



**NIACRO'S RESPONSE TO DSD
CONSULTATION ON PERSONAL
INDEPENDENCE PAYMENT: ASSESSMENT
THRESHOLDS AND CONSULTATION**

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NIACRO Ref:

Mrs Diane Clarke
Social Security Policy and Legislation Division
Department for Social Development
Level 1, James House
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30th April 2012

Dear Sir / Madam

I enclose NIACRO's response to the DSD consultation on Personal Independence Payment: Assessment and Thresholds and Consultation.

NIACRO, the Northern Ireland Association for the Care and Resettlement of Offenders, is a voluntary organisation, working for over 40 years to reduce crime and its impact on people and communities. NIACRO provides services for and works with children and young people; with adults in the community and with people in prison and their families, whilst working to influence others and apply all of our resources effectively.

NIACRO receives funding from, and works in partnership with, a range of statutory departments and agencies in Northern Ireland, including criminal justice, health, social services, housing and others.

We welcome the opportunity to respond to this consultation and are keen to engage further if that would be helpful.

If you require any further information, please do not hesitate to contact us.

We look forward to receiving the final policy document.

Yours faithfully

Pat Conway

Director of Services

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NIACRO'S response to

Personal independence Payment: Assessment Thresholds and Consultation.

Q1 – What are your views on the latest draft Daily Living activities (activities 1-9)? Are the three new activities – *Communicating, Engaging socially* and *Making financial decisions* – an improvement? Do we need to make any further changes?

We welcome the inclusion of new activities of communicating, engaging socially and making financial decisions. However, we have highlighted a number of areas detailed below, in which we believe further improvements are required.

Activity 1 – Preparing food and drink:

The only reference to preparing a drink is in *G – cannot prepare and cook food and drink at all*. This activity has a weighting of 8 points. Yet it would be reasonable to reference the need for and ability to prepare a drink – tea, coffee, diluted orange etc in *D – needs prompting to either prepare or cook a simple meal*; *E – Needs supervision to either prepare or cook a simple meal*; and *F – needs assistance to either prepare or cook a simple meal*.

Activity 3 – Managing therapy or monitoring a health condition:

While a time period is assigned to activities C to F, neither a time measurement nor frequency is defined for activity *B – Needs supervision, prompting or assistance to manage medication or monitor a health condition*.

Activity 4 – Bathing and grooming:

This descriptor applies only to an individual's ability to wash the upper half of his / her body. We feel strongly that the ability to bathe and groom should encompass the whole body. The care of one's feet for example – washing, clipping toe-nails - is essential in the care and treatment of diabetes.

From a practical perspective as well as for hygiene and personal self-care reasons, it is illogical to confine bathing and grooming to the maintenance of the upper body alone.

Activity 7 – Communicating:

The descriptors in this activity do not reference the difficulties people with mental health issues have in communicating with strangers although Activity 8c does refer to support to engage socially.

Activity 9 – Making financial decisions

The notes attached to this descriptor should make it clear that there needs to be evidence of a physical or mental incapacity (mental health condition, intellectual impairment or cognitive impairment) affecting a persons ability to make financial decisions.

The new activities of *communicating, engaging socially and making financial decisions* are an improvement but see **Question 1** for suggestions relating to them.

Q2 – How well do the proposed weightings and entitlement thresholds in the Daily Living activities (activities 1-9) work to distinguish between differing levels of ability in each activity and to prioritise individuals on the basis of their overall need? Do we need to make any changes to weightings or thresholds?

Activity 1 – Preparing food and drink:

The weightings distinguish clearly between the different levels of ability in this activity.

Activity 6 – Dressing and undressing:

Clarification is needed to explain why needing assistance to dress or undress lower body (D) attracts a score of 3 while needing assistance to dress or undress the upper body (E) scores 4.

