

## **Personal Independence Payment: assessment thresholds and consultation**

### **Response from Surrey Coalition of Disabled People**

Surrey Coalition of Disabled People (the Coalition) welcomes the opportunity to respond to this consultation. The aim of the Surrey Coalition is to campaign and promote the rights of disabled people to have equality of opportunity and to live independently. This means influencing the policies, strategies and services which impact on the lives of disabled people to make them better and more accessible for everyone. This response adds to the previous comments made in February 2011 to Government on Disability Living Allowance reform.

This response was compiled and prepared by twelve people representing the views and interests of over 5000 disabled people in Surrey, including individual members of Surrey Coalition and of several other organisations of disabled people. These included the Surrey Empowerment Boards, Surrey Independent Living Council and Surrey Disabled People's Partnership, and involved people with different impairments, such as those with mental health needs, learning difficulties and with physical and sensory impairments. Contributions were also made by many other partner organisations including Surrey Welfare Rights Unit, Surrey Association for Visual Impairment, the local MS Society and Action for Carers Surrey.

The first key point we would like to make is that the complexity of how people's impairments impact on their lives and the costs incurred needs to be captured by something more sophisticated than a points-based system. Additional information should also be included as well as an exceptional circumstances route for those claimants failed by the rigid points system. Members of the Coalition are extremely concerned that the revised scheme strongly suggests that current recipients of lower rate care component of DLA will no longer be entitled when Personal Independence Payment (PIP) is introduced. This will have

drastic implication for many thousands of disabled people. For many, DLA will be the one payment received that truly helps with the higher costs of disability and in particular, for those outside of means-testing or tough adult social care criteria.

As illustrated with other examples below, withdrawing from significant numbers of disabled people their only remaining source of state support will inevitably lead, in many cases, to extra strain being placed on already overstretched local public services. Left without support, people in time fall into more critical situations of increased need until public resources become concentrated on little more than crisis management. Furthermore, we suggest throughout this response that these proposed reforms will lead to breaches of, or at least make it more difficult for the UK Government to comply with, the United Nations Convention on the Rights of Disabled People.

In particular, we assert that various aspects of these proposed reforms to assessment criteria could lead to conflicts with the following articles in the Convention:

- Article 17 Protecting the integrity of the person
- Article 19 Living independently and being included in the community
- Article 20 Personal mobility
- Article 28 Adequate standard of living and social protection

We are concerned that face to face assessments will not always be appropriate for some claimants. There should be the ability to decide claims on paper evidence alone. The consultation documents imply that claimants will be invited to attend face-to-face assessments.

This is a significant change from current arrangements where DLA claimants are visited in their own homes. In Surrey there is only one Assessment Centre which means long distances to

travel. All Assessment Centres should be fully compliant with accessibility standards and provide adequate support for people with all impairments including hearing and visually impaired people.

Also, there needs to be further information on what financial support there will be for travel, carer support, and any third party support such as someone to help claimants communicate at an assessment. All face-to-face assessments must avoid the negative experiences of Employment Support Allowance claimants who attend Work Capability Assessments and who are currently generating significant levels of successful appeals. It is essential that all assessors are suitably qualified, proactive in seeking out the necessary evidence and have an appropriate manner for dealing with disabled people, including people with mental health support needs.

The claim form will constitute a significant part of evidence provided for PIP claims. The Coalition members request that a draft of the claim form is widely circulated for consultation in order for disabled people to have input into that process. It is vital for the form to include the correct wording and prompts, as well as space for additional information which must be clearly encouraged. The Coalition seeks Government's confirmation that the form will be available in all required formats including an accessible online version.

## **Daily Living Activities**

The main concern from the Coalition members is that the motivation of this reform is primarily to reduce entitlement by 20%. Many disability organisations have already raised this issue having previously stated that DLA facilitates independence and provides preventative support lifting disabled people out of poverty and helping contribute towards the costly essentials that are required to live a basic, comfortable life. The levels of disabled people already living

below the poverty line, and the persistent low levels of take-up with some welfare benefits are evidence enough that PIP should not offer less financial protection. The inevitable health and social care costs that will arise through more dependence and increased poverty are merely shifting the public costs on to different budgets.

