

# Personal Independence Payment - Toolkit

Information Guide 8: For Residents and Advisers

July 2018

[www.wolverhampton.gov.uk](http://www.wolverhampton.gov.uk)

## 1. Introduction

Personal Independence Payment (PIP) is a benefit for people of 'working age' (aged 16 to 64) who need help with their:

- 'daily living' - personal care/daily living; and/or
- 'mobility' - getting around/general mobility

because of a physical and/or mental health condition.

This 'toolkit' is designed to enable people to assess potential entitlement to PIP based upon the disability-related qualifying rules. It provides details of the provisions as they have been since **16<sup>th</sup> March 2017**. See 2. High Court - Mobility Rule Change below.

Should you want more general information on PIP including information on how claims should be made and how assessments are conducted then please see our Information Guide 8: Personal Independence Payment.

PIP has two separate components. Depending on a person's needs, they may qualify for an award of the 'daily living component' and/or the 'mobility component'.

There are TEN different 'activity' areas for the 'daily living component' and TWO different 'activity' areas for the 'mobility component'. Within each 'activity' area there are a number of individual 'descriptors', each outlining a test of functional ability and each deriving a separate point score. Full details of all the 'activity' areas and individual 'descriptors' may be found on pages 3 - 6.

Qualification and the actual amount paid is determined by a point score system.

### Daily Living Component:

£85.60 per week - enhanced rate - 12 points

£57.30 per week - standard rate - 8 points

### Mobility Component:

£59.75 per week - enhanced rate - 12 points

£22.65 per week - standard rate - 8 points

Put simply, the greater the points score the greater the amount of PIP that may be awarded. A person's point score is achieved by adding together the highest scoring 'descriptor' achieved from each of the separate 'activity' areas for the 'daily living component' and the 'mobility component'.

In order to qualify for the 'standard rate' of the 'daily living component' or 'mobility component' a person needs to score at least **8 points** for their 'daily living' needs or **8 points** for 'mobility' needs. To get the 'enhanced rate' of the 'daily living component' or 'mobility component' a person will need a score of at least **12 points** for their 'daily living' needs or **12 points** for their 'mobility' needs. See also 4. Special Rules below for people who are terminally ill.

### PIP Assessing Entitlement

For the purposes of the 'daily living component' and the 'mobility component' a person should only be treated as having the ability to undertake the tasks described in a particular 'descriptor' if they may do them:

- **'safely'** - meaning: in a manner, unlikely to cause harm to themselves or to another person, either during or after completion of the activity
- **'to an acceptable standard'** - meaning: not defined
- **'repeatedly'** - meaning: as often as the activity being assessed is reasonably required to be completed
- within a **'reasonable time period'** - meaning: no more than twice as long as the maximum period that a person without a physical or mental condition which limits that person's ability to carry out the activity in question would normally take to complete that activity.

### Use of Aids and Appliances:

A person's ability to carry out an activity should be assessed:

- (a) on the basis of their ability whilst wearing any 'aids or appliances' which they normally wear or use; or
- (b) as if they were wearing or using any 'aids or appliances' which they could reasonably be expected to wear or use.

**Aids or Appliances:** Includes any device which improves or replaces the claimant's impaired physical or mental function; and includes a prosthesis. However, it does not include wheelchair use in assessing the ability to move around. In considering whether it is 'reasonable' to expect a person to use an aid or appliance the issues of availability, cost and cultural considerations should be considered. No account should be taken of an aid or appliance if the person does not have it and it would be expensive to purchase.

## 2. High Court - Mobility Rule Change

The Department for Work and Pensions (DWP) amended the rules relating to the 'daily living component' and the 'mobility component' from **16<sup>th</sup> March 2017**. The changes to the:

- **daily living component** were made to 'Activity 3: Managing therapy or monitoring a health condition'. The intention was to reverse the effect of the Upper Tribunal decision in **SSWP v LB** which held that needing support to take medication and monitor a health condition (like diabetes) should be scored in the same way as needing support to manage therapy (like dialysis) undertaken at home. The effect of the change was to make a clearer distinction between managing medication or monitoring a health condition and managing a therapy at home.
- **mobility component** were made to 'Activity 2: Planning and following a journey'. The intention was to reverse the effect of a ruling by the Upper Tribunal in **MH v SSWP** which held that, whilst not directly stated, matters of 'overwhelming psychological distress' could be taken into account when assessing a person's ability to either plan the route of a journey or follow the route of a familiar or unfamiliar journey. The changes inserted the phrase 'For reasons other than psychological distress...' at the beginning of descriptors 1c, 1d and 1f.

