

# Disability benefit reform

An extended briefing on the equalities implications for London boroughs of the replacement of Disability Living Allowance with Personal Independence Payment.



## Acknowledgements

London Councils would like to thank the many individuals and organisations who contributed to this report. We are particularly grateful for those London boroughs that have provided case studies and insights into their work.

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# 1. Introduction

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In 2013, the government began to implement its policy of replacing Disability Living Allowance (DLA) – its main benefit for helping disabled people deal with the extra costs they face – with a new scheme, the Personal Independence Payment (PIP).

Other than for new claimants, the effect of this change will not be felt in London until autumn 2015, when more than 200,000 working age DLA claimants will begin to be reassessed for the new benefit.

This reassessment could impact not only on the help that those disabled people get with their additional costs but it could also impact in a very significant way on the many services they receive from local councils. Local councils need to be ready for the impact of the change in this benefit on disabled residents and the provision of our own services, and this briefing aims to help do precisely that.

As well as helping disabled people overcome the extra barriers and costs they face, DLA acts as a 'passport' to automatic eligibility for council-administered benefits such as Blue Badges and Freedom Passes, and is used as an indicator of need for a whole range of other services. London Councils has identified more than 80 services that could potentially be affected. Everything from reduced cost swimming, through to doorstep bin collections to housing allocations.

While PIP will also perform this function, there are crucial differences to the way that eligibility is calculated that boroughs must be aware of.

For example, the young man with a learning disability who currently qualifies for a Blue Badge on account of his DLA award may find that he no longer qualifies automatically after he has been reassessed for PIP.

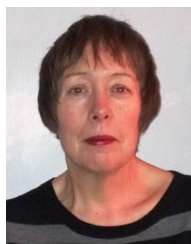
Or the woman whose condition makes getting around hard and used to get DLA but can, just, walk far enough to mean that she doesn't qualify for PIP and is no longer automatically entitled to her disabled Freedom Pass.

Both of these people will look to their local authorities to help with their mobility needs in different ways. Changes to their benefit entitlement won't in itself alter their need to access essential services which they have come to rely on. So boroughs should ideally now start considering the best way to help different disabled groups in their communities access these services in future.

This briefing aims to help boroughs do this by explaining how these benefits work so that procedures can potentially be put in place to compensate for the effects of the change.

It also aims to raise awareness of the challenges that boroughs will face as a result of the change and help with the identification and quantification of those challenges so that a case can be made for their being recognised by the government.

We hope you find it helpful.



**Cllr Marie Pye,**  
Lead Member for Equalities, London Councils.

## 2. Executive summary

The Department for Work and Pensions (DWP) is in the process of replacing its main benefit for people with disabilities – the Disability Living Allowance (DLA) – with the Personal Independence Payment (PIP).

Perhaps the most obvious effect of the new eligibility criteria for PIP will be that large numbers of current DLA recipients will be found to be ineligible for the new benefit. As a result, large numbers of people will no longer be automatically eligible for certain council-administered benefits such as Blue Badges or Freedom Passes for which DLA and PIP act as a passport. This means that councils will be forced to deal with the implications of large numbers of some of the neediest members of their communities losing automatic eligibility for much-needed benefits

In addition, councils will need to think carefully about benefits or services they provide, such as free or discounted leisure passes or dropped kerbs, where DLA acts as an indicator of need. Assessments may not be able to rely solely on a PIP award to indicate eligibility.

London Councils has identified more than 80 services that could potentially be affected. These are listed on page 19.

Receipt of DLA is a commonly accepted definition of disability that is used to determine eligibility for a number of other benefits and services. The government's intention is for PIP to perform the same function where possible. However, in many important cases – such as for Blue Badges or Freedom Passes – the way in which PIP will act as a passport will be significantly different to the way in which DLA acts as a passport.

While PIP has already been introduced for new claimants, the government does not plan to start reassessing the overwhelming majority of those in London currently claiming DLA until October 2015.

This briefing seeks to help boroughs think about how to fulfil their statutory obligations under the 2010 Equalities Act when preparing for the main effects of the move from DLA to PIP to take effect.