In particular, the Coalition would like the following comments on daily living activities taken into account:

- The Communicating activity appears to have been drafted to consider only the physical act of communicating. The descriptors do not adequately provide, for example for cognitive, mental health, learning disability, dementia, autism and other conditions.
- Claimants with conditions such as those listed above are not adequately provided for in the Engaging Social activity. Someone “who exhibits uncontrollable episodes of behaviour which would result in a substantial risk of harm to the claimant or other person” should have 12 points attached to it.
- We also do not consider that the two descriptors above adequately provide for dual sensory loss which carries additional problems.
- It cannot be the Government’s intention to deny disabled people the financial means they require to obtain aids and appliances and maintain their independence. Without this financial support, increased dependence will eventually lead to higher awards of PIP. This is costly and counter-productive.
- This loss of control and independence will also risk the employment status of many disabled people who rely on current DLA to ensure they have the support they need in work.
- The Coalition is extremely disappointed to see in the draft activities the removal of the basic human right to choice in how we live our lives. In the interpretation of the

descriptors are such rigid definitions that disabled people are no longer treated as equal to non-disabled citizens. In particular we are opposed to:

- The definition of “bathe”. The common understanding of bathing should be used.
- The definition of “cook” and “simple meal” will be confusing for applicants. If the test is still to prepare and cook a meal using fresh ingredients, asking about microwaves will almost certainly lead to confusion.
- The definition of “dress and undress” should not restrict disabled people to only wearing slip-on shoes
- The definition of “groom”. Any activities which are required by the disabled person as part of maintaining their choice of personal appearance should be accepted, including shaving and make-up.

A disabled person who requires supervision, prompting or assistance to manage medication for up to 14 hours per week will no longer qualify for PIP unless other activities also apply. We consider that it is the interruption and frequency of supervision or support that matters.

Medication can often be quite swift to administer or remind someone to take, but if frequent and/or if the consequences of not taking the medication are dire then this should qualify a person for PIP.

## **Mobility**

The Coalition is extremely concerned that the change made as recently as April 2011 to entitle people with severe sight impairments to Higher Rate Mobility Component will not be carried forward with PIP. Furthermore, for the same reasons as stated under Daily Living Activities, we consider that the Mobility Activities penalise disabled people for using aids which in turn provide greater independence. To repeat, it is often

DLA which has provided the financial means to obtain these devices (which are often expensive to secure and maintain) and therefore to cut this financial support will only lead to greater dependence on more costly public services, especially health and social care, and increased marginalisation and social isolation of disabled people.

We also believe that disabled people's employment will be at risk if they are unable to afford the support they need to move into and remain in work.

### **Benefit entitlement**

In addition to the comments we have already made, we repeat that disabled people's lives are more complex than a list of activities and points. For example, someone may be able to hear at home but when out in a busy street, or at work, their ability to communicate may be seriously compromised. We are also concerned that for sensory impairments, DLA recognised all those daily activities for which sight or hearing would be necessary, and these counted towards the award.

The Coalition members ask that the Government considers how tasks such as keeping your home clean, recycling, maintaining common areas so that neighbours are satisfied etc. can be reflected in the PIP design. These basic rights that non-disabled people enjoy are part of daily living and should be reflected as such in the assessment criteria. Maintaining basic standards of hygiene and home maintenance are not only crucial to personal and environmental health, but are also form part of disabled people's responsibilities under tenancy agreements that we need to fulfil in order to remain in our homes.

## **Definitions**

The Coalition welcomes the PIP definitions of “safely”, “timely” and “repeatedly”. The Coalition would need further information from Government before it could comment on “in a timely fashion”. How will Government decide or measure how long someone without any impairment takes to carry out certain activities?

We presume other factors such as age will also be taken into account when “benchmarking” whether someone takes more than twice as long to complete an activity? These definitions need to be clearly stated throughout the claim form so that applicants know and understand the context of how well they can perform the activities. Disabled people often underestimate the level of help or support they need.

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This paper has been drafted by Maria Zealey, Surrey Welfare Rights Unit, who acted as adviser to the Coalition consultation group.