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Dear Sirs

**Consultation on the PIP assessment Moving Around activity.**

Thank you for the opportunity to comment on the June 2013 consultation paper regarding the Moving Around activity.

The Limbless Association is a leading charity that represents civilian amputees and those with congenital limb loss and has in the region of 1500 members. Our members were invited to comment on the PIP consultation via our website and by email. The following response reflects the views of those members that responded. In formulating our response, our comments are made from the perspective of the limbless community.

**The Question**

The consultation states that it is based on a single question; *what are your views on the Moving around activity within the current PIP assessment criteria?* However, the subtext to the question actually poses three questions, namely:

- What do we think about the Moving around activity assessment criteria set out in the current regulations, including the current thresholds of 20 m and 50 m?;
- What do we think the impact of the current criteria will be?; and
- Do we think that the DWP need to make any changes to the criteria, or assess physical mobility in a different way altogether?

Setting aside the poorly framed question, our views on the consultation are set out below, based on these three sub questions.

**Q1. *What do we think about the Moving around activity assessment criteria set out in the current regulations, including the current thresholds of 20 m and 50 m?***

The position regarding the assessment criteria was thrown into confusion by the unannounced introduction of the 20 m criterion that had not formed part of, or was subject to, the consultation

process. This distance has no recognised application and was introduced to address concern voiced by some over the link between limited mobility and wheelchair use framed by Activity 11 in the draft consultation document.

Further confusion has been added with the reference to the “reliably test” that only become part of the legislative framework after pressure was brought to bear when the consultation process ended. While the test is now part of the current regulations, it is not clear how the test will be uniformly applied, or indeed how the terms “reasonable”, “reasonably” and “acceptable” will be defined and consistently interpreted during the face to face assessments.

The degree of confusion regarding the intent of both the test and the changed distance criterion was evident by the number of interviews given following the publication of the revised Activity criteria by the Parliamentary Under-Secretary of State for Work and Pensions Esther McVey. She sought to clarify matters and was keen to focus on the reliably test rather than the 20 m criterion; which suggested that its inclusion had not been fully thought through or its impact adequately considered. The general disquiet and dissatisfaction with this issue also resulted in a Judicial Review of the legislative process, which in turn has lead to this further consultation exercise.

### ***Amputees***

From the perspective of an amputee, the ability to walk any appreciable distance is subject to the ability to wear and utilise a prosthetic limb. This can be affected by a number of issues such as pain, sores, poor fitting socket, swollen residual limb, and these can feature to a greater or lesser degree on any given day, and indeed at any time during the day. The type of amputation also plays a part. As an example, an amputee with a single above the knee prosthesis will require in the region of 50% extra energy to get around which places strain on the body and can result in increased fatigue.

The fluctuating condition described above, which we have previously described in our responses as the good day/bad day scenario, can make the use of any measureable distance a theoretical exercise. For this reason, our members have been encouraged to keep a note (perhaps on a daily basis in a simple diary) to record the variable impact that their disability has on their daily life and their ability to move around.

### ***Thresholds***

With regard to the two thresholds, the 50 m criterion is widely understood and accepted as a means of defining limited mobility for a disabled person. Examples of the 50 m criterion in relation to limited mobility can be found in the Department of Transport (DfT) Traffic Advisory Leaflet 5/95 that defines the maximum distance between a parking bay for disabled use and major destinations such as banks or supermarkets.

The 2002 DfT publication *Inclusive Mobility: A guide to best practice on access to pedestrian and transport infrastructure* includes a recommendation of 50 m as the maximum that a disabled person using a walking stick can walk without a rest. It also cites 50 m as the maximum distance between a disabled parking bay and a destination. (Interestingly, it notes that follow up research had found that 35% of all disabled people who were able to walk could manage no more than the 50 m threshold). These documents also inform the parking and design standards of the Highway Authorities across the country.

By comparison, the 20 m distance has no such recognition. Guidance published by the Department for Transport in 2012 for local authorities in England into the use of the Blue Badge for disabled drivers does not feature the 20 m distance and instead gives a range of distances starting from 30 m for someone with very considerable difficulty in walking. The consultation document cites that the figure of 20 m is intended to allow the DWP to distinguish between those who are effectively unable to get around as a result of reduced mobility and those who have “*some, albeit limited*” mobility. To draw this distinction, an example is offered of people who can only move around within their homes. Yet this distance represents less than 2 double decker bus lengths (2 x 12 m = 24 m) and is a negligible distance.

It is important to note that for some, it is not a question of just moving around in their home. The fluctuating conditions referred to earlier can mean that amputees are unable to walk any appreciable distance because of pain and discomfort and this can be exacerbated by uneven floors, poor or slippery surfacing and difficulty cambers and gradients.

It is unclear why it was thought that a further criterion was necessary in determining limited mobility, particularly when 50 m is already defined and accepted as being the maximum distance that a disabled person using a walking stick (i.e. an aid) can manage. If the actual test of an individual’s mobility is the ability to carry out Activity 12 when considering the four parameters of the reliably test, then the 50 m criterion would be sufficient. An inability to reliably (i.e. safely, repeatedly, in a timely manner and to an acceptable standard) cover this distance would indicate that the individual has very limited mobility.

In our view, the reliably test is the key feature of the assessment and it is not helpful to have added further distances to the activity in an effort to address the earlier concerns over the link to wheelchair use. A far more simple and readily understandable solution would have been make use of the recognised and accepted 50 m distance and then relate it to the ability to reliably cover this distance a) without the use of an aid or appliance, or b) with their use.

**Q2. *What do we think the impact of the current criteria will be?***

The impact will be two fold. Firstly, the use of an arbitrarily chosen distance to access the mobility of disabled individuals would serve to remove a proportion of those who either currently qualify for a Motability vehicle through their existing Disability Living Allowance (DLA) award, or for new claimants that could qualify for the vehicle, had the 50 m distance been used instead in PIP. Secondly, both groups will experience a negative impact on their personal independence. The loss of a Motability vehicle would prevent them from being able to attend clinics and treatments, stop them from being able to commute to work (where travel by public transport is not possible and the distance between the station/stop and their place of work is too great to walk) and will also serve to limit their ability to socially interact with others. All of this will have an adverse effect on their ability to lead independent, fulfilling lives.

**Q3. *Do we think that the DWP need to make any changes to the criteria, or assess physical mobility in a different way altogether?***

The 50 m distance that features in existing documentation (and, through case law, has become the accepted threshold for being considered as being virtually unable to walk and thus being able to claim the enhanced rate in DLA and access to a Motability vehicle) is based on current and recognised definitions of

limited mobility for disabled individuals. As such, it represents a reasonable basis for the assessment and this figure should be used as the distance used to determine limited mobility for those individuals who can walk without or with an aid or appliance.

The 20 m criterion is an arbitrary figure and is an unnecessary addition to the assessment process. It has the potential to remove a large number of individuals from being able to access a Motability vehicle and does not fit with the stated aim in the consultation document that “.....*The PIP assessment has been designed to ensure that support is targeted at those individuals who face the greatest barriers to independent living*”. Use of this figure will instead serve to limit the ability of those affected to lead an independent and fulfilling life.

Rather than seek to remove reference to those individuals whose mobility is limited to the use of wheeled appliances, the criteria should be revised to include a measure for those who cannot move an appreciable distance without the use of such an appliance.

We trust the above response is helpful and would be pleased to answer any questions you may have or to enlarge on any point raised.

Yours sincerely

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