One of the main issues boroughs should be aware of relates to the way that receipt of DLA and PIP acts as one automatic route – but not the only

route – to eligibility for benefits such as Blue Badges and Freedom Passes. Claimants with certain characteristics – for example, those whose DLA or PIP award is made on the grounds of autism, a learning disability or mental or cognitive impairment – could find themselves in a position where they are potentially ineligible for those passported benefits as a result of the change.

The briefing also outlines the mechanisms put in place by the government for reviewing the effects of the change, which could offer an opportunity for boroughs to feed in any evidence of knock-on effects for other council services.

### Conclusions and recommendations

#### Boroughs:

- Will want to consider the types of group that may lose out on automatic eligibility for benefits such as Blue Badges and Freedom Passes and put in place arrangements for assessing eligibility through other routes.
- Potentially face a significant burden in the form of reassessing those who lose automatic eligibility to benefits such as a Blue Badge but who may still be eligible via other routes.
- Will also want to thoroughly review where and how receipt of a DLA award is used as an indicator of disability and informs service provision and consider the implications of the change to PIP.
- Should consider what provision will be put in place for DLA recipients who turn 16 and must change their claim to one for PIP. Waiting times for decisions on PIP claims are currently significant.
- Should consider whether and how to take account of the cumulative effect of the loss of both direct financial and passported benefits on current DLA claimants.
- Should consider what information or evidence they might collect to detect whether the replacement of DLA with PIP is having knock-on effects for other service areas such as adult social care or housing.

#### Government:

- Should treat the costs of any extra assessment that falls on boroughs as a new burden and fund it accordingly.

# 3. Background

## Disability Living Allowance and the Personal Independence Payment

**Disability Living Allowance (DLA)** is a non-means tested, non-taxable benefit paid to help with the extra costs of living with a disability. As the extra costs that each individual incurs cannot be measured, a series of proxies for the severity of care and mobility needs are used. Consequently there are three rates for the care component of DLA and two rates for the mobility component. Claimants receiving the highest care and mobility component rates will receive £138.05 a week<sup>1</sup>.

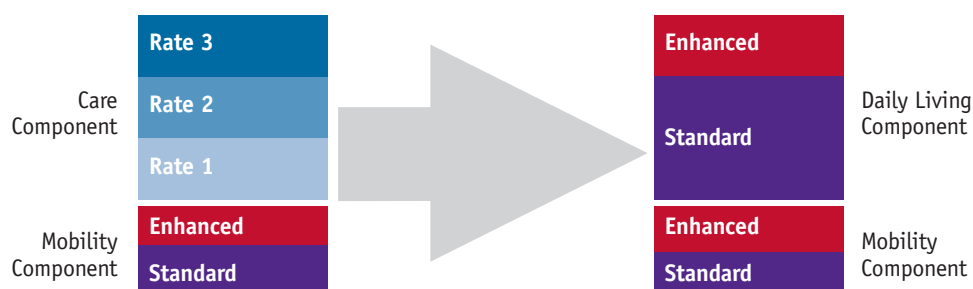
DLA awards are made on a mixture of self-assessment and medical evidence. While awards can be amended if an individual reports a change, there is no process for systematically reviewing all awards.

**Personal Independence Payment (PIP)** is a new non-means tested, non-taxable benefit that is gradually replacing DLA for people between the ages of 16 and 64. There will be two rates for the daily living component and two rates for the mobility component. As with DLA, claimants receiving the highest daily living and mobility component rates will receive £138.05 a week<sup>2</sup>.

While at first glance PIP bears some resemblance to DLA, the government's intention is for the new benefit to be focused on those "who face the greatest challenges to living independently". Fewer people will be exempt from assessment under PIP; there will be periodic reviews of entitlement for all claimants; and the use of aids and adaptations by disabled people will be taken into account.

The June 2010 Budget<sup>3</sup> announced that reform of DLA would save more than £1 billion per year by 2014/15 and the Department for Work and Pensions' impact assessment<sup>4</sup> published in 2012 predicted there would be **500,000 fewer people receiving PIP** by 2015/16 than would have got DLA under the existing rules.

The diagram below illustrates the main differences between the two schemes:



1 <https://www.gov.uk/dla-disability-living-allowance-benefit/what-youll-get>

2 <https://www.gov.uk/pip/what-youll-get>

3 HM Treasury, June 2010 Budget, costings document, p36

4 DWP, Disability Living Allowance Reform, Impact Assessment, p9

## Timing

The government originally planned for new claims for PIP to begin in some places in April 2013 before rolling out more widely in June 2013. Reassessment of existing DLA recipients would begin in October 2013 with a view to being completed by spring 2016.