However, the High Court (in **RF v SSWP** dated 21<sup>st</sup> December 2017) held that the changes to the ‘mobility component’ were unlawful. This was because the changes unfairly prevented many people with mental health conditions, learning difficulties and cognitive impairments from being able to qualify for financial support for the mobility component where stress and anxiety impacted on their ability to plan and/or undertake journeys. The DWP announced (on 19<sup>th</sup> January 2018) that there would be no appeal against the decision of the High Court. Therefore, whilst the rule change to Activity 3: Managing therapy or monitoring a health condition remain, the rules on Activity 2: Planning and following a journey revert to the position as they were prior to 16<sup>th</sup> March 2017.

This Information Guide sets out all the Activity areas relating to both the ‘daily living component’ and ‘mobility component’ reflecting the correct legal position as it has been post 16.3.2017 with the changes to Activity 3 of the ‘daily living component’ but not the changes to Activity 2 of the ‘mobility component’.

Anyone who feels that they may have been affected by the issues covered should read our Benefits Bulletin: PIP Mobility Rule Change Unlawful (Issue 11 - 23<sup>rd</sup> January 2018).

### 3. The Assessment...

The following provides details of the Activity areas for the ‘daily living component’ and the ‘mobility component’. When assessing entitlement, please be aware that certain words and phrases which feature within some ‘Descriptors’ have been underlined. This is to indicate that the meaning of those words and phrases are defined. See page 6 for more information. See also 4. Special Rules below.

#### DAILY LIVING COMPONENT

##### 1. Preparing food

a. Can prepare and cook a simple meal unaided. **0**

b. Needs to use an aid or appliance to be able to either prepare or cook a simple meal. **2**

c. Cannot cook a simple meal using a conventional cooker but is able to do so using a microwave. **2**

d. Needs prompting to be able to either prepare or cook a simple meal. **2**

e. Needs supervision or assistance to either prepare or cook a simple meal. **4**

f. Cannot prepare and cook food. **8**

##### 2. Taking nutrition

a. Can take nutrition unaided. **0**

b. Needs: **2**

(i) to use an aid or appliance to be able to take nutrition; or

(ii) supervision to be able to take nutrition; or

(iii) assistance to be able to cut up food.

c. Needs a therapeutic source to be able to take nutrition. **2**

d. Needs prompting to be able to take nutrition. **4**

e. Needs assistance to be able to manage a therapeutic source to take nutrition. **6**

f. Cannot convey food and drink to their mouth and needs another person to do so. **10**

##### 3. Managing therapy or monitoring a health condition

a. Either: **0**

(i) does not receive medication; or therapy or need to monitor a health condition; or

(ii) can manage medication or therapy or monitor a health condition unaided.

b. Needs any one or more of the following: **1**

(i) to use an aid or appliance to be able to manage medication; or

(ii) supervision, prompting or assistance to be able to manage medication

(iii) supervision, prompting or assistance to be able to monitor a health condition

c. Needs supervision, prompting or assistance to be able to manage therapy that takes no more than 3.5 hours a week.

d. Needs supervision, prompting or assistance to be able to manage therapy that takes more than 3.5 but no more than 7 hours a week.

e. Needs supervision, prompting or assistance to be able to manage therapy that takes more than 7 but no more than 14 hours a week.

f. Needs supervision, prompting or assistance to be able to manage therapy that takes more than 14 hours a week.

#### 4. Washing and bathing

a. Can wash and bathe unaided.

b. Needs to use an aid or appliance to be able to wash or bathe.

c. Needs supervision or prompting to be able to wash or bathe.

d. Needs assistance to be able to wash either their hair or body below the waist.

e. Needs assistance to be able to get in or out of a bath or shower.

f. Needs assistance to be able to wash their body between the shoulders and waist.

g. Cannot wash and bathe at all and needs another person to wash their entire body.

