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House of Lords

30th May 2022

Dear Lords,

Social Security (Special Rules for End of Life) Bill: Second Reading

I would like to thank Noble Lords for their reasoned contributions to a thoughtful debate for the Second Reading of this Bill. It was clear to me that everyone who spoke welcomed the measures in the Bill and would like to see it on the statute book as soon as possible. During the debate, I promised that I would write to clarify some questions raised during the debate.

1. Monitoring and Evaluation

Baroness Noakes asked whether the Department for Work and Pensions would monitor the impact of the changes being proposed in this Bill once they had been rolled out. She also asked whether the Department would consider making further changes where certain groups, like those diagnosed with Motor Neurone Disease, were not being supported as intended. The Department will continue to engage with stakeholder and clinical groups to ensure that those who meet the new definition are able to claim under Special Rules. We will also monitor existing channels that claimants can use to provide feedback to the DWP. However, the Department recognises that people who may not meet the Special Rules criteria once the 12-month changes have been made, may still have severe and lifelong conditions that will not improve. People in this position will always need extra financial support to live independently. That is why we want to test an approach for a new Severe Disability Group, so that those people can

benefit from a simplified process that does not involve a face-to-face assessment.

2. Social Security Advisory Committee Report

Baroness Brinton raised the 2020 SSAC report that had recommended that the Department reviews “eligibility criteria for PIP/DLA (the ages at which a mobility element is not currently included in an award, and specifically considering whether there is merit in extending it to children under three”. Baroness Sherlock asked if the Government had responded to this report.

I can confirm the Govt did respond on 14 July 2021, and I have included the relevant part of the response below:

“PIP/DLA mobility component eligibility criteria

Only children over the age of three can claim the mobility component of DLA, as all younger children have substantial mobility needs. The Department has however recognised the difficulties faced by families with severely disabled children under three, and so explored options for helping these children with the Motability and Family Fund charities. A first phase 18-month pilot scheme was launched, in January 2018. Those eligible benefitted from a fully funded leased vehicle via Motability Operations, and the scheme was funded by Motability. Motability have extended the successful pilot to the end of July 2021 while considering next steps.”

3. Data on the Special Rules caseload

Baroness Sherlock also asked whether the Department could provide data on the number of people who live for longer than 6-months under the current rules, how many of those reach the end of their 3-year award and whether the Department has estimated what the volumes would be under the proposed new 12-month approach.

Internal DWP analysis from 2020 estimated that around half of PIP (52%) and AA (49%) claimants live for more than 6 months after an award made under the ‘Special Rules’. Prior to the introduction of PIP in 2013, working age claimants were able to claim DLA under the Special Rules provisions; 59% of DLA Working

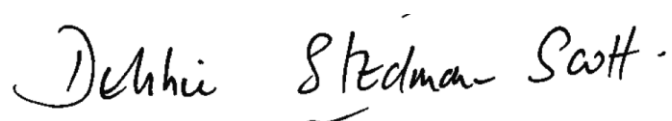
Age Special Rules claimants were alive 6 months after their Special Rules award.

12 months after a Special Rules award 35% of PIP, 31% of AA and 39% of Working Age DLA claimants are estimated to be alive. 36 months after a Special Rules award, 14% of PIP, 15% of Working Age DLA and 10% of AA claimants are estimated to be alive.

The Department does not currently have access to data on volumes of PIP, DLA or AA customers that have received a 12-month prognosis from a clinician, and we have therefore not been able to make an assessment of how many customers under the proposed new definition of Special Rules may live beyond 12 months.

I hope this letter is helpful in clarifying points raised during the debate. If there are any specific points I have missed or other areas you would like to discuss my officials and I would be happy to discuss these with you. A copy of this letter will be placed in the House Library.

Yours sincerely,

A handwritten signature in black ink that reads "Debbie Stedman-Scott". The signature is written in a cursive style with a horizontal line under the name "Stedman-Scott".

BARONESS STEDMAN-SCOTT

MINISTER FOR WORK AND PENSIONS (LORDS)