

Response from The Action Group to DWP ‘Personal Independence Payment: assessment thresholds and consultation document’ January 2012 (on the second draft of the PIP criteria)

Introduction

We are submitting this response from our experience and expertise in getting advice and assistance to ‘harder to reach’ groups. We do this by tailoring our services to meet the needs of those who face additional barriers.

The Action Group is a medium sized voluntary organisation for children and adults with a learning disability and other support needs, their parents and carers. We provide wide ranging housing support services, supported employment services and community based children’s services. Our Advice services provide a unique, specialist resource for people with learning disabilities and other support needs across Edinburgh and the Lothians. Advice services include Welfare Rights advice and a Black and Ethnic Minority Advice Service.

In 2011-2012 the welfare rights service worked with 238 households and dealt with a total of 2937 enquiries.

The majority of customers that we assist are those who experience mental, cognitive and intellectual difficulties.

Consultation questions

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

We work mainly with people who have learning difficulties and /or support needs and we think that the inclusion of the 3 new activities above are an improvement because they cover crucial areas where our service users experience great difficulty with daily living tasks.

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

Sometimes the weightings do not reflect the level of support required. There is a discrepancy between the amount of points awarded for prompting as opposed to assistance when the frequency of help needed and the amount of carer’s time taken up to enable the activity is the same. This seems to be at odds with the Government’s intention; it is stated that the impact of the impairment rather than the impairment will be considered (paragraph 2.2, Explanatory note to support the second draft of the assessment regulations). Whether someone needs prompting or supervision for an hour or assistance for an hour to do an activity the barriers and costs are often the same; if this is where the Government is

trying to establish consistency, this should be reflected in the points awarded.

Examples:

Managing toilet needs (activity 5) - only 2 points are awarded for prompting to manage toilet needs but this does not reflect the frequency of help needed or the disabling impact e.g. if someone needs someone to prompt them each time to go to the toilet and for all the different tasks involved in toileting this signifies a substantial need for care. Points awarded should be equal to the amount awarded for 'assistance' (4 points) because the impact of the impairment is the same whether you need prompting or assistance. If you fail to get the necessary prompting or assistance then the impact is the same.

Bathing and grooming (activity 4) - only 2 points are awarded for supervision or prompting to bathe but if someone needs a carer to prompt them throughout the task i.e. for all of the different steps required, this signifies a substantial need for care. There is an assumption that 'assisting' someone to bathe requires more help as 4 points are awarded but this is not always the case; sometimes 'assisting' can take less time than 'prompting' someone to do things for themselves.

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

We think that the latest draft Mobility activities are an improvement because they recognise that people who have a need for supervision outside because of their communication difficulties can also face significant barriers and costs (just like those who have physical disabilities).

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

Activity 10 - it seems that someone satisfying the criteria for descriptor B could also satisfy descriptor E under prompting. If the existence of the two separate descriptors - and the different points attributed to each - is intended to reflect a difference in impact of the impairment then this needs to be explained more clearly, otherwise B should be awarded 15 points as well.

The example given to explain the need for prompting in descriptor B (*"may apply to individuals who are only able to leave the home when accompanied by another person"*) is confusing because it appears to fit the definition at 7.11 of the explanatory note given for 'supervision' (*"a need for the continuous presence of another person to avoid a serious adverse event from occurring to the individual"*) not 'prompting' (*"support provided by reminding or encouraging an individual to undertake or complete a task but not physically helping them"*).

With reference to the thresholds of 8 and 12 points, the purpose of awarding 10 points for descriptor D is unclear.

Activity 11 - It seems that people who satisfy descriptors C and D will incur just as much expense in terms of getting about as those who come under E, F and G. If a person can only walk 50 metres they are going to be reliant on taxis or cars to take them door to door to any activity outside; this is not reflected in the weightings.

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

Nothing to add.

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

It is unclear how this would operate; the 4th bullet point seems to contradict the first bullet point so an example would be helpful.

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

We think these terms should be included within the regulations; they do not need to be put into each descriptor but should be a part of the general regulations that encompass all the descriptors.

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

Nothing to add.

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

Nothing to add.