

Consultation on the PIP *Moving around* criteria: Briefing by sick & disabled people

Executive summary

The Government has published a [fresh consultation on the mobility component of Personal Independence Payment \(PIP\)](#), which is replacing Disability Living Allowance (DLA) between 2013 and 2018. The consultation asks a single question: **“What are your views on the “Moving around” activity within the current PIP assessment criteria?”**. The email address for responses is pip.assessment@dwp.gsi.gov.uk and it would help us if you copy your response to pip20m@janeyoung.me.uk to help us with monitoring.

The [Social Security \(Personal Independence Payment\) Regulations 2013](#) include a 20 metre benchmark distance to determine eligibility for the enhanced rate mobility component of PIP (for people with mobility difficulties who have no difficulties in planning and following a journey). The criteria in the regulations represent the Government’s preferred option in this consultation.

Under the regulations, **physically disabled people of working age (16-64), who can move more than 20 metres - safely, to an acceptable standard, repeatedly and in a timely fashion (without a wheelchair) – are not entitled to the enhanced rate mobility component of PIP (which replaces the higher rate mobility component of DLA) and cannot take advantage of the Motability scheme.**

Disabled people and their organisations disagree with the 20 metre benchmark distance.

- A 50 metre benchmark distance is widely used as a measure of significant mobility impairment – notably in relation to other disability benefits, the blue (disabled) parking badge and in official guidance on creating an accessible built environment, including the location of disabled parking spaces in relation to public and commercial buildings.
- Since most wheelchair users can walk a little, the use of 20 metres as the benchmark distance runs the risk that disabled people with significant mobility difficulties – people who can walk 20 metres but not 50 metres – lose essential adapted cars or specially converted wheelchair accessible vehicles supplied via the Motability scheme.
- If disabled people with significant walking difficulties fail to qualify for the enhanced mobility component, and therefore the Motability scheme, they will lose their independent mobility and are very likely to experience social isolation and worsening health.
- Depriving disabled people of support for independent mobility is likely to increase costs elsewhere in the public sector, especially in health and social care services, due to the need for support to make essential journeys and an increase in ill-health due to isolation and loss of independence. Whilst the Government is clearly concerned about managing overall levels of welfare expenditure, **it is important to note that money spent on other services will NOT compensate disabled people for the loss of their independent mobility.**

This briefing explains why the Government’s preferred option is flawed and provides assistance to those who wish to support disabled people in their response to the consultation.

Introduction

Personal Independence Payment (PIP) is the replacement for Disability Living Allowance (DLA) for working age disabled people and is being implemented progressively between April 2013 and early 2018. **Basic information on PIP is provided in Appendix 1.**

Since the [Social Security \(Personal Independence Payment\) Regulations 2013](#) were tabled in December 2012, there has been widespread concern among sick and disabled people about the “*Moving around*” activity, which determines eligibility for the mobility component of PIP for people with physical mobility difficulties. We are particularly worried about the 20 metre benchmark walking distance for eligibility for the enhanced rate mobility component of PIP which, like the higher rate mobility component of DLA, gives access to the Motability scheme to lease a car, wheelchair accessible vehicle, scooter or powered wheelchair, or finance other independent mobility solutions such as taxis. This benchmark distance is currently the subject of a judicial review.

Against this background, on Monday 24 June the Government launched a “[Consultation on the PIP assessment *Moving around* activity](#)”. The purpose of this briefing is to:

- Explain the concerns of disabled people and their organisations in relation to the mobility component of Personal Independence Payment (PIP), including the 20 metre benchmark distance, and
- Provide assistance to those who wish to support disabled people by making an informed response to this latest consultation.

The consultation question

The new consultation asks just one, open-ended question:

“What are your views on the *Moving around* activity within the current PIP assessment criteria?”

