



Department
for Work &
Pensions

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Rt Hon Sir Stephen Timms MP
Chair
Work and Pensions
Committee

15 December 2022

Dear Sir Stephen,

I am writing to let you know about our progress on the Personal Independence Payment (PIP) administrative exercise checking whether claimants are eligible for more support under PIP following the two Upper Tribunal (UT) decisions MH and RJ. We published the latest figures on Thursday 15 December at: PIP [PIP administrative exercise: progress on cases cleared - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/PIP-administrative-exercise-progress-on-cases-cleared).

The MH decision changed how overwhelming psychological distress is considered when assessing someone's ability to plan, and follow, a journey. The RJ decision changed how we decide whether someone can carry out an activity safely, and if they need supervision.

I tabled a written statement on 15 December to accompany the release, updating the House on the exercise. I have also deposited an updated 'Frequently Asked Questions' document, which will be available in the House Library in due course.

Whilst we have completed the exercise, we will still provide an opportunity for claimants to ask for a review if they think they are affected.

If you have any questions about this final release, or about the exercise in general, my officials would be happy to discuss the figures in more

detail with you.

I hope you will find this reply helpful.

With best wishes,

Yours ever,

A handwritten signature in blue ink, appearing to read 'Tom', is centered within a light gray rectangular box.

Tom Pursglove MP

Minister of State for Disabled People, Health and Work

Research and analysis

PIP administrative exercise: progress on cases cleared, at 30 November 2022

Policy background and introduction

[Personal Independence Payment](#) (PIP) was introduced in April 2013. PIP replaces [Disability Living Allowance](#) (DLA) for claimants of working age. PIP is a payment that is based on the needs of a claimant.

This publication is concerned with 2 Upper Tribunal decisions, known as MH and RJ, which have led to changes to the way PIP is assessed.

Notices

Users are advised of the following changes in this release:

- new statistics on mandatory reconsiderations
- new statistics on claimants requesting a review
- new statistics on cases which have been identified as unlikely to benefit where the claimant has now deceased

Decision MH

From 28 November 2016 there was a change to the way the Department for Work and Pensions ('the department') considers how overwhelming psychological distress affects a claimant's ability to plan and follow a journey. This decision is known as MH.

Decision RJ

From 9 March 2017 there was a change to the way the department considers if a claimant can complete a PIP activity safely and if supervision is required, by considering both the likelihood of harm occurring, and the severity and nature of the harm that might occur. This decision is known as RJ.

Administrative exercise

Since 25 June 2018, the department has been carrying out an administrative exercise looking at claimants who were entitled to PIP on the date of the Upper

Tribunal decisions to review whether these changes mean they are eligible for more support under PIP. The department is also looking at claims on or after the dates of the Upper Tribunal decisions, up until the department implemented the decisions into its decision-making processes.

The MH decision can only affect a claimant's assessment in the first PIP mobility activity; cases that already receive the enhanced mobility rate are excluded from review under MH.

RJ can affect a claimant's assessment in any PIP activity; cases that already receive both the enhanced daily living and enhanced mobility rate are excluded from review under RJ.

DWP has continually monitored the exercise from the start to check the decisions being made. This identified a group of claimants who were unlikely to benefit from having a review. This is because they did not have a medical condition that would make them likely to benefit from a review under MH or RJ. Therefore, DWP decided to take a more targeted approach to the administrative exercise to ensure that the claimants most likely to benefit received payments as quickly as possible. During the exercise DWP followed plans to write to claimants unlikely to benefit from a review under MH or RJ, offering them the opportunity to ask for a review if they think they were affected. Until this change of approach was implemented claimants will have had a review rather than being sent a letter.

Another group of claimants had their PIP claim decided by a First-tier Tribunal (shortened hereafter to 'tribunal'). This was when the claimant had appealed the decision made by the department. The department does not have the power to change a tribunal decision on the basis that their decision is wrong in law. Tribunals are obliged to apply the law to all appeals, and to award claimants accordingly. Therefore, in these cases the tribunal should have applied MH and RJ to the claimant's PIP decision and there is no DWP decision to review, so they were not considered in the administrative exercise.

DWP wrote to some claimants with a tribunal decision on their claim. This offered them the opportunity to have their claim reviewed if they thought they were now affected by the MH or RJ Upper Tribunal ('UT') decisions. Following receipt of a letter, we reviewed claims where claimants asked us to. These letters were sent out in 2022.

