EXPLANATORY MEMORANDUM TO

THE UNIVERSAL CREDIT, PERSONAL INDEPENDENCE PAYMENT, JOBSEEKER'S ALLOWANCE AND EMPLOYMENT AND SUPPORT ALLOWANCE (DECISIONS AND APPEALS) (AMENDMENT) REGULATIONS 2026

2026 No. 457

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 The Rt Hon. Sir Stephen Timms, Minister for Social Security and Disability at the Department for Work and Pensions, confirms that this Explanatory Memorandum meets the required standard.

2.2 Natalie Keogh, Deputy Director for Health and Disability Delivery at the Department for Work and Pensions, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Nathan Brotherdale at the Department for Work and Pensions can be contacted by email at the following address with any queries regarding the instrument: nathan.brotherdale@dwp.gov.uk

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013[1]. The amendment adds an additional supersession[2] ground which enables the Secretary of State for Work and Pensions (SSWP) to extend the length of a fixed term award of Personal Independence Payment (PIP)[3], where necessary to safeguard the efficient administration of PIP (see section 5.4).

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales. Social Security is a devolved matter in Northern Ireland. Disability benefits are devolved in Scotland.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales.

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[1] https://www.legislation.gov.uk/uksi/2013/381/contents

[2] Supersession is where a new decision is made on an award of benefit, which replaces a previous decision from a later date.

[3] PIP is a benefit which helps with extra living costs where someone has a long-term physical or mental health condition or disability, and difficulty doing everyday tasks or moving around as a result of their condition.

5. Policy Context

What is being done and why?

5.1 Personal Independence Payment (PIP) awards are made for a fixed period of time unless deemed inappropriate to do so, as set out in section 88 of the Welfare Reform Act 2012[4]. The award end date is set when the decision is made. An award review date is generally set 12 months before the award end date, to allow the Secretary of State for Work and Pensions (SSWP) to check whether entitlement should continue.

5.2 Entitlement to PIP ends when the award end date is reached, unless SSWP makes a further decision. This may follow a planned review by SSWP, or a request from the claimant. The award review process allows the SSWP to supersede the original decision, which allows entitlement to PIP to continue provided that the entitlement criteria are still satisfied[5].

5.3 To be entitled to PIP, a claimant must meet certain criteria set out under The Social Security (Personal Independence Payment) Regulations 2013[6], which includes that they must have a long-term health condition or disability, and difficulty doing everyday tasks or getting around because of that condition or disability[7]. This is often based on a report from a Healthcare Professional[8] approved by SSWP, who carries out an assessment to help determine whether the PIP eligibility criteria are met.

5.4 There have been occasions where administrative capacity has limited the SSWP's ability to review people's PIP awards promptly. This includes times when demand for PIP exceeds the number of assessments that can be carried out. This creates backlogs whilst claimants wait for their award review to take place, and in turn risks awards ending before a further decision can be made.

5.5 To mitigate challenges with assessment capacity, the SSWP has chosen to reduce the frequency of reviews for many PIP claimants by awarding PIP for a longer time. The first review will generally take place after three years, and subsequent reviews after five years. Extending award lengths enables claimants to receive payment for longer and protects the Department's ability to administer PIP sustainably. Decision makers acting on behalf of the SSWP, and tribunals considering decisions at appeal, may still make awards for shorter or longer terms, depending on the individual's circumstances.

5.6 To deliver this change to existing claimants, SSWP has to extend existing awards of PIP. The unamended Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013 do not contain a provision that enables this. This instrument makes a change to the regulations to allow these award extensions to be made.

5.7 As well as enabling the change to PIP award review frequency to meet the times detailed in 5.5, the discretion created by this instrument will enable SSWP to extend

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[4] https://www.legislation.gov.uk/ukpga/2012/5/section/88
[5] See regulations 77-80 of the WRA 2012 https://www.legislation.gov.uk/ukpga/2012/5/part/4
[6] https://www.legislation.gov.uk/uksi/2013/377
[7] There are also entitlement criteria relating to living in England or Wales and not being a person subject to immigration controls. There is more information on https://www.gov.uk/pip
[8] Healthcare professional" means—
(a) a registered medical practitioner;
(b) a registered nurse; or
(c) an occupational therapist or physiotherapist registered with a regulatory body established by an Order in Council under section 60 (regulation of health professions, social workers, other care workers etc.) of the Health Act 1999 https://www.legislation.gov.uk/ukpga/1999/8/contents

awards where reviews cannot be completed at all. For example, during national emergencies that prevent the Department from conducting its ordinary business.

What was the previous policy, how is this different?

5.8 The length of a Personal Independence Payment (PIP) award is part of the entitlement decision, which also determines what rate of PIP a claimant should get. The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013 only allow an aspect of a decision to be changed by either 'revision', or 'supersession'.

5.9 Revision changes the original decision that was made, due to an error or omission which meant the original decision was not correct. Supersession makes a new decision, which takes effect from a later date. A decision made following an award review is usually a supersession.