It then goes on to expand on that, in paragraph 3.2:

*“We would like to know what you think about the *Moving around* activity assessment criteria set out in the current Regulations, including the current thresholds of 20 and 50 metres. As part of this we would like to know what you think the impact of the current criteria will be and whether you think we need to make any changes to them or assess physical mobility in a different way altogether.”*

Calling for respondents to suggest how they might “*assess physical mobility in a different way altogether*” has the potential to cause confusion and could result in a disparate range of responses, which would be difficult to analyse.

We are pleased, however, that the Government is clearly inviting feedback on the likely or possible impact of the current criteria.

Responses should be sent to pip.assessment@dwp.gsi.gov.uk. It would help us if you could copy your response to pip20m@janeyoung.me.uk to help with monitoring (with the usual safeguards in relation to personal information).

The Government's preferred option

In this new consultation document, the Government has made it clear that their preferred option is to retain the criteria currently enshrined in the PIP regulations (for full details, see Appendix 1). It is particularly important to note that, to be awarded 12 points in the *Moving around* activity, to qualify for the enhanced rate mobility component & the Motability scheme, a claimant must show he/she can

“stand and then move more than one metre but no more than 20 metres either aided or unaided”

The consultation document emphasises the need for a claimant to be able to perform the activity ***“safely, to an acceptable standard, repeatedly and in a reasonable time period”***, as provided for by the [PIP Amendment Regulations](#). This means, for example, that claimants who can only walk more than 20 metres in considerable pain should not be considered truly able to walk that distance and should still be awarded 12 points. In the words of the consultation document (paragraph 2.2):

“People who cannot stand and then walk more than 20 metres safely, to an acceptable standard, repeatedly and in a reasonable time period receive the enhanced rate.”

(Note: This new consultation, and therefore this briefing paper, are solely concerned with claimants with physical walking difficulties who can **only** be awarded points under the *Moving around* activity.)

Aids and appliances

The Government's preferred option for the *Moving around* activity includes relatively little consideration of the use of aids and appliances. Their decision to follow this approach is clearly explained in paragraph 2.3:

“Our intention has always been to focus the enhanced rate on those with the greatest barriers to mobility. In early drafts of the assessment we considered both how far a person could move and whether they needed an aid, appliance or a wheelchair to do so. However, the consultation responses we received indicated that this could be confusing if a person did not currently have and use an aid, appliance or wheelchair. The criteria set out in the current Regulations focus mainly on distance and 20 metres is used as a benchmark distance for determining whether someone is entitled to the enhanced or standard rate for people who do not also score points on the Planning and following journeys activity.”

However, they also invite respondents to suggest alternative criteria to assess degree of mobility impairment, leaving the way open to suggest that the use of aids and appliances be given greater significance in the assessment. Since the use of aids and appliances often indicates the nature and severity of a claimant's walking difficulty, there is a good argument for their consideration. However, the assessment should not penalise claimants for their use.

Indoors or outdoors?

Disabled people were previously dismayed at the apparent intention that only those whose mobility is sufficiently impaired that they are effectively only able to move around indoors/in their own homes would be awarded 12 points (needed for the enhanced rate). In response, DWP removed from their guidance the wording which gave this impression. However, paragraph 2.4 of the consultation document states:

“The benchmark of 20 metres was intended to allow us to distinguish between those who are effectively unable to get around due to reduced physical mobility – for example, people who are only able to move between rooms in their house but go no further – and those who have some, albeit limited, mobility.”

Naturally this renews our unease that, whilst elsewhere in the guidance it is made clear that physical mobility is to be assessed in relation to moving around outdoors, the expectation may be that those who qualify for the enhanced rate will be those who, in practice, are restricted to walking indoors.

20 metres or 50 metres?

Whilst the use of aids or appliances is relevant, much of this consultation rests on the rationale for using either 50 metres or 20 metres to determine eligibility for the enhanced rate mobility component. To date, the Government has failed to provide any research justification for the 20-metre distance criteria. Introducing a distance as short as 20 metres contradicts well-established, research based guidance indicating that 50 metres represents an appropriate distance to define the limitations faced by people with significant difficulty getting around.

