

DWP
2nd Floor, area B
Caxton House
Tothill Street
LONDON SW1H 9NA

30 April 2012

Dear Sir/Madam

**RE: RESPONSE TO CONSULTATION ON PERSONAL INDEPENDENCE
PAYMENT: SECOND DRAFT OF ASSESSMENT CRITERIA**

We are the Northern Ireland Public Service Alliance who represent members who work in all areas of the Public Sector. We currently have over 21,000 members who work in the Civil Service and some of those number work in Disability and Carers Service which currently operates the current Disability Allowance Benefit.

At our Trade Union Conference last year a motion was passed condemning the Welfare Reform Agenda and it is within that context that we are responding to the consultation document.

There can be no doubt that the number one objective for Personal Independence Payment is to cut the projected Disability Living Allowance spend by 20% from figures projected for 2015/16. This will in essence mean that there will be 1.7m people in receipt of Personal Independence Payment from an estimated 2.2m people who would have been receiving Disability Living Allowance.

Given the fact that up to 500,000 disabled people will no longer be in receipt of a benefit they previously would have been allowed, cannot in any fashion be described as a step forward in the campaign to give greater independence to disabled people. This slashing of funding will only isolate further those of the most vulnerable in society.

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

It is clear from the list of daily activities that those people currently on DLA with low-moderate mental health difficulties will be greatest affected. The supervision required in the Daily Living activities is given a score towards the lower level of the spectrum and as

such it will become more difficult for those who require supervision to qualify for Personal Independence Payments.

Activity 1 – Preparing Food and Drink

This activity should include safely ie this activity considers an individuals ability to safely prepare a simple meal. The use of a microwave should also be removed from the criteria as it implies that this removes the danger from hot utensils which is incorrect. The use of a microwave to prepare a simple meal from fresh ingredients is problematic as each item may require individual cooking and reheating all together at a later stage increasing the danger of burning or food poisoning.

Activity 2 – Taking Nutrition

‘Safely’ should be included in the descriptors.

Activity 3 – Managing therapy and monitoring a health condition

Include at end of B ‘where a condition is not life threatening’.

Also include at end of F ‘or needs supervision, prompting or assistance to manage medication that may be potentially life threatening were it not taken’.

Activity 5

C & D should be combined and scored at 4.

It should also be made clear that assistance also refers to getting to and from the toilet.

Activity 6 – Dressing and Undressing

B & C are rated too low in the scoring spectrum and should be rated at 3. D & E should be amalgamated and rated at 4.

Activity 7 – Communicating

Some recognition must be given to a person’s ability to retain information which is communicated to them for a reasonable period of time.

Activity 10 – Planning and following a journey

The descriptor at Part B is too low and should be weighed at 8 given many people with mental health issues will be affected by this change which will lead to further isolation.

Activity 11 – Moving around

Moving around should include moving around in the home with the use of stairs also included to provide a full true picture of a person’s needs with regard to mobility.

While we accept the three new activities will give a broader picture, questions regarding the use of stairs etc should also be included.

Q2 What are your views on the weightings and entitlement thresholds for the Daily Living Activities?

We have in the previous answer highlighted areas of concern regarding the weightings and thresholds. Given the work that has been done in ensuring the thresholds have been set with a view to securing a 20% cut in projected spend we can only say that this hinders rather than helps disabled people.

Areas where the weighting need to change include:-

Activity 5 C & D scored at 4. Activity 6 B & C should be scored at 3, D & E scored at 4. Activity 10 B should be scored at 8.

Q3&4 What are your views on the latest draft mobility activities? What are your views on the weighting and entitlement thresholds for the mobility activities?

As we have previously indicated the descriptor at B in Activity 10 - Planning and Following a journey is not weighted high enough and should be weighted at a score of 8. Also in Activity 11 some recognition should be given to moving around indoors and the ability to use stairs.

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

The regulations will help the Government attain their 20% cut in proposed expenditure however they provide very little basis of achieving greater independence for disabled people.

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

When dealing with fluctuating conditions currently with Disability Living Allowance the Decision Maker is able to give an overall balanced view of the needs of a person. Under Personal Independence Payment an individual will be assessed on the majority of the time and this completely takes away the Decision Makers ability to look at an individual's needs in the round. Where a person has a number of conditions and 2 descriptors apply but both are less than 50% a person should be accepted at the higher descriptor over 50% of the time thereby ensuring that people with a number of conditions are protected.

All of the examples given have only one condition. In the real world most claimants will have more than one condition therefore any assessment should take account of the impact of multiple medical conditions. Similarly regulations should include provisions to enable Decision Makers to deem descriptors satisfied in particular circumstances of multiple medical conditions.

Q7 What are your views on the definitions of safely, timely, repeatedly and in a timely manner?

We believe that it is important where appropriate that the terms should be used in the detail of the Activity descriptors, as, we have previously referred in our response when we discussed the activities in general.

Q8 What are your views on the definitions in the regulations?

There are some changes which are necessary in the regulations. In relation to supervision it should say “means the presence of another person to ensure the safety of the claimant for a particular activity”.

There is currently no provision for, or, definition of ‘guidance’ for the purpose of the regulations.

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

What credence has been given to previous case law built up over a number of years in relation to Disability Living Allowance and has this been used to inform opinion on the construction of Personal Independence Payments regulations?

It is our opinion that rather than increase the independence of disabled people the introduction of this benefit will only create greater isolation for disabled people and drag them further into the poverty trap.

Yours sincerely

JOHN TOAL
NIPSA

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