

Pension, Disability and Carers Service
Part of the Department for Work and Pensions

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Our ref:

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Date **15 May 2008**

Dear John

Thank you for your email of 2 March 2008, to Anne McGuire MP, about the current procedures relating to Disability Living Allowance claims, which were awarded more than three years ago under the Special Rules provisions.

As you may appreciate, the Minister deals with wide-ranging issues and as a result it is not possible for her to reply personally to everyone who writes to her. For this reason, your email has been referred to this Unit to reply on the Minister's behalf.

I can appreciate your concern about the re-assessment, however, I would like to assure you that this was planned in consultation with various independent groups representing disabled people, including the Terrence Higgins Trust. In addition the decision makers on the team have received additional training to equip them with the skills to handle these sensitive cases. One element of the training was delivered by a health care professional working in the HIV field of the NHS.

You may also be aware that the Special Rules provisions are for people who have a reduced life-expectancy of less than six months. Entitlement to the highest rate care component of Disability Living Allowance under these rules is based specifically on this criterion.

I am sorry you feel that the process is not being conducted fairly but I hope you will understand that the Department has a duty to ensure that benefit is being paid correctly. There have been substantial advances in the treatment of progressive diseases in recent years and this means that some people no longer have the very short life-expectancy that was indicated when they were first awarded Disability Living Allowance. They may therefore no longer satisfy the Special Rules provisions.

If this is found to be the case, information will be sought, as appropriate, in relation to other areas of their health to consider their entitlement to the care component under the normal rules where the amount of help or supervision they require with personal care is taken into account. Any decision given that changes a customer's existing award carries dispute rights through the reconsideration and appeal process.

By e-mail

Yours Sincerely

Unit Manager