Indeed, in the [notes to the second draft criteria, dated November 2011](#), DWP states on page 61:

“50 metres is considered to be the distance that an individual is required to be able to walk in order to achieve a basic level of independence...”

If, in November 2011, DWP considered the ability to walk 50 metres as necessary to achieve a basic level of independence, it is worrying that they have since decided that only those unable to walk more than 20 metres should be eligible for the enhanced rate mobility component!

The wider significance of 50 metres

50 metres has been embedded for many years in guidance on access to the built environment and has been widely used in relation to disability benefits.

In relation to the built environment, a good example is the Government’s own publication, [“Inclusive Mobility”](#) (DfT), referenced in the Approved Document M of the Building Regulations, which recommends that

- seating should be provided on pedestrian routes at intervals of no more **50 metres**. (Paragraph 3.4, Seating), and
- parking spaces for Blue Badge holders should preferably be provided within **50 metres** of the facilities they serve (paragraph 5.1, Car Parking).

50 metres is also a significant distance in relation to other benefits. In practice, and on the basis of legal precedent, 50 metres is often used as the benchmark distance to determine whether a claimant is “virtually unable to walk” under DLA. It is also a significant distance for the purposes of assessment for entitlement to Employment and Support Allowance (ESA) and eligibility for a Blue Badge. Indeed, the Department for Transport has decided that the award of 8 points under the Moving around activity, for which the benchmark distance is 50 metres, should provide automatic entitlement to a Blue Badge.

The problems with 20 metres

There are a number of practical reasons why 20 metres is NOT an appropriate walking distance criteria for the enhanced mobility component of PIP:

- **20 metres simply does not provide a practical level of mobility:** 20 metres is a very short distance, approximately equivalent to the length of two buses. There is very little a disabled person can achieve outside their home, without a wheelchair, if they can only walk 20 metres.
- **Some disabled people who can only walk short distances, but use a wheelchair, may lose the specially adapted cars or wheelchair accessible vehicles** they need to maintain their independence. This will be much less likely if the qualifying distance is changed to 50 metres.
- **Even in the 1970's invalid trikes were provided to disabled people who could walk more than 20 metres** (but less than about 50 metres); when giving up their trikes, users were assured that they would receive an allowance towards a private car for life.

All about cost?

In paragraph 3.5, the Government makes it clear that cost is a key factor:

“In reaching our decision we will consider how any potential changes might affect individuals and the numbers of people likely to receive the benefit. We will also consider the potential impact of any changes on PIP and overall welfare expenditure and whether this is affordable and sustainable.”

This is consistent with the initial aim of DLA reform as it was first announced by the Chancellor in 2010, when he predicted a 20% saving on the cost of the benefit.

Costs to other Government departments

Ministers appear to limit their consideration of cost implications to the effect on the cost of this particular benefit, rather than additional costs to the taxpayer of adopting overly restrictive mobility criteria. **But extra costs falling on other public services will NOT prevent the loss of independence to disabled people that results from losing their higher rate mobility allowance.**

If people with significant mobility difficulties (such as those who can walk more than 20 metres but less than 50 metres) lose their support for independent mobility, their needs will increase and they are likely to need other support. In our report, [Emergency Stop](#), published in January 2013, we used the Government's own projections, figures from Motability and research undertaken by Oxford Economics - [The Economic and Social Impact of the Motability Car Scheme](#) - to analyse the possible cost implications of the mobility criteria for PIP for the economy, including expenditure on other public or third sector services.

