONAL INDEPENDENCE PAYMENT (TRANSITIONAL PROVISIONS) AMENDMENT REGULATIONS 2013

2013 No. 2231

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument amends the Personal Independence Payment (Transitional Provisions) Regulations 2013 ("the PIP Transitional Regulations") (SI 2013 No.387) by substituting all references to "6th October 2013" with "27th October 2013" and to replace all references to "7th October 2013" with "28th October 2013".

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The PIP Transitional Regulations contain transitional provisions for the phasing out of the benefit known as Disability Living Allowance ("DLA") for existing recipients who were aged 16 to 64 on 8 April 2013, and those reaching age 16 after that date, and its replacement by a new benefit provided for in the Welfare Reform Act 2012 known as Personal Independence Payment ("PIP"). In particular they provide for the Secretary of State to invite people entitled to DLA ("a DLA entitled person") to claim PIP and, regardless of whether they claim PIP or not, for their entitlement to DLA to cease. The Regulations also enable people entitled to DLA to claim PIP voluntarily. The PIP Transitional Regulations came into force on 8 April 2013.

4.2 The PIP Transitional Regulations came into force on 8 April 2013.

5. Territorial Extent and Application

5.1 This instrument applies to England, Scotland and Wales.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 PIP started to replace DLA for new claims only on 8 April 2013. From October 2013 the following groups of DLA recipients who were aged 16 to 64 on 8 April 2013, and those who reach age 16 after that date, will be invited to claim PIP: DLA recipients reporting a change in their needs; DLA recipients reaching their 16th birthday and DLA recipients with a fixed-term award shortly due to expire. DLA recipients who do not fall within these groups may also choose to claim PIP voluntarily (this group is known as "self selectors").

This phase is collectively known as "natural reassessment". Natural reassessment was due to begin on 7th October 2013. These regulations delay the start of natural reassessment until 28th October 2013.

7.2 The Department recently consulted on the PIP *Moving around* activity; one of two activities which assess entitlement to the mobility component of PIP (as contained in Schedule 1, part 3 of the Social Security (Personal Independence Payment) Regulations 2013) ("the PIP Regulations") (SI 2013/377). The Government gave an undertaking that it wouldn't start reassessing DLA cases until the outcome of the consultation is finalised and any necessary changes have been made as a result. Ministers have therefore decided to delay the commencement of natural reassessment to give them time to carefully consider the responses to the consultation. Following a decision on the outcome of the consultation, the Government may decide changes to the assessment are necessary. If this is the case, new amending Regulations may be laid to further delay the start of natural reassessment until after any necessary changes have been made.

8. Consultation outcome

8.1 The consultation on the PIP assessment *Moving around*[1] activity was launched on 24th June 2013 and closed on 5th August 2013. We received around 1,100 written responses. During the consultation period the Department also held a series of meetings with disabled people and the organisations that represent them.

8.2 The consultation asked for views on the *Moving around* activity assessment criteria set out in the PIP Regulations, including the current distances of 20 and 50 metres. We also asked respondents what they thought the impact of the current criteria would be and whether they thought we needed to make any changes to them or assess physical mobility in a different way altogether.

8.3 We are currently considering all the responses to the consultation. We intend to publish a Government response to the consultation in the autumn.

9. Guidance

9.1 Guidance for the assessment providers[2] and decision makers[3] has been made available online. The assessment provider guidance is unchanged by this amendment. The Advice for Decision Makers on the transitional provisions will be updated as a result of this amendment.

10. Impact

10.1 There is no impact on business or civil society organisations.

10.2. The impact on the public sector is negligible.

10.3 An Impact Assessment has not been published for this instrument.

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[1] Available from: https://www.gov.uk/government/consultations/consultation-on-the-pip-assessment-moving-around-activity

[2] Available from: https://www.gov.uk/government/publications/personal-independence-payment-assessment-guide-for-assessment-providers

[3] Available from: http://www.dwp.gov.uk/publications/specialist-guides/advice-for-decision-making/#pip

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Department for Work and Pensions will carry out a comprehensive programme of monitoring and evaluation using a range of methods and sources and making links, where possible, with the evaluation of Universal Credit. The Department has published an outline of its evaluation proposals[4] including detailing that the evaluation themes will cover:-

- Claimant experiences of PIP;
- Implementation and delivery;
- Claimant outcomes (e.g. the relationship between employment and PIP); and
- The effectiveness of the decision-making, reconsideration and appeal processes.

12.2 The Welfare Reform Act 2012 provides for the commissioning of two independent reports to Parliament, the first of which will be completed by 2014 before the majority of DLA claimants are reassessed for PIP. The scope of the reports has not yet been defined but it is anticipated that they will look at all aspects of the PIP assessment, including how this principle is being applied in practice.

13. Contact

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[4] Available from: https://www.gov.uk/government/publications/evaluation-proposals-for-personal-independence-payment-policy-briefing-note