

# Disability Living Allowance Higher Rate Mobility Component for Certain Severely Visually Impaired Customers

Equality Impact Assessment

Pension Disability and Carers Service

September 2010

# Equality Impact Assessment for Disability Living Allowance Higher Rate Mobility Component for Certain Severely Visually Impaired Customers

The Department for Work and Pensions has carried out an equality impact assessment on the proposal to introduce Higher Rate Mobility Component for Certain Severely Visually Impaired DLA Customers, assessing the proposal in line with the current public sector equality duties.

## Purpose and aim(s) of the proposal

Section 14 of the Welfare Reform Act 2009 sets out a new provision which will allow for prescribed categories of severely visually impaired people to be entitled to the higher rate mobility component of Disability Living Allowance. The new provision will be subject to the existing rules for entitlement e.g. concerning age, residence and presence and qualifying periods.

Section 14 of the Act will be commenced in three stages<sup>1</sup>:

- at any point after 11 April 2010 for the purpose of making Regulations which will set out the details of who will be entitled and how entitlement will be assessed;
- from 15 October for the purpose of assessing existing Disability Living Allowance claims and making decisions on eligibility under the new criteria; and
- from 11 April 2011 for the purpose of beginning payments.

The Regulations set out that a pre-requisite to entitlement is certification of severe visual impairment by a consultant ophthalmologist. Entitlement is further referenced by satisfying one of two conditions:

- a best corrected visual acuity of less than 3/60<sup>2</sup> **or**
- a best corrected visual acuity of 3/60 or more, but less than 6/60, a complete loss of peripheral visual field and a central visual field of no more than 10 degrees in total.

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<sup>1</sup> The Welfare Reform Act 2009 (Commencement No. 2 and Transitory Provision) Order 2010 refers.

<sup>2</sup> Assessment of visual acuity should be by reference to the Snellen scale.

Where details of visual acuity or visual field are incomplete, or the nature of the eye condition means there may have been some deterioration in eyesight, eye tests will be carried out by an appropriately qualified eye care professional, approved by the Secretary of State under the existing Health Care Professionals legislation as amended.

The new provision will deliver clearly defined rules that are robust and testable (objective), limit appeals and minimise fraud/error. The provision will aim to be cost and time efficient for decision making and simple to understand for customers and staff providing a smooth customer journey.

By delivering the process to comply with the new legislation the Pension, Disability and Carers Service will support the Department's aim to 'promote opportunity and independence for all' and its achievement of the key Departmental Strategic Objectives. The key objectives to which this provision contributes are:

- Promote equality of opportunity for disabled people.
- Maximise employment opportunity for all.
- Pay our customers the right benefits at the right time.
- Make DWP an exemplar of effective service delivery to individuals and employers.

## Impact of the proposal

### Customers

The new provision will advantage only those customers with a severe visual impairment as defined above. There are approximately 48,000 existing customers with vision as a primary or secondary impairment. It is anticipated that up to 23,000 customers will benefit and become entitled to the higher rate mobility component at the point of change.

Eligible existing customers will receive a real-term increase in benefit of £30.90 per week (based on 2010/2011 rates). This will increase the independence of severely visually impaired people as they become more able to engage in social and work-related activities.

Existing customers in receipt of the lower rate mobility component with vision as a primary or secondary impairment will be contacted by the Pension, Disability and Carers Service and invited to take part in a 'conversion exercise'. Following consultation with customer representative groups, such as RNIB, it has been decided to undertake the conversion exercise primarily by telephone, rather than a traditional paper based approach, to better meet the accessibility needs of the customer group involved. Customers who have indicated that their preferred language is Welsh will be contacted by a Welsh speaking member of staff. If a customer indicates that English is not their first language, and requires contact in an alternative language, the

telephone contact will be via the appropriate translation service. As now, the telephone lines will be compatible with assistive technology such as text relay.

The new provision only affects the mobility component and the conversion exercise will therefore focus on changes to the mobility component<sup>3</sup> only. This approach has been discussed with RNIB. However, if the customer simultaneously indicates/reports a change in care needs, in effect reporting a relevant change in circumstances, we would investigate and consider those needs.

No negative impact has been identified for qualifying customers regardless of disability, race, gender, age, religion and belief or sexual orientation.

## **Staff**

The conversion exercise will be telephony based. Identified customers will be contacted via the telephone to explain the new deeming provision and to gather evidence. Call backs will be arranged as necessary. Agents completing the outbound call exercise will receive appropriate training and will be supported by specifically designed information packages.

A discrete team within the Disability Contact and Processing Unit at Warbreck House will be established to deal with the processing side of the conversion exercise. A simplified supersession process will be designed for the exercise minimising cost and providing time efficient decision making. Staff selected to work on this discrete team will receive the appropriate training.

New claims will be delivered as business as usual. Products, processes, decision making guidance and procedures will be amended to reflect the new 'deeming'<sup>4</sup> provision and communicated to the business delivery areas in advance of the law coming into force in April 2011.

There will be no positive or negative impact on staff working conditions, regardless of disability, race, gender, age, religion and belief or sexual orientation.

## **Information obtained to impact assess this proposal**

The overarching policy change, delivered through the Welfare Reform Act 2009, was subject to an impact assessment including an assessment against the Department's Equality duty.<sup>5</sup>

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<sup>3</sup> The power of the Secretary of State in this case would be to supersede for a change of circumstances, those circumstances being a change in the law. Although the Secretary of State can supersede on his own initiative for a variety of reasons, the legislation does not go as far as obliging the Secretary of State to initiate enquiries on matters beyond the specific change of circumstances. The Secretary of State is not, of course, precluded from making enquiries.

<sup>4</sup> 'Deeming' has been used to indicate that an award will be determined on the basis of whether the specified criteria are met as opposed to an assessment of needs arising from their condition.

<sup>5</sup> <http://www.dwp.gov.uk/docs/welfare-reform-bill2009-imp-assess.pdf>

In autumn 2009, a tightly targeted communications approach was agreed. This approach has been designed to reach those Disability Living Allowance customers who are most likely to be eligible using our customer databases and customer insight to maximise identification. This includes working with external stakeholders such as RNIB to help identify and reach those most likely to be eligible.

Estimated volumes have been derived from data on existing customers, in receipt of lower rate mobility, where vision is determined as the primary or secondary impairment. These have been validated by Policy and Analysis & Research. Medical experts (including Moorfields Eye Hospital) have provided estimated award volumes.

An informal consultation with key stakeholders, including the Social Security Advisory Committee, took place between 28 January and 12 March 2010. This consultation was on the draft regulations and the high level process to support them, to ensure that they meet their intended policy purpose and deliver entitlement to higher rate mobility component to prescribed categories of severely visually impaired people.

The Pension, Disability and Carers Service Advisory forum has been consulted and a specific working group has been set up comprising of relevant customer representative organisations such as RNIB, Citizens Advice Bureau and Local Government Association. This group is working with the Pension, Disability and Carers Service on design, development and overall communications for the new provision to ensure eligible customers understand and make a claim, if appropriate.

This change and the approach outlined have been endorsed by RNIB, Guide Dogs, National Association of Local Societies of Visually Impaired People, National Federation of the Blind and National League of the Blind and Disabled.

## Conclusion

- This is a minor policy change in terms of scale and there is no known illegal impact on any group of people.
- The Project risk log will contain details of mitigation activity and contingencies for each risk identified.
- The conversion exercise will be monitored as it progresses.
- This document will be reviewed as the Project progresses through governance.

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