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## **Personal Independence Payment: assessment thresholds and consultation Consultation January 2012.**

### **Response from Adapt NE**

Adapt NE is a charitable company working with and for disabled and disadvantaged people. Adapt's primary aim is to improve the quality of life of both disabled and disadvantaged people.

We are providing this response on behalf of Adapt NE which facilitates Northumberland LINK and the Northumberland Disability and Deaf Network. We have obtained the views of its members through various meetings and telephone conversations.

In not considering social and environmental factors, it appears to be the medical model of disability which is being considered. In part, the DLA was conceived as a way of promoting social cohesion. We do not think that Personal Independence Payment will entirely lend itself to this objective.

### **Q1 – What are your views on the latest draft Daily Living activities?**

*In the explanatory note we set out revised proposals for the activities relating to entitlement to the Daily Living component (activities 1-9). These include three new activities: Communicating, Engaging socially and Making financial decisions. We would welcome your views on the activities. Are the changes and the new activities an improvement? Do you think we need to make any further changes?*

### **Response**

Our response is as follows in relation to the following 3 new activities:-

Communication – not all deaf people can communicate in sign language and not all buildings have a loop system.

Engaging socially – It is not possible for visually impaired people to read signals of body language. Unless other people communicate initially, visually impaired people are unaware of their presence.

Whilst environment does not play a part, as per para 5.5, wheelchair access is essential to have any communication at all.

Making financial decisions – Inadequate descriptors. Disabled people can buy and sell houses, and have other complex financial negotiation. Visually impaired people, even those with scanners or screen readers, often have difficulty with bank statements and other documents in tabular form, not through lack of understanding, but through the structure of the actual figures.

Issue of fatigue – people who's conditions lead to fatigue, often need to plan journeys by the quickest and sometimes more expensive routes ie taxis.

## **Q2 – What are your views on the weightings and entitlement thresholds for the Daily Living activities?**

*In the explanatory note we set out proposals for the weightings of descriptors in the activities relating to entitlement to the Daily Living component (activities 1-9). In this document we have set out the entitlement thresholds for the benefit. How well do you think they work to distinguish between differing levels of ability in each activity? How well do you think they work to prioritise individuals on the basis of their overall need? Do you think we need to make any changes to weightings or thresholds?*

### **Response**

1. Preparing food and drink – This descriptor takes insufficient notice of the expense of buying ready prepared vegetable etc as some people with some disabilities need to use the expensive alternative.
2. Taking nutrition – This assume that any food has a nutritional value. If people are unaware of what is nutritious, they could be accessing junk food.
3. Managing medication – People with visual impairments taking more than one item of medication may need assistance. We believe that this should be weighted higher as it could be very dangerous if there is no assistance available.
4. Bathing and grooming – the descriptor, needs assistance to bathe, should be weighted higher as a person who is unable to bathe without assistance on a regular basis would be unable to bathe at all.
5. Managing toilet needs or incontinence – in relation to 5c which carries 2 points and 5d which carries 4 points, assistance presumably means physical assistance, however, prompting still necessitates assistance, and so each should carry 4 points. Visually impaired people need guidance in locating toilets if away from home.

Menstruation should be included as a separate descriptor. Some women may need assistance with managing menstruation, and this appears to be omitted.

6. Dressing and undressing – People who use wheelchairs sometimes need specialist clothing. Visually impaired people need help in selecting both new clothes and choosing clothing for social occasions. We believe that assistance and the selection of clothing should be weighted higher.
7. Communication – We believe that the words complex and basic information need to be clearly defined.

In relation to descriptors a to f, merely refer to verbal access and access to written information. The ability to write letters, cheques etc has been omitted.

8. Engaging socially – in relation to descriptors 8b and 8c, the use of a person to prompt is assistance, if no social interaction can commence without prompting and therefore these should be weighted with the same points.

We believe that the descriptor needs social support to engage socially should have a heavier weighting of 8 points and should be flexible as people with sensory disabilities will often need assistance.

9. Making financial decisions – if financial information cannot be accessed in an accessible format for either sensory impairment, no matter how simple or complicated, no decisions can be made. There is no flexibility in the descriptors.

### **Q3 – What are your views on the latest draft Mobility activities?**

*In the explanatory note we set out revised proposals for the activities relating to entitlement to the Mobility component (activities 10-11). Are the changes an improvement? Do you think we need to make any further changes?*

The activity of moving around is entirely dependent on the environment.

### **Q4 – What are your views on the weightings and entitlement thresholds for the Mobility activities?**

*In the explanatory note we set out proposals for the weightings of descriptors in the activities relating to entitlement to the Mobility component (activities 10-11). In this document we have set out the entitlement thresholds for the benefit. How well do you think they work to distinguish between differing levels of ability in each activity? How well do you think they work to prioritise individuals on the basis of their overall need? Do you think we need to make any changes to weightings or thresholds?*

Planning and following a journey. It is impossible to consider this properly due to being unable to consider the environmental impact of any disability. The word assistance should be added to 1c in addition to supervision and prompting eg a wheelchair user would require accessible taxis and if using train, a ramp and a suitable space on the train for a wheelchair. Visually impaired people need assistance within stations, as well with accessing the train.

