

The ALLIANCE Consultation Response: Consultation on the PIP assessment 'Moving around activity'

About the ALLIANCE

The ALLIANCE's vision is for a Scotland where people of all ages who are disabled or living with long term conditions, and unpaid carers, have a strong voice and enjoy their right to live well, as equal and active citizens, free from discrimination, with support and services that put them at the centre.

The ALLIANCE has three core aims; we seek to:

- Ensure people are at the centre, that their voices, expertise and rights drive policy and sit at the heart of design, delivery and improvement of support and services.
- Support transformational change, towards approaches that work with individual and community assets, helping people to stay well, supporting human rights, self management, co-production and independent living.
- Champion and support the third sector as a vital strategic and delivery partner and foster better cross-sector understanding and partnership.

Introduction

The ALLIANCE welcomes the opportunity to respond to the DWP consultation on the 'Moving around activity' of the new Personal Independence Payment. We are encouraged by the response from the Government to public reaction over the decision to include the 20m condition in Activity12. Many of our members believe that the consultation period has not been adequate to fully consider the implications of the proposal, and that the time allocated to this consultation conflicts with the advice of the House of Lords Secondary Legislation Scrutiny Committee which recommended that a 6 week term should be the minimum period for consultation. This has aroused cynicism that the criteria is unlikely to be changed back to the original 50m standard. This is the preferred outcome of many of our members. As the consultation states that individuals will be assessed according to the current criteria during the consultation period, the ALLIANCE would welcome the commitment to reassess individuals according to the outcome of the consultation. However, the ALLIANCE believes that within the remit of the current consultation, there are a number of improvements that could increase the applicability of Activity 12 to people with mobility issues.

Criteria

As with other activities of the assessment, the ALLIANCE believes that the criteria for moving around should be considered within the context of attainable outcomes. Currently, while other criteria are focused on the accomplishment of day to day tasks, the moving around criteria does not assess an individual's ability to achieve their outcomes. The rationale behind introducing a 20m limit appears to be to distinguish between individuals with restricted mobility and those with limited mobility. The ALLIANCE believes that this approach runs counter to the social interpretation of disability, in that the focus of the social barriers that inhibit people from accessing an equal lifestyle.

The ALLIANCE believes there is an inequity in scoring, particularly between criteria's D and E. This is because we believe that an individual, who requires assistance to walk up to 50m, should be entitled to enhanced rate of mobility. The notion that an individual who cannot independently walk more than 50m is not eligible for this rate is unjustifiable. In such a scenario the necessity for any type of transportation should be crucial and therefore should attract the benefit appropriate to secure such transport. Just as there is not a points differential between those who can and cannot walk 20m *aided*, there should be no difference for those who require support to walk up to 50m. However, as we feel that the same rationale could be applied to any distance, e.g. the need for support is necessary regardless of distance, the ALLIANCE recommends that there should be a better distinction made between the types of assistance required by individuals.

Descriptors

Section 4.10 of the consultation suggests that an individual's ability to move around is considered in accordance to their experience of severe discomfort, such as breathlessness, pain, or fatigue. The ALLIANCE suggests that these factors need to be given more objectivity in order to be applied equally and equitably. With each factors being a subjective experience eliciting different reactions, there is a potential for assumptions to be attributed to an individual's experience of these factors. As there are already definitions of pain being applied nationally, we believe that the moving around descriptor should incorporate a personalised approach to qualifying experience of breathlessness, pain, or fatigue in order to apply them fairly to each individual. The ALLIANCE takes the view that people are the experts of their conditions, and should therefore be the determiners of their ability for completing activities.

The use of the descriptors; safe, repeatedly, in a reasonable time, and to an acceptable standard, is supported. The ALLIANCE believes these must be applied through an individual approach so that the criteria adequately identify the individual's ability to move around to the degree that meets their lifestyle. We recommend the following descriptions:

- **Safely** – The time limit on whether the completion of a task has caused harm to the individual should be extended to take account of the duration it takes for the individual to fully recover from the task. In some circumstances, especially those with Auto-immune conditions, pain from walking could set in long after they have stopped. Therefore in order to assess the harm incurred by the activity the individual's history of pain episodes should be taken into consideration.
- **Repeatedly** – If the completion of the activity reduces the individual's ability to walk any distance again in their required time period to achieve their intention, such as going into work the next day, then it should be considered that the individual cannot repeat the activity to the same degree as someone without an impairment would choose.
- **In a reasonable time period** – The time in which an individual can walk a certain distance should be dependent on whether that time has a detrimental impact upon their ability to achieve their required objective, which puts them at an increased disadvantage to an individual who can.
- **To an acceptable standard** – The contemplation of an activity should be based on an individual's ability to do so in comparison to the 'standard' expected from an individual without impairments or long term conditions. There is a concern that if the 'standard' is assessed subjectively, according to the judgement of an individual's performance, their completion of a task will satisfy this criterion without a fair baseline.

