

# Emergency briefing:

## PIP threatens the independence of 500,000 people

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The PIP proposals are clearly an exercise in saving money from the disability benefits budget. However, the continued refusal by the government to perform a cumulative impact assessment means the financial implications for disabled people who are not deemed eligible for PIP have been ignored. **There will be an inevitable transfer of costs onto public services as disabled people will be left with no choice but to seek support from public services rather than use the individual purchasing power provided by DLA to make independent decisions about our own lives. This will have a major impact on the budgets of other departments, particularly health, social care and housing.**

This is an initial briefing to warn MP's and Peers of our most pressing concerns about the draft Social Security (Personal Independence Payment) Regulations 2013, published on 13 December.

### **Approximately 200 people in every constituency will lose their vehicle**

The draft regulations and 'final' assessment criteria for PIP indicate that whilst many (but by no means all) of the 'daily living' criteria and the criteria for planning and following a journey have been improved compared with the second draft, the criteria relating to physical difficulties in getting around have been dramatically restricted. **This is clearly intended to restrict the eligibility of disabled people with mobility impairments with a total disregard for the cumulative impact of this policy on disabled people's ability to live independent, self directed lives, the budgets of other departments, particularly health and social care and the implications for the wider economy, especially in relation to the existing economic benefits of the Motability scheme.**

These changes have occurred without warning or use of demonstrable peer reviewed medical evidence for the assumptions about distances people can move and are considered to be a deeply retrogressive step contrary to the human rights outlined in the UN Convention on the Rights of Persons with Disabilities, in particular Articles 19 and 20.

Having indicated in the second draft descriptors that there would be a net loss of higher (enhanced) rate mobility support to approximately 27% of claimants; the new draft sees a net loss of higher (enhanced) rate mobility support to approximately 42% of disabled people previously eligible for support via DLA.

- **Over the course of 5 years, 428,000 (42%) fewer people will be able to choose to take advantage of the Motability Scheme, leading to reductions in new car sales of the order of 50,000 sales per year and consequent losses to the British economy of about 5,500 jobs and £126m in tax receipts per year.** (Note: the number of people who lose their vehicle will be greater than the number unable to take advantage of the scheme, since under PIP people without physical difficulties getting around will be able to qualify for Motability if they cannot plan and follow a journey)
- DLA mobility component is currently spent on services key to local economies, particularly taxi journeys, delivery charges and mobility aids. The loss of this individual purchasing power will have

dramatic effects; every £1 removed from central government welfare funding means a loss of £1.6 spending in local economies.

- The proposed qualifying distance of 20m is absurd as it prohibits any practical mobility outside the home; indeed, in the notes to this activity, DWP suggests that 20m would enable people to move around within their own homes, although this activity is specifically intended to refer to moving around in an outdoors environment.
- Even in urban areas transport services are considerably further away from people's homes than 20 metres, with no guarantee they will be accessible. In rural areas people often live many miles from the nearest public transport, which is less likely to be accessible. **The loss of funding which enables disabled people to circumvent some of these barriers to participate in activities deemed crucial to responsible citizenship, such as volunteering or paid work, will ghettoise many disabled people and prevent our contributing to society.**
- **There is no medical evidence/research offered by the DWP to justify the reduction from a 50-metre qualifying distance to 20 metres.** The distance appears to have been selected on the basis of 'back of an envelope' sums without consideration for independent living, the budgetary consequences for other areas of government spending, the effect on the wider economy or the legal obligations to consider such impacts.

## **'Reliability' not given legal force**

The welcomed definition of 'reliably, repeatedly, safely and in a timely fashion' has been consolidated so that 'reliably' is intended to encompass the meaning of all four words and objective measures from the timeliness criterion are removed. **The government have refused to give these terms clear legal force; the word 'reliably' is neither present nor defined in the draft regulations.**

- The Government may intend that Healthcare Professionals and Decision Makers give 'reliably, repeatedly, safely, timely fashion' due regard when considering each activity, but without legal force this cannot be guaranteed, let alone in any objective manner. **These factors must be such that they are considered consistently throughout assessments by HP's, and form the basis of examination of cases by Her Majesty's Courts and Tribunals Services to allow for an independent appeals system and credible development of interpretation via legal precedent.**
- Without clear definitions of these factors it will be impossible to achieve the discretion and objectivity the Government have been so keen to emphasise will improve assessments. If specified only in internal guidance they may be subject to unilateral change and, **even if Tribunals can consider these factors, the system will be chaos until years of case law precedent has established their meaning.**
- If there is a legal basis for a belief that these measures will be full enforceable and enforced, the Government should share the legal advice on which that belief is based.
- The definition given regarding repetition does not clearly encompass the impact on other activities. If a person could mobilise every day, to the extent of not qualifying for the mobility component, but to do so rendered them unable to cook, bathe and dress themselves, should they be considered able to mobilise?

## Reference documents

The Social Security (Personal Independence Payment) Regulations 2013

<http://www.legislation.gov.uk/ukdsi/2013/9780111532072/contents>

“The Government’s response to the consultation on the Personal Independence Payment assessment criteria and regulations”, DWP, December 2012: <http://www.dwp.gov.uk/docs/pip-assessment-thresholds-and-consultation-response.pdf>

“Personal Independence Payment: Reassessment and Impacts”, DWP, December 2012  
<http://www.dwp.gov.uk/docs/pip-reassessments-and-impacts.pdf> (see the Annex, tables 7 & 8)

Reference to the economic multiplier effect of benefit spending:

<http://www.cpag.org.uk/content/government-fiscal-hindrance-package-could-tip-us-recession-0>

“Well over 100,000 to lose Motability vehicles under draconian new rules”, Jane Young, December 2012, available at: <http://janeyoung.me.uk/2012/12/14/well-over-100000-to-lose-motability-vehicles-under-draconian-new-rules/>