

From: The DALO

Ms Emer Boyle
Communities Committee Clerk
Room 430
Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

Dear Emer,

The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) (Amendment) Regulations (Northern Ireland) 2026

The Department for Communities ("the Department") proposes to make a Statutory Rule (SR) under powers conferred by Articles 11(3) and 74(1), (3) and (6) of the Social Security (Northern Ireland) Order 1998. The SR is subject to the negative resolution procedure.

Purpose of the Statutory Rule

This SR amends the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016 ("the 2016 Regulations") to create a new rule for supersession which will grant a discretion for the Department to extend awards of Personal Independence Payment (PIP).

Current Policy

The length of a PIP award is part of the entitlement decision, which also determines what rate of PIP a claimant should get. Regulations only allow an aspect of a decision to be changed by either 'revision', or 'supersession'.

Revision changes the original decision that was made, due to an error or omission which meant the original decision was not correct. Supersession makes a new decision, which takes effect from a later date. A decision made following an award review is usually a supersession.

The 2016 Regulations currently provide that, for PIP, a supersession decision can only be made where:

- there has been an error in the previous decision; or,
- there has been a relevant change in the claimant's circumstances; or,
- where further evidence has been provided by a Healthcare Professional approved by the Department.

Where there is no error in the previous decision or there has been no change of circumstances, the regulations effectively require an assessment by a Healthcare Professional to extend entitlement to PIP. The only alternative would be for the claimant to reclaim PIP on expiry of the earlier award. This can impact the administration of PIP as a whole and have negative consequences for claimants who should otherwise remain in receipt of PIP.

Revised Policy

The amendment to the 2016 Regulations will create a new rule for supersession which will grant a discretion for the Department to extend awards of PIP. The ground will be limited to extending awards of benefit only, where necessary to safeguard the efficient administration of PIP.

Safeguarding the efficient administration of PIP means an extension may be applied in limited circumstances to meet potential future challenges such as, but not limited to, national emergencies (for example war and health crises such as the COVID-19 pandemic requiring the extension of awards to ensure claimants benefit remains in payment), as well as more specific

administrative difficulties such as system outage and serious resource limitations which mean that full assessments cannot be undertaken.

The amendment, which is technical in nature, cannot be used by a decision maker to remove entitlement or reduce the length of an award. It cannot be used to increase or decrease the rate of PIP a claimant receives. As with all supersession decisions in PIP, extensions made under this power will carry a right of appeal following a Mandatory Reconsideration.

Extending award lengths enables people to receive payment for longer and protects the Department's ability to administer PIP sustainably. Decision makers may still make awards for shorter or longer terms, depending on the individual's circumstances.

Previous Engagement with the Committee

There has been no previous engagement with the Committee regarding this proposed SR.

Financial Implications

The proposals for this change are expected to have a negligible impact on the Department's Annually Managed Expenditure. These changes may require additional Resource funding however at this stage financial implications still need to be fully assessed with further information required from DWP. Given the Department's constrained 2026/27 Budget position, any additional funding will be bid for within future Budget and in-year exercises as required.

Consultation

There is no requirement to consult on the Regulations. As they make, in relation to Northern Ireland, only provision corresponding to provision contained in regulations made by the Secretary of State for Work and Pensions. Consultation with the Social Security Advisory Committee is not required.

Compliance with Section 24 of the Northern Ireland Act 1998

The Department is content that the Rule complies with Section 24 of the Northern Ireland Act 1998, the impact assessment has also concluded that the policy and Rule are compatible with Article 2(1) of the Windsor Framework.

Consideration by the Executive

Not applicable.

Equality Impact

In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted an equality screening exercise on the proposed SR. The Department has concluded that the proposals would not have significant implications for equality of opportunity and considers that an Equality Impact Assessment is not necessary.

Regulatory Impact

A Regulatory Impact Assessment is not required as the proposals do not impose any new costs on business, charities or voluntary bodies.

Rural Needs Impact

As the proposed Rule makes no distinction between rural and urban dwellers, it is not deemed necessary to specifically identify the social and economic needs of people living in rural areas.

Data Protection Impact

A Data Protection Impact Assessment has been undertaken for this SR, and the Department is satisfied that there are no causes for concern with regards to the protection of the Department's or the public's data. No mitigation measures are necessary.

Childs Right Impact

The Department has concluded that this amendment will have no impact on children as it will apply to all PIP claimants regardless of age.

Position in Great Britain

A Statutory Instrument to which the 2026 Regulations correspond was made by the Secretary of State for Work and Pensions on 27 April and it will come into force on 02 June 2026. In line with the long-standing principle of parity in social security matters, the 2026 Regulations should be made as soon as possible after, and brought into operation on, the same date as the GB Instrument.

Parity of timing and substance is an integral part of the maintenance of single systems of social security, child support and pensions provided for in section 87 of the Northern Ireland Act 1998.

Proposed timing of consideration of the SL1

This is a parity social security measure, with an equivalent SI being introduced by the DWP.

Social security legislative parity, as set out in section 87 of the Northern Ireland Act 1998, means parity of timing as well as substance and the Northern Ireland Rule should be made and implemented to timescales which align as closely as possible with the DWP SI.

In light of these circumstances the Minister has made the following statement:

“I am satisfied that ensuring the orderly making of this parity social security legislation in line with DWP timeframes gives rise to exceptional circumstances which require deviation from the normal process and timeframes set out in the Guidance for Departments on Delegated Legislation (SL1 Pre-Introductory Stage) (November 2025).

I would be grateful if the Committee would agree to approve the SL1 in the requested shortened timeframe in light of these exceptional circumstances. It is my intention to make the SR to align as closely as possible with the DWP timing for the corresponding SI.”

Proposed Operational Date

It is anticipated that the SR will come into operation on 02 June 2026. To comply with the 21-day rule the SR must be made and laid by 11 May 2026, at the latest.

When the Rule, together with the Explanatory Memorandum has been laid at the Assembly Business Office, the Business Office will submit copies to the Committee.

I would be obliged if you would bring this matter to the attention of the Communities Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Laura Coffey', with a long horizontal flourish extending to the right.

Laura Coffey

Departmental Assembly Liaison Officer

Private Office