



Breakthrough UK Ltd

Report Title

**Brief commentary on: 'Personal Independence Payment:
assessment methods and consultation'**

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Breakthrough UK Ltd is a successful independent social enterprise, managed mainly by disabled people. It brings together disabled people, local businesses, and other agencies to plan and deliver projects and services to promote independence. Based in the North West of England, Breakthrough UK provides independent living support, training, employment and business opportunities to disabled people within the Social Model of disability. The majority of Breakthrough's staff and Board are disabled people, with first hand knowledge and experience of the barriers to independence and employment faced by disabled people.

Rather than respond to the questions as posed, we have chosen to make some general points on the proposals as they stand. As we made clear in our joint response to the consultation on Disability Living Allowance in 2011, we are not in support of this change, and therefore do not wish to endorse the process by responding to the questions.

Our primary concern is that the assessment criteria do not take a Social Model approach, i.e. one based on an explicit acknowledgement of disabling barriers to inclusion in society and of how these can be removed.

We note that you have taken people's concerns about the medical nature of the previously proposed activity criteria into account to an extent. It is clear from the summary of the responses that you cite in the explanatory note that many organisations and individuals who contributed to the first consultation wanted this to change.

The descriptors are still, in our view, highly individualistic and medically focussed. The explicit statement that the original criteria did not look at barriers that might prevent them from completing an activity sums up the problem we have with the direction taken. Whilst this has been rectified to an extent, it is still evident that the focus is predominantly on individual limitations rather than the barriers people experience. For instance, in section 3 on Mobility Activities, no mention whatsoever is made of any barriers to accessing transport - an overwhelmingly critical issue for many disabled people, and one identified in the previous consultation.

If the assessment is intended as a measure of how far disabled people can participate in society, then indicators which capture this, rather than functional aspects of the person's impairment, need to be embedded consistently throughout all of the criteria. The principles of independent living drawn up by disabled people would be a useful starting point:

[http://www.breakthrough-uk.co.uk/AboutUs/Principles of Independent Living](http://www.breakthrough-uk.co.uk/AboutUs/Principles_of_Independent_Living)

As discussed elsewhere in our response to the discussion document on the planned Disability Strategy, we are extremely worried that government are now moving towards a Biopsychosocial Model of disability. Maria Miller stated that the assessment for Personal Independence Payment "will use the Biopsychosocial Model of disability to look at what day to day activities each individual can do and what they need support with." (responding here to a question posed on the Guardian's Welfare Reform live update page). Lord Freud has also made a recent statement to the same effect. We feel this is evidenced in the descriptors. However, the original consultation document for the changes to Disability Living Allowance said that such changes would take account of the Social Model of Disability.

The points made at 4.8 and 4.9 in the explanatory note are deeply concerning as they effectively express the view that considering environmental barriers and availability of support would make the test 'subjective'. A one size fits all approach in order to keep tests simple and cost effective could potentially make assessments very unfair, as well as inaccurate.

As you state, the purpose of Disability Living Allowance was/is to enable disabled people to be active members of the community and to ensure that prohibitive costs associated with living with an impairment in a barrier filled society are ameliorated.

Increased conditionality around eligibility for Personal Independence Payment could, we fear, lead to disabled people being further entrenched in the poverty trap. The projection that 500,000 people who currently claim DLA would not be eligible for PIP adds weight to this worry.

We are also concerned that PIP is not underpinned by the United Nations Convention on the Rights of Disabled People (UNCRPD).

It is hard to comment on the descriptors without getting drawn in to a medicalised discussion of impairments because of the heavy emphasis on functionality so we will limit this discussion to the three new descriptors:

Communicating

The descriptors need to include more specific examples, for instance the phrase 'written information' is unclear. Some people may be able to access written information if it is in easy read format for example, but not when it is in standard form. People who require easy read are likely to experience many communication barriers in the course of their lives because provision of this information is not widespread. It is unclear whether written information encompasses Braille or large print. It also needs to address how people can produce written text, with the question assuming passivity on the part of the claimant.

Clearly – as with other criteria here - it is a very difficult question to evaluate and quantify without looking at the person's social context, and this is the inherent weakness within this set of criteria and with PIP more generally. At the very least the interpretation should clarify that written information is in standard English using an average font size of 12, but often organisations will produce material in fonts far smaller than this. The definitions of communication support should be taken to include this.

Engaging socially

It is good that the time criteria for experience of distress have been taken out. Again, though, the descriptors focus on the individual, rather than the barriers, particularly attitudinal, which they may face whilst interacting in social contexts.

Making financial decisions

We are pleased to see that this criteria has been broadened – giving more clarity. We are somewhat confused at the absence of a criterion for support with financial decisions. Under the Social Model of Disability and the principles of independent living which have been drawn up by disabled people and their organisations, the meaning of

‘independence’ is around having control over the way that people live their lives, rather than trying to do everything for ourselves. This is the reality of life for everyone in society; we are all interdependent on others and the products, services and support they offer.

There is an issue running throughout in that there is a confusion over the fundamental basis of the meaning of independence - the parameters of these questions assume that the person is/ or should be, attempting to take these actions of their own volition. In reality, many disabled people will struggle to answer such questions because they have historically accessed the support of others to undertake particular tasks.

This becomes clear when looking at the regulations and its emphasis on ‘determination of limited and severely limited ability to carry out activities’. Again, this is saying directly that the focus is on impairment based limitations, and not barriers.

We believe that the high thresholds for the different levels of PIP mean that many people who experience barriers to inclusion will not qualify. This is evident from the case studies which seem very arbitrarily scored.

We reiterate the need to allow an advocate to attend consultations, where they are deemed necessary.

Thank you for taking our response into consideration. We would be happy to expand on any of the points above.