#### 5. Managing toilet needs or incontinence

a. Can manage toilet needs or incontinence unaided. 0

b. Needs to use an aid or appliance to be able to manage toilet needs or incontinence. 2

c. Needs supervision or prompting to be able to manage toilet needs. 2

d. Needs assistance to be able to manage toilet needs. 4

e. Needs assistance to be able to manage incontinence of either bladder or bowel. 6

f. Needs assistance to be able to manage incontinence of both bladder and bowel. 8

#### 6. Dressing and undressing

a. Can dress and undress unaided. 0

b. Needs to use an aid or appliance to be able to dress or undress. 2

c. Needs either - 2

(i) prompting or assistance to be able to dress, undress or determine appropriate circumstances for remaining clothed; or

(ii) prompting or assistance to be able to select appropriate clothing.

d. Needs assistance to be able to dress or undress their lower body. 2

e. Needs assistance to be able to dress or undress their upper body. 4

f. Cannot dress or undress at all. 8

#### 7. Communication verbally

a. Can express and understand verbal information unaided. 0

b. Needs to use an aid or appliance to be able to speak or hear. 2

c. Needs communication support to be able to express or understand complex verbal information. 4

d. Needs communication support to be able to express or understand basic verbal information.

8

e. Cannot express or understand verbal information at all even with communication support.

10

## 8. Reading and understanding signs, symbols and words

a. Can read and understand basic and complex written information either unaided or using spectacles or contact lenses.

0

b. Needs to use an aid or appliance, other than spectacles or contact lenses, to be able to read or understand either basic or complex written information.

2

c. Needs prompting to be able to read or understand complex written information.

2

d. Needs prompting to be able to read or understand basic written information.

4

e. Cannot read or understand signs, symbols or words at all.

8

## 9. Engaging with other people face to face

a. Can engage with other people unaided.

0

b. Needs prompting to be able to engage with other people.

2

c. Needs social support to be able to engage with other people.

4

d. Cannot engage with other people due to such engagement causing either:

8

(i) overwhelming psychological distress to the claimant; or

(ii) the claimant to exhibit behaviour which would result in a substantial risk of harm to the claimant or another person.

## 10. Making budgeting decisions

a. Can manage complex budgeting decisions unaided.

0

b. Needs prompting or assistance to be able to make complex budgeting decisions.

2

c. Needs prompting or assistance to be able to make simple budgeting decisions.

4

d. Cannot make any budgeting decisions at all.

6

## MOBILITY COMPONENT

### 1. Planning and following a journey

a. Can plan and follow the route of a journey unaided.

0

b. Needs prompting to be able to undertake any journey to avoid overwhelming psychological distress to the claimant.

4

c. Cannot plan the route of a journey.

8

d. Cannot follow the route of an unfamiliar journey without another person, assistance dog or orientation aid.

10

e. Cannot undertake any journey because it would cause overwhelming psychological distress to the claimant.

12

f. Cannot follow the route of a familiar journey without another person, an assistance dog or an orientation aid.

12

### 2. Moving around

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. **10**
- e. Can stand and then move more than 1 metre but no more than 20 metres, either aided or unaided. **12**
- f. Cannot, either aided or unaided: **12**
- (i) stand; or
- (ii) move more than 1 metre.

## Meaning: Words and Phrases

### Aided

Means: with the use of an aid or appliance or with supervision, prompting or assistance

### Aid or appliance

Means: any device which improves or replaces the claimant's impaired physical or mental function and includes a prosthesis

### Assistance

Means: physical intervention by another person and does not include speech

### Assistance dog

Means: a dog trained to guide or assist a person with sensory impairment

### Basic verbal information

Means: information in the claimant's native language conveyed verbally in a simple sentence

### Basic written information

Means: signs, symbols and dates written or printed standard size in text in the claimant's native language

### Bathe

Includes get into or out of an un-adapted bath or shower

### Communication support

Means: support from a person trained or experienced in communication with people with specific communication needs, including interpreting verbal information into a non-verbal form and vice versa

### Complex budgeting decision

Means: decisions involving:

- (a) calculating household and personal budgets
- (b) managing and paying bills
- (c) planning future purchases

### Complex verbal information

Means: information in the claimant's native language conveyed verbally in either more than one sentence or one complicated sentence

### Complex written information

Means: more than one sentence of written or printed standard size text in the claimant's native language

### Cook

Means: heat food at or above waist height

### Dress and undress

Includes put on and take off socks and shoes

### Engage socially

Means:

- (a) interact with others in a contextually and socially appropriate manner
- (b) understand body language
- (c) establish relationships

### Managing incontinence

Means: manage involuntary evacuation of bowel or bladder, including use of a collecting device or self-catheterisation, and clean oneself afterwards