Activity 7 – Communicating:

On reading the descriptors we feel there is a gap between descriptors (B) and (C) and (D). We suggest that consideration is given to adding another descriptor with the wording - *Needs assistance or support to use an aid or appliance to express or understand verbal/ and /or non verbal communication.*

Q3 – What are your views on the latest draft Mobility activities (activities 10-11)? Do we need to make any further changes?

Activity 10 – Planning and following a journey:

We are unsure what is meant by the term *overwhelming psychological distress* referred to in descriptors B and D, or how the department or indeed the applicant is able to determine what amounts to overwhelming psychological distress. How does overwhelming distress differ from the normal level of anxiety that a person with agoraphobia for example, may experience or somebody with severe anxiety?

Activity 11 – Moving around:

The descriptors for this activity do not take account of the pain or discomfort a person would experience moving around. The phrasing and language used has moved away from a person's ability to walk, to a person's ability to move. The time, speed, and manner of walking are not recognised in the descriptors. The descriptors do not reflect the reality for many with mobility difficulties who are able to walk short distances, but need to stop and rest to recuperate or recover composure before being able to continue.

Q4 – How well do the proposed weightings and entitlement thresholds in the Mobility activities (activities 10-11) work to distinguish between differing levels of ability in each activity and to prioritise individuals on the basis of their overall need? Do we need to make any changes to weightings or thresholds?

The proposed weightings in Activities 10 and 11 do distinguish between differing levels of ability. However, for Activity 11, we feel that the time taken to move, the distance covered, the manner of walking / moving and the degree of pain or discomfort a person experiences while walking / moving, with or without the use of aids or appliances should be reflected in the descriptors and score points similar to descriptors F and G.

Q7 – We set out draft definitions for ‘safely’, ‘timely’, ‘repeatedly’ and ‘in a timely manner’ in paragraph 7.4 of the explanatory note. Do we need to revise these in any way? Should they be incorporated into the draft regulations? If so, how should this be done?

The definition of *‘in a timely fashion’* needs to be simplified. A measurement of less than twice the time it would take for an individual without any impairment is not easily quantifiable and will be open to interpretation and dispute on a case by case basis.

Likewise, the definition of ‘repeatedly’ should follow that which has been established in the DLA regulations and case law i.e. twice or more. This is more understandable and user friendly than the suggested definition – *completed as often during the day as the individual activity requires*.

We believe that the terms ‘safely’, ‘timely’, ‘repeatedly’ and ‘in a timely fashion’ should be reviewed against current case law and definitions used for Disability Living Allowance.

The definitions, as they stand, do not seem to take account of the impact of cumulative actions i.e. getting out of bed, getting washed, dressed, making breakfast within a short time frame or the affect of pain or fatigue in performing activities. They also ignore the time taken to complete an action and the impact of the physical exertion spent in completing an activity.

Q8 – Do any of the other definitions used within the Interpretation of the draft regulations require refinement?

Yes. The definition of ‘bathe’ is limited to the ‘cleaning of one’s torso, face, hands and underarms’. This is not satisfactory in the context of personal hygiene and we would like to see the definition of bathe reflecting meaning and include washing of the lower half of one’s body as well. We maintain that this is equally as important as washing one’s torso.

The components meaning of ‘complex financial decisions’ as described in the draft regulations are by any standard rather basic and routine.

We would like to see the definition of ‘dress and undress’ developed to include help to choose and match appropriate / suitable clothing (for weather

conditions / occasion) as well as prompting when clothing need to be changed for example when wet, dirty, smelly.

The definition of supervision is exclusive as it demands the continuous presence of another person for the purpose of ensuring the safety of a claimant. This is unreasonable as most carers provide care, attention and supervision for continual or prolonged periods over several times per day as determined by the needs of their loved one. The threshold for supervision seems to be set too high to be of any value.

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

We would like to see the body of case law and definitions, that have been developed over time through the outworkings of Disability Living Allowance migrate across to Personal Independence Payment to offer some security and continuity for claimants.