The likely impacts on public and third sector services of disabled people with significant mobility difficulties losing their entitlement to the Motability scheme include:

- Up to £8 million (representing the cost of other means of transport such as Dial-a-Ride, subsidised taxi schemes, hospital transport etc) to transport disabled people with significant mobility difficulties to medical appointments ([Emergency Stop](#) Section 5, page 9)

- A reduction in well-being, as those affected are no longer able to travel independently. Using accepted methods of assigning economic value to well-being, this could represent an approximate £800 million economic cost and put extra demands on health and social care services ([Emergency Stop](#) Section 9, page 13)
- The cost to the Access to Work scheme of providing transport to and from work, for example by taxi ; this is likely to be a higher cost than the enhanced rate mobility component and only provides support for journeys to work.

Serious impact on disabled people

The 20 metre benchmark distance is likely to have a very serious impact on the many thousands of physically disabled people who have significant mobility difficulties but do not have any problems with planning and following a journey.

Caseload projections

The DWP's own projections (Appendix B of the consultation document) show that by the time PIP has been fully implemented, 428,000 fewer claimants are expected to qualify for the enhanced mobility component than currently qualify for the higher rate mobility component under PIP. However, this is a 'net' figure; it is expected that around 200,000 people with difficulties planning and following a journey (who were previously only able to claim the lower rate mobility component of DLA) will qualify for the enhanced mobility component, so **the net figures hide the true number of current DLA claimants who may lose the higher rate mobility component, likely to be about 600,000.**

IMPORTANT NOTE: These projections are similar to those provided with the consultation draft (sometimes referred to as the "second draft"), which used a distance of 50 metres. However, the wording in the consultation draft was "up to" 50 metres, with the accompanying case studies indicating that, at that stage, DWP was using an implied, but not explicitly stated, lower distance to determine eligibility. DWP has, accordingly, stated that the regulations are a clarification rather than a tightening of the criteria – and therefore the projections remain broadly the same.

This briefing therefore argues that an absolute benchmark distance would be clearer and that it would be appropriate for this absolute distance to be 50 metres rather than the current 20 metres, so that fewer people lose their higher/enhanced rate mobility component.

The impact on people's lives

Many disabled people who can walk, but only for a limited distance, are terrified of the isolation they expect to experience if they lose their independent mobility. Recent research (see <http://campaigntoendloneliness.org/toolkit/wp-content/uploads/Evidence-on-mortality-and-morbidity1.pdf> and <http://www.plosmedicine.org/article/info%3Adoi%2F10.1371%2Fjournal.pmed.1000316>) indicates a real health risk associated with the experience of isolation, which has implications both for the well-being of disabled people and the pressure on health and social care budgets. Reverting to the more sensible distance criteria of 50 metres could greatly reduce the number of disabled people at risk of isolation and worsening health as a result of PIP.

We have concerns about the quality and rigour of DWP's impact assessments. There has been no rigorous assessment of the effects on disabled people's lives if they lose their independent mobility under PIP, and no assessment of the impact of PIP in combination with other welfare reforms. Whilst the reforms affect all aspects of disabled people's lives, tightening the eligibility criteria for enhanced mobility PIP has a significant impact on its own, due to the importance of mobility to disabled people's independence.

Conclusion

The Government has said all along that PIP is intended to support disabled people's participation. It is therefore counter-intuitive to develop criteria for the *Moving around* activity which will take away the independent mobility of hundreds of thousands of disabled people with significant mobility difficulties, preventing them from undertaking everyday journeys such as travelling to work, taking their children to school, going shopping, visiting their GP, attending hospital appointments and visiting friends.

Implementation of a clear 50 metre benchmark distance to determine eligibility for the enhanced mobility component of PIP and therefore the Motability scheme would go a long way towards mitigating these impacts and supporting disabled people's continued participation.