5.10 The existing Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013 provide that, for PIP, a supersession decision can only be made where: there has been an error in the previous decision; or, there has been a relevant change in the claimant's circumstances; or, where further evidence has been provided by a Healthcare Professional approved by the Secretary of State for Work and Pensions (SSWP).

5.11 Where there is no error in the previous decision nor a change of circumstances, the regulations effectively require an assessment by a Healthcare Professional to extend entitlement to PIP. The only alternative would be for the claimant to reclaim PIP on expiry of the earlier award. This can impact the administration of PIP as a whole and have negative consequences for claimants who should otherwise remain in receipt of PIP.

5.12 This instrument will create a new rule for supersession, which will grant a discretion for the SSWP to extend awards of PIP. The ground will be limited to extending awards of benefit only, where necessary to safeguard the efficient administration of PIP. This will ensure effective decision making that is proportionate, appropriate and fair by removing unnecessary administrative burden.

5.13 Safeguarding the efficient administration of PIP means an extension may be applied in limited circumstances to meet potential future challenges such as, but not limited to, national emergencies (for example war and health crises such as the COVID-19 pandemic requiring the extension of awards to ensure claimants remain in payment), as well as more specific administrative difficulties, such as system outage and serious resource limitations which mean that full assessments cannot be undertaken.

5.14 The new rule cannot be used by a decision maker to remove entitlement or reduce the length of an award. It cannot be used to increase or decrease the rate of PIP a claimant receives. As with all supersession decisions in PIP, extensions made under this power will carry a right of appeal following a Mandatory Reconsideration[9].

5.15 If someone's condition or circumstances change in a way that may affect how much PIP they should receive, they must inform the Department. The SSWP will then review the award in light of that change, so that people receive the correct amount of PIP. Claimants who have their award extended by the new power will be reminded of

[9] Mandatory Reconsideration (MR) is where a claimant who disagrees with a benefit decision asks DWP to look at it again. An MR can lead to a decision being changed or kept the same, and an MR must have taken place before someone can appeal to an independent tribunal.

this in their decision letter. Reminders of the importance of notifying changes of circumstances are also issued with annual uprating letters and displayed on GOV.UK[10].

6. Legislative and Legal Context

How has the law changed?

6.1 The amendment inserts a new paragraph in Part 3, Chapter 1 of The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013. No other aspects of the regulations are changed.

6.2 The effect of the change only extends to England and Wales. This is because Personal Independence Payment (PIP) is no longer available in Scotland, having been replaced by Adult Disability Payment[11]. Social Security is reserved in Northern Ireland.

Why was this approach taken to change the law?

6.3 This is the only possible approach to make the necessary changes. Section 10(3) of the Social Security Act 1998[12] allows the Secretary of State for Work and Pensions (SSWP) to define the procedure for supersession in regulations. The regulations being amended govern supersession as it applies for PIP.

7. Consultation

Summary of consultation outcome and methodology

7.1 There has been no public consultation on this instrument, as the change is to support the administrative delivery of PIP.

7.2 The Social Security Advisory Committee scrutinised the regulations on 4 March 2026. Once published, the minutes will be available on GOV.UK.[13]

7.3 Northern Ireland have been informed about the proposed changes and are planning to mirror them. There has been no consultation with Scotland, as PIP is devolved in Scotland and has been replaced by Adult Disability Payment.

8. Applicable Guidance

8.1 The Advice for Decision Making Staff Guide (ADM) is the Department's published guidance and will be updated to incorporate this amendment.[14] Guidance for this instrument will be published on 2 June 2026 when this instrument comes into force.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because no, or no significant, impact on the private, voluntary sector or community bodies is expected.

[10] https://www.gov.uk/pip/change-of-circumstances
[11] https://www.mygov.scot/adult-disability-payment
[12] https://www.legislation.gov.uk/ukpga/1998/14/section/10
[13] https://www.gov.uk/government/organisations/social-security-advisory-committee
[14] https://www.gov.uk/government/publications/advice-for-decision-making-staff-guide

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the amendment is restricted to allowing the Secretary of State for Work and Pensions (SSWP) to extend awards of benefit and no other changes to conditions of entitlement.

9.3 The legislation does not impact small or micro businesses.

9.4 The impact on the public sector is expected to be low. The amendment supports the Department's aim to reduce the frequency of award reviews, which in turn will ensure that Personal Independence Payment (PIP) can be administered effectively. It does not change the entitlement conditions for PIP. Decision letters will be reviewed to ensure decisions are communicated clearly but will not need to differ significantly from letters already used. Changes to computer systems are required to facilitate these decisions but no additional funding is required to support these digital enhancements.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation includes reviewing how many awards of PIP are extended using this power, monitoring volumes of Mandatory Reconsideration requests and reports of change of circumstances following notification of extensions, monitoring actual volumes of award reviews triggered against the anticipated reduction.

10.2 The instrument does not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

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

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").