Moving around – Environmental factors need to be taken into account. Distance is irrelevant if there is a lack of dropped kerbs, or other environmental barriers.

In relation to mobility, environmental and social factors must be taken into account. Individual needs cannot be met otherwise. Each individual will have differing needs.

**Q5 – What are your views on how the regulations work regarding benefit entitlement?**

Draft Regulations 1 to 4 set out how the assessment will work to prioritise individuals and determine entitlement to the benefit. How well do you think the draft regulations achieve the intent of the assessment set out in the explanatory note? Do we need to make any changes?

Regulation 4(1)a must state sensory otherwise this paragraph is incomplete.

Regulation 4(4) needs clarification.

**Q6 – What are your views on how we are dealing with fluctuating conditions?**

*Regulation 4(4)(c) of the draft regulations and paragraphs 7.13 to 7.15 of the explanatory note set out how we are proposing to assign descriptors to people who have fluctuating conditions. These are that:*

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*Scoring descriptors will apply to individuals where their impairment(s) affects their ability to complete an activity on more than 50 per cent of days in a 12 month period.*

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*If one descriptor in an activity applies on more than 50 per cent of the days in the period – i.e. the activity cannot be completed in the way described on more than 50 per cent of days – then that descriptor should be chosen.*

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*If more than one descriptor in an activity applies on more than 50 per cent of the days in the period, then the descriptor chosen should be the one which applies for the greatest proportion of the time.*

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*Where one single descriptor in an activity is not satisfied on more than 50 per cent of days, but a number of different descriptors in that activity together are satisfied on more than 50 per cent of days – for example, descriptor ‘B’ is satisfied on 40 per cent of days and descriptor ‘C’ on 30 per cent of different days – the descriptor satisfied for the highest proportion of the time should be selected.*

*What are your views on this approach and how this is set out in the regulations?*

**Response**

The wording of this needs clarification as it appears to contradict itself.

**Q7 – What are your views on the definitions of ‘safely’, ‘timely’, ‘repeatedly’ and ‘in a timely’ manner?**

*In the assessment an individual must be able to complete an activity descriptor reliably, repeatedly, safely and in a timely manner. Otherwise they should be considered unable to complete the activity described at that level. In paragraph 7.4 of the explanatory note we set out draft definitions for these as follows:*

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*Reliably means to a reasonable standard.*

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*In a timely fashion means in less than twice the time it would take for an individual without any impairment.*

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*Repeatedly means completed as often during the day as the individual activity requires. Consideration needs to be given to the cumulative effects of symptoms such as pain and fatigue – i.e. whether completing the activity adversely affects the individual's ability to subsequently complete other activities.*

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*Safely means in a fashion that is unlikely to cause harm to the individual, either directly or through vulnerability to the actions of others; or to another person. What are your views on these? Some organisations have suggested that these terms should be included within the regulations. Do you agree? If so, do you have views on how we should do so – for example, as a general provision or referring to them in the detail of activity descriptors?*

## **Response**

The definition of the word timely is too simplistic. Care should be taken over length of time required as twice the time could make the task unduly strenuous.

These definitions should be included in the descriptors and the words used should be incorporated under each activity, and their corresponding definitions should be easily accessible in accompanying notes.

## **Q8 – What are your views on the definitions in the regulations?**

*The draft regulations contain a number of definitions in Regulation 1 (Interpretation) and Schedule 1. Do we need to make changes to any of these?*

Assistance – this should also include sensory or prompting eg for people with learning disabilities.

Bathe – bathing appears to be confused with washing.

Communicate – should include 'and preferred format'.

Communication support – visually impaired people would not necessarily need trained assistance, but could need assistance nonetheless.

Complex financial decisions – this is incomplete and does not include strategic planning eg purchasing large items or moving home. This is treating disabled people's lifestyles as less than those of able bodied and their expectations similarly.

Engage socially – thought needs to be given to sensory impairment as visual signals cannot be received.

Groom should also include cutting finger and toe nails.

Manage incontinence – this should include travel in respect of wheelchair access or assistance to locate toilets for people who are visually impaired.

Manage medication or therapy – who will define a deterioration of a claimants health? Will it be self determined or need medical evidence.

Support dogs should not be included – Guide dogs have limited lifespans and lengthy interim periods between dogs. The DWP should not refer to dogs as they have no control over supply.

Nutrition – this needs some clarification as not all food is nutritious. A sentence should be included that food must have a nutritional value and claimants must have an understanding of nutrition.

Q9 – Do you have any other comments on the draft regulations?

*Regulations 5 to 10 of the draft regulations relate to elements of the assessment process for Personal Independence Payment, around the requirement to provide information and attend face-to-face consultations, the consequences of failing to meet these requirements and when individuals might have good reason for not meeting these. Do you have any comments on these regulations?*

Regulation 7(1) Independent support or low level advocacy may be needed by claimants at this stage.

Regulation 7(3) care must be taken with sensory impairment as mail may not be read on a regular basis.

Regulation 9 – Some disabilities are constant and will remain unchanged. It seems an expensive and pointless exercise to have regular re-assessments.

**24<sup>th</sup> April 2012**