Length

The ALLIANCE believes that judging an individual's ability to walk based on distance does not reflect their ability to meet their desired outcomes. The ALLIANCE recommends that the assessment process is based on the principle of enabling individuals to attain their independence. In doing so, we adhere to the definition composed by the independent living movement:

"Independent Living is about human rights. Disabled people share these rights too but all too often their rights are taken away or watered down. From what to eat to where to live, life is all about making decisions - being able to choose what you want to do and how, where and when you want to do it are things that non-disabled people often take for granted. But as a disabled person, the right to control your own life is often denied" ¹

¹ Independent Living in Scotland: Independent living: <http://www.ilis.co.uk/independent-living>

Whether a person can walk the specified distance does not assess their ability to participate in society and achieve the lifestyle they want. For instance, if a person can walk 20m from the front door but not as far as their bus stop then there is an arbitrary reason for judging an individual's ability to complete a measured distance. The ALLIANCE would prefer a system that quantifies length in terms of the average distance an individual is required to travel on a regular basis. This would be a far more personalised approach that ensures each individual is assessed according to their necessity for support to achieve their defined outcomes.

If it is essential for the assessment to distinguish between those who have restricted and limited mobility, current defined as 20m and 50m respectfully, the ALLIANCE would prefer an assessment that identifies the increased barriers between the categories and quantifies the increased expenditure of those with restricted mobility. In such a system, distance would not determine eligibility and therefore be a far more equal and equitable measure of individuals' need for support based on personal outcomes.

Aided and Unaided

The ALLIANCE has concerns that the inclusion of another person within the interpretation of aids is implicating carers, which could restrict individual independence. We believe that the necessity for support from another individual should determine the individual's need for enhanced rate of support. Whether this is to transfer into a wheelchair or to walk up to 200m the crux of the matter is the financial assistance required by the individual to fund the support of another person.

The consultation suggests that the assessment process regards the individual's ability to move around on the basis of their need for and aid, not whether or not they have it. The ALLIANCE believes that this could be interpreted both positively and negatively for individuals to whom this will apply. On the positive, if the consideration of an individual's need for an aid who does not have one is assessed as reason to give them the appropriate funding with which to obtain and maintain an aid then the individual's benefits should be accordingly administered. However, if an individual's ability to complete a task without the aid is used as a justification for less funding, while it is evident that an aid would enhance the person's movement, then it would be arguable that the distinction between aided and unaided results in unfair allocation of benefits.

Conditions and environment

The ALLIANCE is encouraged that the criteria for moving around is focussed on an individual's ability to transport themselves outside. However, we believe that the criteria could take further account of the conditions which can impose greater barriers on individuals' ability to walk around outside. We would like to see a consideration of the variety of environmental conditions that can have a negative impact on an individual's ability to move around outside, such as adverse weather and hazardous terrain. The complexity of environmental barriers that can require individuals to adapt their method of getting around has implications for the assessment process. The result of which should be that individuals receive the appropriate level of benefit to ensure that they have the right support to assist them to deal with conditions that have a greater impact on their ability to move around.

Likewise, the ALLIANCE believes that the assessment must take adequate account of regional variation that can determine the level of barriers to an individual's impairment. The setting in which people live has different effects on an individual's ability to get around. For example, in towns and cities without the appropriate infrastructure it will be more challenging for an individual with restricted mobility to travel than in cities where there is frequent accessible transport. This has particular bearing on individuals who live in rural communities, for whom, their mobility is dependent on private transport due to the low levels of accessible buses and trains. Therefore the ALLIANCE would encourage the assessment process to have provisions for regional variations that can identify the increased barriers and allocate resources according to meet people's decreased mobility.

Physical assessment

For the assessment of the 'Moving around activity' to be fairly conducted and produce equal and equitable results, the ALLIANCE believes that individual circumstances must be given due consideration and for everyone to be assessed according to the effects of their impairments and the barriers imposed upon them. We therefore would advocate a much more holistic approach that is led by the individual being assessed. Rather than a focus on the individual's physical ability, the ALLIANCE believes the assessment should determine an individual's eligibility for benefit based on the identification of support that will enable them to fully partake in the day to day activities to which they wish to complete. Therefore in relation to moving around the assessment should consider the activity of transportation within the context of its role in enabling the individual to attain their potential outcomes. To do so, we would encourage the assessment process to include a sophisticated enquiry of the individual's desired day to day activities, such as going to work, visiting relatives, partaking in leisure activities, etc. that identifies the required financial support to overcome the barriers that limit their ability to do so.

The ALLIANCE understands that assessors are obligated to assess an individual's ability through 'informal observation'. We are concerned that this could give rise to false assumptions of the individual's support needs. For instance, an individual's ability to transfer from a car to the assessment venue could be precisely because they have driven from their front door to that of the venue. This demonstrates their need for the enhanced rate of Personal Independence Payment to support them to move around. The ALLIANCE believes that the assessment process should consider the positive influence of an individual's current support arrangement, e.g. the impact of receipt of Disability Living Allowance, within the judgement of their ability to complete an activity. An individual's ability to get to the assessment venue, and to complete an activity with support (i.e. from a mobility care, taxi, assistant) should not be considered as a reason to allocate a more able criterion. The individual's ability to get around with such support suggests that their receipt of their current benefit is appropriate and should be retained in order to maintain their independence.

There is also a psychological impact to consider. For example, an individual making their way from the waiting area to the assessment room may not take a rest even if required or asked by the assessor for fear that they will be taking up too much time. It is therefore inappropriate to consider this action, what is essentially common courtesy, as a part of the assessment process.

Contact Details

Thank you for considering the comments discussed in the above consultation response on the Personal Independence Payment Moving around activity. Should you wish to contact the ALLIANCE regarding the contents of this response, please direct any enquires to:

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