### Managing medication

Means: take medication where a failure to do so is likely to result in a deterioration in the claimant's health

### Managing therapy

Means: undertake therapy where a failure to do so is likely to result in a deterioration in the claimant's health

<b>Medication</b>	<p>Means: medication to be taken at <u>home</u> which is prescribed or recommended by a registered:</p> <p>(a) doctor</p> <p>(b) nurse</p> <p>(c) pharmacist</p>	<b>Simple meal</b>	Means: a cooked one-course meal for one using fresh ingredients
<b>Monitor a health condition</b>	<p>Means:</p> <p>(a) detect significant changes in the claimant's health condition which are likely to lead to a deterioration in their health; and</p> <p>(b) take action advised by a</p> <p>(i) registered doctor</p> <p>(ii) registered nurse</p> <p>(iii) health professional who is regulated by the Health Professions Council</p> <p>without which the claimant's health is likely to deteriorate</p>	<b>Stand</b>	Means: stand upright with at least one biological foot on the ground
<b>Orientation aid</b>	Means: a specialist aid designed to assist disabled people to follow a route safely	<b>Supervision</b>	Means: the continuous presence of another person for the purpose of ensuring the claimant's safety
<b>Prepare</b>	Means: in the context of food - make food ready for cooking or eating	<b>Take nutrition</b>	<p>Means:</p> <p>(a) cut food into pieces, convey food and drink to one's mouth and chew and swallow food and drink; or</p> <p>(b) take nutrition by using a therapeutic source</p>
<b>Prompting</b>	Means: reminding, encouraging or explaining by another person	<b>Therapeutic source</b>	Means: parenteral or enteral tube feeding, using a rate-limiting device such as a delivery system or feed pump
<b>Psychological distress</b>	Means: distress related to an enduring mental health condition or an intellectual or cognitive impairment	<b>Therapy</b>	<p>Means: therapy to be undertaken at <u>home</u> which is prescribed or recommended by a:</p> <p>(a) registered</p> <p>(i) doctor</p> <p>(ii) nurse</p> <p>(iii) pharmacist</p> <p>(b) health professional regulated by the Health Professions Council but does not include taking or applying, or otherwise receiving or administering, medication (whether orally, topically or by any other means), or any action which, in the claimant's case, falls within the definition of 'monitoring a health condition'.</p>
<b>Read</b>	Includes read signs, symbols and words but does <u>not</u> include Braille		
<b>Simple budgeting decisions</b>	<p>Means: decisions involving:</p> <p>(a) calculating the cost of goods; and</p> <p>(b) calculating change required after a purchase</p>		

### Toilet needs

Means:

- (a) getting on and off an un-adapted toilet
- (b) evacuating the bladder and bowel
- (c) cleaning oneself afterwards

### Unaided

Means: without

- (a) the use of an aid or appliance; or
- (b) supervision, prompting or assistance

2. Universal Credit - Claims and Payment
3. Universal Credit - The Claimant Commitment
4. Universal Credit - Sanctions and Hardship Payments
5. Universal Credit - Work Capability Assessment - Toolkit
6. Employment and Support Allowance
7. ESA - Work Capability Assessment - Toolkit
8. Personal Independence Payment
9. Personal Independence Payment - Toolkit
10. Form Filling - PIP2 and ESA50/UC50
11. Benefits for Young People
12. The Benefit Cap
13. The Spare Room Subsidy
14. DWP Social Fund
15. Local Welfare Assistance
16. Benefits and People from Abroad
17. JSA Sanctions
18. ESA Sanctions
19. Disputes and Appeals
20. Going to Appeal: First-tier Tribunals
21. Useful Contacts and Websites

If you would like a copy of any of the above Information Guides or you are in need of information and/or advice on a benefits or welfare reform matter, then please contact our Specialist Support Team:

☎ Telephone: (01902) 555351

✉ Email: [A&C.WRS@wolverhampton.gov.uk](mailto:A&C.WRS@wolverhampton.gov.uk)

**WE ARE  
MACMILLAN.  
CANCER SUPPORT**

## 5. Information Guides

The City of Wolverhampton Council's Welfare Rights Service produces the following guides on benefits and welfare reform:

### 1. Universal Credit

The information contained in this Information Guide is meant to provide insight to the disability-related qualifying conditions for Personal Independence Payment. It should not be treated as an authoritative statement of the law. The details may be subject to change by new regulation and/or case law. Do seek further information and advice as necessary.