Purpose of publication

This publication presents DWP management information on progress on clearing potentially affected cases at 30 November 2022.

This is the final release of the publication, as the exercise has now ended. It follows [previous releases of information](#) published on:

- 20 December 2018 (with data at 23 November 2018)
- 4 July 2019 (with data at 14 June 2019)
- 11 February 2020 (with data at 5 January 2020)
- 25 February 2021 (with data at 17 January 2021)
- 14 December 2021 (with data at 1 November 2021)

Cases reviewed

DWP management information at 30 November 2022 shows that since June 2018:

- around 990,000 cases have been reviewed against the MH decision
- around 1,100,000 cases have been reviewed against the RJ decision

Where cases have been reviewed, the number of cases reviewed against each decision differs as not every case was to be reviewed under both decisions. A claimant who was already entitled to the maximum rate of PIP for the component that the decision impacts would not be reviewed against that decision.

DWP management information at 30 November 2022 shows that since June 2018, following a review:

- around 8,400 payments have been made; of which:
 - around 4,300 arrears payments have been made from the application of the MH decision alone;
 - around 4,100 arrears payments have been made from the application of the RJ decision alone; and
 - fewer than 100 arrears payments have been made from the application of both decisions simultaneously.

DWP management information at 30 November 2022 shows that since June 2018, following a review:

- the total amount of arrears payments the department has paid out is around £44 million; of this:
 - £22 million has been paid from the application of the MH decision alone;
 - £21 million has been paid from the application of the RJ decision alone; and
 - less than £1 million has been paid from the application of both decisions.

These figures on cases reviewed, payments made and arrears paid are directly comparable to the figures presented in the [previous publications in this collection](#).

Cases unlikely to benefit from a review

Cases that were unlikely to benefit from a review for the MH decision were identified where claimants did not have a 'psychiatric disorder' recorded as their primary or additional health condition on their PIP record [\[footnote 1\]](#).

The list of health conditions covered by the 'psychiatric disorder' category can be found on [Stat-Xplore](#).

Cases that were unlikely to benefit from a review for the RJ decision were identified where claimants did not have a 'neurological disease' recorded as their primary or additional health condition on their PIP record [\[footnote 2\]](#).

The list of health conditions covered by the 'neurological disease' category can be found on [Stat-Xplore](#).

DWP management information has identified that, at 30 November 2022:

- 290,000 cases were in the group identified as unlikely to benefit from a review, against the MH decision; and
- 330,000 cases were in the group identified as unlikely to benefit from a review, against the RJ decision.

A case could be in both groups.

As explained earlier, DWP followed plans to write to claimants unlikely to benefit from a review under MH or RJ, offering them the opportunity to ask for a review if they think they were affected.

DWP management information has identified that, at 30 November 2022:

- 2,100 cases that were in the group identified as unlikely to benefit from a review, against the MH decision, requested a review;
- 2,000 cases that were in the group identified as unlikely to benefit from a review, against the RJ decision, requested a review;
- out of the cases that were in the group identified as unlikely to benefit from a review, against the MH decision, and requested a review, fewer than 100 cases were awarded an increased rate; and
- out of the cases that were in the group identified as unlikely to benefit from a review, against the RJ decision, and requested a review, fewer than 100 cases were awarded an increased rate.

Cases where the claimant had since died were not sent a letter.

DWP management information has identified that, as of 30 November 2022:

- 5,700 cases that were in the group identified as unlikely to benefit from a review, against the MH decision, were not sent a letter as the claimant had died; and
- 7,900 cases that were in the group identified as unlikely to benefit from a review, against the RJ decision, were not sent a letter as the claimant had died.

Cases with a tribunal decision

As explained earlier, cases with a tribunal decision were either:

- removed from the administrative exercise because there was no DWP decision to review and the tribunal should have applied MH and RJ to the claimant's PIP decision; or
- cases where we wrote to the claimant and offered them the opportunity to ask for a review if they thought they were affected by the MH or RJ UT decisions.

DWP management information has identified that, at 30 November 2022:

- 180,000 cases have been identified as having a tribunal decision related to the MH UT decision and were removed from the administrative exercise; and
- 190,000 cases have been identified as having a tribunal decision related to the RJ UT decision and were removed from the administrative exercise.