Following consultation, the process of migrating people from DLA to PIP was slowed down. Only 'natural reassessment' – those DLA claimants with fixed-term awards that come to an end, those who report a change of circumstances, those who volunteer for reassessment or those DLA claimants who turn 16 – would take place from October 2013. 'Managed reassessment', through which the bulk of current working age DLA claimants are to be reassessed, would not begin until October 2015. All DLA claimants between 16 and 64 will be invited to claim PIP by October 2017.

Earlier this year it was decided that 'natural reassessment' will only begin in certain parts of the country (none in London) in October 2013, with further decisions on when it will begin in the rest of the country to be decided and communicated in due course.

As a result of this timetable, very few, if any, DLA claimants in London will have been reassessed for PIP and the bulk will not be reassessed until October 2015.

The one group of DLA claimants in London who are now being reassessed for PIP are young people who turn 16.

## How PIP will work

Entitlement for either rate of the two components is calculated by assessing claimants against a number of activities, each of which has a range of 'descriptors' to assess the level of need. For the daily living component of PIP, there are 10 activities including 'washing and bathing' and 'managing toilet needs'. For the mobility component, there are two activities – 'planning and following journeys' and 'moving around'.

Claimants are assessed for each activity and the descriptor that best matches their level of disability is applied. The descriptors for each activity have a certain number of points associated with them. In both components, eligibility for either rate is determined by the number of points that a claimant scores. The thresholds are as follows:

- Standard rate – eight points
- Enhanced rate – twelve points

These thresholds can be passed by accruing lower scores across a large number of activities or higher scores in a small number of activities. For example, in activity one, 'preparing food', a claimant who is assessed as needing to use an aid or appliance to be able to prepare or cook a simple meal will score two points. A claimant who is judged to be unable to prepare or cook food at all will score eight points and thus qualify for the standard rate of the daily living component on the measure of that activity alone. Scores from the assessment against the nine other daily living activities might push that claimant above the threshold for the enhanced rate.

## Numbers

The figures in Table 1 below show that compared to other regions in England, London has a comparatively low level of working age people in receipt of Disability Living Allowance.

Table 1

Region	Working age DLA caseload	DLA claims per capita*
North-west	263,800	0.058
North-east	97,370	0.058
West Midlands	175,500	0.049
Yorkshire and H.	168,030	0.049
East Midlands	137,090	0.047
South-west	151,410	0.045
East of England	140,510	0.038
London	211,420	0.038
South-east	204,450	0.037

Source: DWP Tabulation Tool; ONS subnational mid-year population estimates (2011)

\*Calculated by dividing the working age DLA caseload by the total working age population (taken from the 2011 ONS mid-year population estimates)



However, there is a significant degree of variation between boroughs with some having appreciably higher caseloads relative to their populations than others, as illustrated by Table 2.

**Table 2**

	<b>Region</b>	<b>Working age DLA caseload</b>	<b>DLA claims per capita*</b>
<b>Highest</b>	Islington	8,090	0.052
	Greenwich	8,280	0.048
	Barking and Dagenham	5,610	0.047
	Camden	7,300	0.045
	Hackney	8,000	0.045
<b>Lowest</b>	Merton	3,950	0.029
	Wandsworth	6,550	0.029
	Kingston upon Thames	2,780	0.025
	Richmond upon Thames	2,960	0.024
	City of London	100	0.017

*Source: DWP Tabulation Tool; ONS subnational mid-year population estimates (2011)*

Statistics on the main disabling condition are collected by the department. Table 3 below lists the 10 most common conditions for working age DLA claimants in London.

