

PIP – AMENDMENTS TO DAILY LIVING ACTIVITY 3 AND MOBILITY ACTIVITY 1

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INTRODUCTION

- 1 This memo provides guidance on the Social Security (Personal Independence Payment) (Amendment) Regulations 2017 (SI/2017/194). The changes come into force on 16.3.17.¹

¹ [*Social Security \(Personal Independence Payment\) \(Amendment\) Regulations 2017, reg 1*](#)

BACKGROUND

- 2 The changes reverse the effect of two decisions of the UT¹ which widened the interpretation of the descriptors under daily living activity 3 and mobility activity 1.

¹ [*SSWP v LB \(PIP\) \[2016\] UKUT 0530 \(AAC\) and MH v SSWP \(PIP\) \[2016\] UKUT 531 \(AAC\)*](#)

- 3 The first decision¹ held that needing support to take medication *and* monitor a health condition, such as diabetes, should be scored in the same way as needing support to manage therapy, like dialysis, undertaken at home. The Regulations amend the assessment criteria to make a clearer distinction between people who are managing medication or monitoring a health condition, and people managing a therapy at home.

¹ [*SSWP v LB \(PIP\) \[2016\] UKUT 0530 \(AAC\)*](#)

- 4 The second decision¹ held that someone who cannot make a journey without assistance due to psychological distress should be scored in the same way as a person who needs assistance because they have difficulties navigating. By way of example, the first group might include some people with isolated social phobia or anxiety, whereas the second group might include people who are blind or who have cognitive impairments. The Regulations amend the relevant descriptors to reinstate the distinction between these two groups.

1 MH v SSWP (PIP) [2016] UKUT 531 (AAC)

CHANGES

Daily living activity 3 – Managing therapy or monitoring a health condition

- 5 The definition of “manage medication or therapy” is separated out into two distinct definitions¹
1. “manage medication” which means take medication, where a failure to do so is likely to result in a deterioration in C’s health; and
 2. “manage therapy” which means undertake therapy, where a failure to do so is likely to result in a deterioration in C’s health.

1 SS (PIP) Regs, sch 1, part 1

- 6 The definition “monitor health”¹ is amended to “monitor a health condition” to reflect the wording used in the descriptors under activity 3.

1 SS (PIP) Regs, sch 1, part 1

- 7 The definition of “therapy” is amended to exclude
1. taking or applying, or otherwise receiving or administering, medication (whether orally, topically or by any other means); or
 2. any action which falls within the definition of “monitor a health condition”¹.

1 SS (PIP) Regs, sch 1, part 1

Example

Ikbal has severe depression and epilepsy. His wife prompts him to take his tablets at required times during the day and also assists with monitoring his health condition. In

total his wife spends 30 minutes a day to prompt him to manage his medication and assist with monitoring his health condition. Ikbal claims he satisfies descriptor 3c “needs supervision, prompting or assistance to manage therapy that takes no more than 3.5 hours per week”. The DM determines that because the definition of “therapy” excludes taking medication and any action which falls within the definition of “monitor a health condition” he cannot satisfy 3c. Instead the DM awards Ikbal 1 point under descriptor 3b.

8 Descriptor 3b is amended to the following:

3(b) Needs any one or more of the following —

(i) to use an aid or appliance to be able to manage medication;

(ii) supervision, prompting or assistance to be able to manage medication;

(iii) supervision, prompting or assistance to be able to monitor a health condition¹.

1 SS (PIP) Regs, sch 1, part 2

Example 1

Kirsten has diabetes and severe arthritis in her hands. She needs assistance from her partner every day to manage her regular insulin injections. Her partner also provides assistance to monitor her health condition by checking her blood sugar levels and administering additional insulin to prevent deterioration of her health which takes up to 45 minutes each day. The DM determines that Kirsten needs assistance to manage medication and assistance to monitor a health condition and awards 1 point for descriptor 3b.

Example 2

Ken has chronic back pain and arthritis in his hands. He has been advised by his GP that although he cannot have his pain relief medication increased, complementary TENS therapy will help him to manage his pain. Ken purchases a TENS machine and his partner spends 10 minutes every day helping him to set up/ remove the machine to give him maximum pain relief. The DM determines that the TENS machine falls under the definition of therapy, and it is accepted that Ken requires assistance to set up the machine which takes 1 hour 10 minutes per week in total. Ken also requires assistance to manage his pain relief medication three times per day. As Ken satisfies both descriptor 3b and 3c, the DM awards Ken the higher scoring descriptor i.e. 2 points under descriptor 3c as he requires assistance to be able to manage therapy that takes no more than 3.5 hours a week.

Mobility activity 1 – planning and following journeys

- 9 Descriptors c, d, and f under mobility activity 1 are amended to make clear that the effects of psychological distress are not relevant to these descriptors¹.

1 SS (PIP) Regs, sch 1, part 3

Example

Sukhi suffers from severe anxiety and claims she needs someone with her for reassurance when going out at all times as otherwise she suffers from very severe panic attacks, sweating and breathlessness. Sukhi has sought an award under mobility descriptor 1f as she cannot follow the route of a familiar journey without another person. However, the DM determines that because of the wording of mobility descriptor 1f (“for reasons other than psychological distress, cannot follow the route of a familiar journey without another person, an assistance dog or an orientation aid”), any problems following the route due to psychological distress are not relevant. Consequently the DM awards 4 points under mobility descriptor 1b “needs prompting to be able to undertake any journey to avoid overwhelming psychological distress to the claimant”.

ANNOTATIONS

Please annotate the number of this memo (3/17) against Appendix 1 and Appendix 2 of ADM Chapter P2.

CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 1S25, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in [Memo DMG 03/13](#) - Obtaining legal advice and guidance on the Law.

DMA Leeds: March 2017

The content of the examples in this document (including use of imagery) is for illustrative purposes only

