

Disability and Carers Service

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Date

3 March 2008

Dear Mr

You wrote to Anne McGuire MP, Minister for the Disabled on 16 February 2008, about the current procedures relating to Disability Living Allowance (DLA) 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 letter has been referred to the Disability and Carer's Service and I am replying on the Minister's behalf.

I can appreciate your concern about the re-assessment process in respect of these claims but as you are aware, the procedures were recommended by the Disability Living Allowance Advisory Board, after discussions with various groups representing disabled people. It was agreed that the initial enquiry to medical health personnel would be addressed to HIV Consultants and that is why only one report is requested at the outset. You will be aware that the Special Rules provisions are for people who have a reduced life-expectancy of less than six months: in your own case, you were awarded under these rules in 1999.

I am sorry you feel 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 DLA. They may therefore no longer satisfy the Special Rules provision: if that were the case, information would then be sought in relation to other areas of their health. Any decision given that changes the current award of DLA will carry dispute rights through the reconsideration and appeals process.

I hope this clarifies the position for you regarding DLA. You also asked the Minister about the changes to Incapacity Benefit and the introduction of Employment Support Allowance. I have arranged for a reply to be sent to you separately about this.

Yours sincerely

Correspondence Team
Parliamentary Business Unit