A case could be in both groups.

DWP management information has identified that, at 30 November 2022:

- 50,000 cases have been identified as having a tribunal decision related to the MH UT decision and DWP has written to these claimants offering them the opportunity to ask for a review; and
- 54,000 cases have been identified as having a tribunal decision related to the RJ UT decision and DWP has written to these claimants offering them the opportunity to ask for a review.

A case could be in both groups.

Mandatory Reconsiderations

Claimants who wish to dispute a decision on the review of their PIP claim under MH or RJ can ask DWP to reconsider the decision. This is called a mandatory

reconsideration (MR) and must be completed before an appeal is made and lodged with His Majesty's Courts and Tribunals Service (HMCTS).

DWP management information has identified that, at 30 November 2022:

- 8,300 cases have had an MR cleared under MH;
- 8,200 cases have had an MR cleared under RJ;
- 760 cases have had a decision changed under MH;
- 180 cases have had a decision changed under RJ; and
- fewer than 100 cases have had a decision changed under both MH and RJ.

Notes about the data

Source: The data used is management information from the PIP administrative exercise at 30 November 2022. A case is defined as a unique individual within a given group.

Cases which have a relevant tribunal decision where the claimant has now deceased are omitted from this release. This is because accurate numbers are not yet available.

Rounding

All figures have been rounded as shown in the table. Some numbers may not sum due to rounding.

Range

Rounded to the nearest

0 – 1,000

10

Range	Rounded to the nearest
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1,001 – 10,000	100
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10,001 – 100,000	1,000
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100,001 – 1,000,000	10,000
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1,000,001 – 10,000,000	100,000
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10,000,001 – 100,000,000	1,000,000
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Statement of application of the Code of Practice for Statistics

The [Code of Practice for Statistics](#) (the Code) is built around 3 main concepts, or pillars:

- trustworthiness
- quality
- value

The following explains how we have applied the pillars of the Code in a proportionate way.

Trustworthiness – is about having confidence in the people and organisations that publish statistics

Progress on the PIP administration exercise is based on DWP management information supplied through 2 sources.

1. a data capture tool built to allow consistent and efficient recording of case review progress in the PIP administration exercise
2. the department's computer system used to administer the benefit

Quality – is about using data and methods that produce assured statistics

The data presented on progress is partially taken from the data capture tool developed to accurately record progress and levels of arrears payments. Drop-down menus and validation checks assist in reliable data recording. Data recording checks are carried out by operational staff. DWP Analysts have engaged with operational staff to ensure the quality of the data is fit-for-purpose.

The data presented is also partially taken from the computer system used to administer the benefit. As well as assurance on design of business rules used for producing figures, value outputs have been sense-checked against other outputs for comparable periods.

As figures are derived from a mixture of automated and manually collated administrative data numbers are provided as management information and not official statistics.

Value – is about publishing statistics that support society's needs for information

This release provides a progress update on the PIP administrative exercise, together with context for those figures. In addition, it aims to reduce the administrative burden of answering Parliamentary questions, Freedom of Information requests and ad hoc queries to ensure timely responses to public queries.

To support financial planning and management of departmental business, figures have been seen in advance by ministers and officials. This is in line with the Code, where pre-release access does not apply for releases based on routine management information – as covered in para 3.6 of the [National Statistician's guidance, February 2018](#).

Future releases

This is the final release of this publication as the exercise has now ended.

Where to find out more

You can find out more in the following publications:

- [changes to PIP law](#) from 28 November 2016 and 9 March 2017
- written statements tabled on:
 - [19 January 2018](#)
 - [25 June 2018](#)
 - [20 December 2018](#)
 - [25 February 2021](#)
 - [14 December 2021](#)
- [previous releases of this information](#)

For more information on PIP please see:

- [Personal Independence Payment statistics](#)
- [DWP benefit expenditure and caseload tables](#)

Contact information

The department will be contacting individuals affected as appropriate.

For press enquiries, contact DWP Press Office on: 0203 267 5144

1. Anyone whose only primary or additional condition in the 'psychiatric disorder' category was 'bed wetting (enuresis)' were deemed unlikely to benefit. [↩](#)
2. Anyone whose only primary or additional condition in the 'neurological disease' category was 'writer's cramp' were deemed unlikely to benefit. [↩](#)