Further information

Since the PIP regulations were published in December 2012, the implications of changing the criteria for the top rate mobility component have been explored in a number of articles, including:

- <http://www.guardian.co.uk/commentisfree/2013/jun/18/fight-for-disabled-people-mobility>
- <http://www.guardian.co.uk/commentisfree/2013/apr/07/disability-living-allowance-able-to-work>
- <http://www.guardian.co.uk/society/2013/mar/05/pip-new-disability-benefit-urgently-reviewed>
- <http://www.guardian.co.uk/commentisfree/2013/jan/14/disabled-people-dla-dangerous-experiment>

In addition, there's a wealth of information on the We are Spartacus website:

<http://wearespartacus.org.uk/pip/>

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Appendix 1: Background information on PIP

Like DLA, PIP is a non-means-tested, non-taxable benefit designed to help disabled people with the extra costs they face as a result of their impairment, and consists of 2 components. The [PIP regulations](#) were passed into law in February this year and PIP is now being implemented for new claims (it is no longer possible for people of working age to make a new claim for DLA). Current DLA claimants will start to be reassessed for PIP from October 2013, with those on indefinite awards starting to be reassessed from October 2015.

The daily living component of PIP replaces the care component of DLA and the mobility component of PIP replaces the mobility component of DLA. Each component will be payable at a standard or enhanced rate. However, the assessment method will be very different; PIP is based on a points system, with points awarded for ability to undertake 12 activities, which are supposed to act as 'proxies' to represent levels of need.

For the daily living component, the claimant is assessed on their ability to perform 10 daily living activities, and for the mobility component, the claimant is assessed against their ability to perform 2 mobility activities. Points are scored according to the difficulty claimants have with each of these activities and they are added up for each component; a total score of 8 points provides eligibility for the component's standard rate and a total score of 12 points provides eligibility for the component's enhanced rate.

There are 2 activities that count towards eligibility for the mobility component:

- **"Planning and following a journey"**, which applies to mobility difficulties which don't involve physical problems with walking (not relevant to this consultation), and
- **"Moving Around"**, which applies to physical walking difficulties (for details of this activity, see Appendix 2). It is this activity which is the subject of this latest Government consultation.
- Full details of the assessment criteria for both components are available in this factsheet: <http://dwp.gov.uk/docs/pip-toolkit-factsheet-002-assessment-criteria.pdf>

Current descriptors for the Moving around activity:

This activity considers a claimant's physical ability to move around without severe discomfort such as breathlessness, pain or fatigue. This includes the ability to stand and then move up to 20 metres, up to 50 metres, up to 200 metres and over 200 metres.

Notes:

This activity should be judged in relation to a type of surface normally expected out of doors such as pavements on the flat and includes the consideration of kerbs.

Standing means to stand upright with at least one biological foot on the ground with or without suitable aids and appliances (note – a prosthesis is considered an appliance so a claimant with a unilateral prosthetic leg may be able to stand whereas a bilateral lower limb amputee would be unable to stand under this definition).

“Stand and then move” requires an individual to stand and then move independently while remaining standing. It does not include a claimant who stands and then transfers into a wheelchair or similar device. Individuals who require a wheelchair or similar device to move a distance should not be considered able to stand and move that distance.

Aids or appliances that a person uses to support their physical mobility may include walking sticks, crutches and prostheses.

When assessing whether the activity can be carried out reliably, consideration should be given to the manner in which they do so. This includes but is not limited to, their gait, their speed, the risk of falls and symptoms or side effects that could affect their ability to complete the activity, such as pain, breathlessness and fatigue. However, for this activity, this only refers to the physical act of moving. For example, danger awareness is considered as part of activity 11.

A	Can stand and then move more than 200 metres, either aided or unaided.	0
B	Can stand and then move more than 50 metres but no more than 200 metres, either aided or unaided.	4
C	Can stand and then move unaided more than 20 metres but no more than 50 metres.	8
D	Can stand and then move using an aid or appliance more than 20 metres but no more than 50 metres. For example, this would include people who can stand and move more than 20 metres but no further than 50 metres, but need to use an aid or appliance such as a stick or crutch to do so.	10
E	Can stand and then move more than one metre but no more than 20 metres either aided or unaided.	12
F	Cannot, either aided or unaided – stand; or move more than one metre.	12