

Personal Independence Payment and Universal Credit regulations (Briefing for Secondary Legislation Scrutiny Committee, December 2012)

1. This short briefing summarises the Royal National Institute of Blind People's analysis of the Social Security (Personal Independence Payment) Regulations 2013 and the Universal Credit Regulations 2013. The briefing is particularly designed to assist the Committee scrutinising these regulations.

Personal Independence Payment Regulations 2013

2. The final criteria include a number of significant improvements for blind and partially sighted people.

3. The final criteria for activity eleven on 'Planning and following journeys' now include the need for an orientation aid alongside the need to use an assistance dog. We believe this means that anyone who needs to use a specialist aid designed to assist disabled people to follow a route safely (on all journeys) will receive enhanced rate mobility. Previously the proposals on mobility threatened to exclude individuals who rely on an orientation aid. If someone uses an assistance dog, an orientation aid or the help of another person only on routes for "unfamiliar" journeys we understand they would receive the standard rate mobility component.

4. This would appear to be a significant improvement on the draft regulations published earlier in 2012. However, as the guidance that assessors will use to interpret the regulations and details of how assessments will be carried out are not yet known, we cannot be sure of the exact impact of the assessment criteria at this stage.

5. The guidance for assessors should emphasise the practical benefits of using medical information at an early stage in the claims process (so for example a Certificate of Vision Impairment issued by a consultant ophthalmologist which provides an objective record of an individual's visual acuity and visual field). Individuals who are registered severely sight impaired might provide their CVI alongside their 'How your disability affects you' form in which case it would make sense for this information to be examined and taken into account right at the outset, before inviting these claimants' for a face-to-face assessment or further reviews.

6. We would like clarification the judgement on blind and partially sighted people's mobility needs will depend on satisfying descriptors (d) or (f) in activity eleven on 'Planning and following journeys' and not an additional requirement to provide a medical record of visual acuity or visual field in a face-to-face assessment.

7. There have also been some improvements to the daily living component, although the overall impact of the changes is more complex than for the mobility component.

8. We had hoped the criteria for Personal Independence Payment would place greater emphasis on participation in society when in fact most of the criteria have been framed around the basic needs of individuals in their own homes. We had proposed improvements to activities such as bathing and grooming and managing toileting needs but the scope of these activities has since narrowed. They now focus exclusively on an individual's physical ability to undertake these activities, ignoring an individual's ability to see to locate a toilet when outside their own home, or in the case of grooming; being able to see to shave, cut one's nails or apply make up.

9. The original activity on communicating has been altered and separated into 'Communicating verbally' and 'Reading and understanding signs, symbols and words'. On Reading (activity eight), we would expect severely visually impaired people to score 8 points, an improvement on the 4 points they would have scored under the previous draft.

10. The criteria now specifically state that for this activity someone has to be able to see what they are reading, in other words using Braille or speech generation software will not be considered reading for the purposes of scoring points under activity eight. Someone who cannot see to read information "at all" will score 8 points.

11. Basic written information is defined to include signs, symbols and dates written or printed in standard size text in the claimant's native language; "complex written information" means more than one sentence of written or printed standard size text in a claimant's native language. These are fairly precise definitions but we would like clarification standard size text for the purposes of the PIP regulations is set at 12 point font. Font size is dependent to some extent on the typeface chosen but RNIB Clear Print guidelines recommend that a clear font such as Arial be used at a minimum size of 12 point.

12. The score for someone who needs an aid or appliance (an example of a magnifier is given) to read standard print is only 2 points, leaving such a person unlikely to reach the 8 point threshold for the standard rate. As there will no longer be a lower rate, this would mean not receiving PIP.

13. It remains to be clarified if some (or all) partially sighted people could instead qualify for the descriptor which awards 8 points. As they would not be able to read signs or symbols outside the home, even if they could read standard print with a screen reader or similar at home, there seems to be an argument for allocating such a person the higher descriptor at 8 points.

14. We would like the Government to confirm that someone who is partially sighted would qualify for 8 points under descriptor 'e' on 'Reading and understanding signs, symbols and words' if they are able to use an aid or appliance at home to enable them to read standard text, but when out of the home would be unable to read signs or symbols at all. Clearly it would be impractical and in many cases ineffective for individuals to take low vision aids like video magnifiers with them as a means of reading signs, symbols and words outside the home.

15. We need this point to be clarified further in guidance. This is vital, as Activity 8 is the only part of the daily living assessment criteria where partially sighted people could score 8 points and become eligible for the standard rate. Partially sighted people are registered sight impaired and as such they face multiple barriers to independence. Like severely sight impaired people (people registered blind) they face significant extra costs maintaining even the most basic levels of independence.

16. Some other improvements that were proposed to the daily living criteria have not been taken on board, with the exception of 1 point for those needing a dosset box to manage medication. This means that the interpretation of the new Activity 8 on Reading is vital to understanding how partially sighted people will be assessed because otherwise we fear partially sighted people might only score a maximum of seven points across all the daily living criteria, just one point off qualifying for the standard rate.

17. Although the final regulations have now been published, the guidance that assessors will use is not finalised and provides an opportunity to ensure that blind and partially sighted people are treated fairly during the

assessment process and end up receiving the appropriate level of support through PIP.

18. We want to ensure the guidance gives sufficient attention to blind and partially sighted claimants' information needs. 'How your disability affects you' claims forms will need to be readily available in blind and partially sighted claimants' preferred reading formats. This is crucial because regulations eight, nine and ten concerning negative determinations place great emphasis on claimants' responsibilities, for example with regard to providing written evidence about their condition or attending face-to-face assessments within a specified timescale.

19. Unless the information provided to blind and partially sighted claimants is accessible, we believe they would have "good reason" under the scope of regulation 10 (b) for missing certain deadlines. This is a crucial point because unless the guidance for assessors prioritises the provision of accessible information negative determinations would in our view take place in inappropriate circumstances.

Universal Credit Regulations 2013

20. The Universal Credit regulations risk artificially separating out the support offered to different households with disabled children. The solution we would have liked to see is, families with a child on at least middle rate DLA care receiving the severely disabled child addition.

21. The Government is redirecting support away from children with disabilities and working age adults living on their own to adults in the ESA support group. We would have preferred to see the regulations amended to protect groups, like families with disabled children, who need additional support now.

22. At present the regulations abolish the severe disability premium for adults with the greatest care needs who live on their own. We support the idea of a self-care premium to reflect the additional costs borne by adults, like those with sight loss, who live on their own (this includes lone parents with dependent children). The self-care element would still be linked to DLA/PIP as SDP is today and would address the additional support needs disabled people living on their own experience above and beyond living with a health condition or impairment. This would be paid at the same rate as the carer's addition to anyone who does not have someone caring for them who is claiming the carers allowance or the carer's element.

23. RNIB has serious concerns about the claims process and would like to see the Government do more to assist claimants, like those with a visual impairment, who cannot readily or easily make a claim online. The 'Digital by Default' policy of 80 per cent claims online is highly ambitious. The Office for National Statistics says that 31 per cent of the people who have the lowest incomes – the very people who will need to apply for Universal Credit – do not have access to a computer or may not be able to use one. More needs to be done to ensure claimants using alternative channels are provided with adequate support.

24. Blind and partially sighted individuals' access needs need to be at the heart of any claimant commitment and the regulations need to reflect there are a variety of good reasons why disabled adults might fail to comply with the claimant commitment, not least the provision of inaccessible information or the failure on the part of Jobcentre Plus or other relevant agencies to make reasonable adjustments.

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