

# 1. Conditions of Entitlement

## This fact sheet provides details of the conditions of entitlement for PIP

### Introduction

The regulations for PIP can be viewed in full on the [UK Legislation website](#). This fact sheet contains a summary of the conditions of entitlement and rules of payability.

### Claiming PIP

PIP will replace Disability Living Allowance (DLA) for people aged 16 to 64 from 8 April 2013. This will initially be for new claims only.

People cannot get DLA and PIP at the same time. Existing DLA claimants can claim PIP from October 2013 and their DLA entitlement will end when a decision is made on their PIP claim. People waiting for a decision on a DLA claim to be made cannot claim PIP.

For information on how PIP will be introduced for new claimants see [fact sheet 5](#). For information on how PIP will be introduced for existing DLA claimants see [fact sheet 6](#).

### Required period condition

In order to be entitled to PIP, claimants have to satisfy a qualifying period of three months and a prospective test of nine months. These two

conditions are referred to as the 'required period condition' and help establish that the health condition or disability is likely to be long-term. The qualifying period establishes that the claimant has had the needs for a certain period of time before entitlement can start and the prospective test shows they are likely to have continuing needs for a specified period after the award starts.

The three month qualifying period and the nine month prospective test align the PIP definition of a long-term health condition or disability with that generally used by the Equality Act 2010 and its recently published guidance.

Claims can be submitted during the qualifying period but entitlement to PIP cannot start until the qualifying period has been satisfied.

### Residence and presence

Claimants will need to be present in Great Britain, habitually resident in the United Kingdom (UK), Ireland, the Channel Islands or the Isle of Man and not subject to immigration control. They must have been present for at least 104 weeks out of the last 156 weeks in Great Britain.

DWP treats serving members of Her Majesty's Forces and their families as habitually resident in Great Britain when serving and stationed abroad.

A temporary absence abroad for up to 13 weeks may be allowed, or up to 26 weeks if the absence is specifically for medical treatment.

The PIP residence and presence conditions will be the same as those being introduced for Disability Living Allowance (DLA) and where similar provisions are being introduced for Attendance Allowance (AA) and Carers allowance (CA).

### **Age – Children**

Children under the age of 16 are not eligible to claim PIP.

### **Age – 65 or over**

PIP cannot be claimed from age 65 except in certain circumstances where there has been a recent award of benefit. Entitlement can continue after the age of 65 if a claimant is already in receipt of PIP when they turn 65, providing they continue to satisfy the conditions of entitlement.

### **Assessment criteria**

PIP is made up of two components – one to help with daily living needs and one for mobility. To determine entitlement to the two components and the level of benefit award, individuals are assessed on their ability to complete a number of key everyday activities. For detailed information about the assessment criteria see [fact sheet 2](#).

### **Hospital or similar institution**

Both components of PIP cease to be payable 28 days after the claimant has been admitted to an NHS hospital. Privately funded patients are unaffected by these rules and can continue to be paid either component of PIP. If a claimant is in hospital or a similar institution at the date entitlement to PIP starts, PIP is not payable until they are discharged.

### **Care home**

PIP daily living component ceases to be payable after 28 days of care home residency where the costs of the accommodation are met from public or local funds. PIP mobility component can continue to be paid. People who fully self fund their placement are unaffected by these rules. If a claimant is in a care home at the date of entitlement, PIP daily living component is not payable until they leave.

## **Linked spells in hospital and a care home explained**

Spells in hospital are linked if the gap between them is no more than 28 days.

The daily living component for spells in a care home is also linked if the gap between them is no more than 28 days. There is no link for the mobility component because payment is not affected when in a care home.

Both components of PIP will stop being paid after a total of 28 days in hospital. The daily living component of PIP will stop being paid after a total of 28 days in a care home.

If a claimant moves between a hospital and care home or vice versa, these periods will also link.

## **Detained in legal custody**

PIP ceases to be payable after 28 days where someone is being detained in legal custody, whether the offence is civil or criminal and whether they have been convicted or are on remand. Suspended payments of benefit are not refunded regardless of the outcome of proceedings against the individual. Two or more separate periods in legal custody link if they are within one year of each other.

## **Overlapping benefits**

PIP mobility component overlaps with War Pensioner's Mobility Supplement (WPMS). PIP daily living component overlaps with Constant Attendance Allowance (CAA). The overlapping benefit is always paid in full and PIP is reduced by the amount of the overlapping benefit.

Those in receipt of an Armed Forces Independence Payment (AFIP) will not be entitled to claim PIP. AFIP is a new benefit for members of the Armed Forces and former members of the Armed Forces who have been seriously injured as a result of their service since the introduction of Armed Forces Compensation Scheme (AFCS) in 2005. From 8 April 2013, service personnel and veterans awarded a Guaranteed Income Payment of 50% or more under the Armed Forces Compensation Scheme (AFCS) will be eligible for AFIP.

Veterans not entitled to AFIP will be able to apply for PIP in the usual way.

For more information about AFIP please see the [Veterans UK website](#).

## **Award duration/reviews**

PIP awards will normally be made for a fixed period and will be reviewed on a regular basis.

At the end of the fixed period an award ends and a new claim will need to be made. More information can be found in [fact sheet 10](#).

There are no specific health or disability conditions that automatically entitle someone to PIP or to a particular award duration.

### **Passporting arrangements**

Entitlement to PIP provides a gateway to other benefits, such as Carer's Allowance and schemes sponsored by other Departments such as the Blue Badge Scheme. The links to passported benefits, that are currently available through DLA, will be maintained where possible. More information about passporting can be found in [fact sheet 4](#).

Details about Carer's Allowance can be found at [www.gov.uk](http://www.gov.uk).

Information about the Blue Badge scheme can also be found at [www.gov.uk](http://www.gov.uk).

### **Motability**

The Motability scheme will allow claimants to use all or part of their enhanced rate of the mobility component of PIP to buy or hire a vehicle.

For more information about the Motability Scheme see [fact sheet 4](#). Also see the [Motability website](#).

### **Special Rules for terminally ill people**

Claimants deemed as terminally ill (having a progressive condition where they are not expected to live for more than 6 months) are exempt from the 'qualifying period' and 'prospective test'. These claimants are entitled to the enhanced rate of the daily living component automatically from the date of claim but will be assessed for the mobility component. People who claim under these provisions will be exempt from a face-to-face consultation. More information about Special Rules can be found in [fact sheet 12](#).

### **Decision making**

Entitlement is decided by a DWP decision maker, taking full account of the claimant's evidence, including any additional evidence they submit in support of their claim, evidence from professionals who support the claimant and the report provided by the assessment provider.

More detailed information about Personal Independence Payment: [www.dwp.gov.uk/pip](http://www.dwp.gov.uk/pip)