**Table 3**

<b>Main Disabling Condition</b>	<b>Caseload</b>
Psychosis	41,350
Learning Difficulties	25,620
Arthritis	17,810
Psychoneurosis	15,580
Back Pain - Other/Precise Diagnosis not Specified	12,220
Disease Of The Muscles, Bones or Joints	11,820
Neurological Diseases	8,660
Blindness	5,900
Epilepsy	5,670
Cerebrovascular Disease	5,240

*Source: DWP Tabulation Tool*

\*Calculated by dividing the working age DLA caseload by the total working age population (taken from the 2011 ONS mid-year population estimates)



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It is worth noting the extent to which ‘non-physical’ disabling conditions account for a significant proportion of the working age DLA caseload in London. As this report will show, the emphasis that is placed on a claimant’s ability to walk when deciding eligibility for certain benefits for which PIP acts as a passport, means this is a cohort that will potentially be adversely affected.

### DLA/PIP as a passport to other benefits and services

Receipt of DLA is a commonly accepted and broad definition of disability that is used in other benefits and schemes as a way of identifying people who need extra support. Similarly, local authorities will sometimes use receipt of DLA as a definition of disability when taking into account a range of services that they provide.

The government has committed that PIP, as the replacement for DLA, will remain the main way of being ‘passported’ to other disability benefits and services across the DWP and other government departments where possible. However, in many important cases, different arrangements will be put in place and the way that PIP acts as a passport will be significantly different from the way that DLA acts as a passport.

The following chapters describe some of the issues that boroughs will face when implementing the change due to the significant effects that the way PIP acts as a passport for mobility-related benefits such as Blue Badges or Freedom Passes will have on certain disabled groups.

Equally, boroughs will need to consider how the change will affect the eligibility criteria they use for council services or benefits such as free or discounted leisure passes or dropped kerbs where DLA is currently used as an indicator of need. An indicative list of more than 80 potentially affected services is given in the ‘Other benefits and services’ chapter, on page 19.

### PIP assessment and claim processing

When someone makes a claim for PIP they are referred for an assessment to doctors or mobility

assessors employed by one of two providers – Atos Healthcare or Capita – depending on where they are in the country. In London, the assessments are carried out by Atos. The results of the assessment are sent to the Department for Work and Pensions. It is the DWP that determines what, if any, PIP award a claimant should receive.

Atos and Capita provide assessments in different ways. Atos subcontracts assessments to 14 smaller organisations, which conduct most assessments at specified centres using health professionals. Capita directly employs health professionals and aims to assess 60 per cent of claimants at home, but claimants have an option to visit an assessment centre.

While the assessment and decision-making process has been designed to take no longer than four to six weeks, ministers have admitted that some people who have made claims for PIP are facing significant delays before they discover whether they have been successful. Figures published by the DWP in February<sup>5</sup> showed that of 220,300 new claims for PIP from people who weren’t terminally ill that had been made up to December 2013, decisions had been made on just 34,200 (15.5 per cent). While this figure had been rising since April 2013 it is still a low proportion.

The National Audit Office’s report<sup>6</sup> on the early progress of PIP sampled a number of claims and found the average time to reach a decision for a non-terminally ill claimant was 107 days – 45 per cent longer than expected. While claimants subject to delays were given backdated payments, the report found they could face short-term financial difficulties while waiting for a decision, which could include difficulties paying for care, housing costs and other daily living costs.

This could be a significant problem for young DLA claimants who turn 16 and are reassessed for PIP. It is possible that such a young person could lose their benefit and any passported benefits while they wait for the results of their reassessment. **Boroughs may want to consider whether they put provisional arrangements in place to support any young people who face potentially lengthy delays to their assessments.**

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5 DWP. Personal Independence Payment: Management Information. February 2014.

6 National Audit Office. Personal Independence Payment: early progress. February 2014

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### Statutory reviews

As part of the move from DLA to PIP, the DWP has committed to a programme of monitoring, evaluation and analysis to help learn about and improve the delivery of PIP. This will involve looking at early implementation issues and claimants' experiences of the process for claiming PIP as well as considering claimant outcomes such as, for example, exploring the link between employment and PIP.

Two statutory independent reviews will also be conducted – the first was published shortly before the end of 2014 – with the possibility of a third if the second demonstrates ongoing issues with the operation of the assessment.



# 4. Issues surrounding higher-rate mobility and ability to move around

## Summary

- Under DLA, mental or behavioural conditions could lead to automatic eligibility for key passported benefits such as Blue Badges or Freedom Passes
- Under PIP, there is less scope for automatic eligibility for Blue Badges or Freedom Passes as a result of mental or behavioural conditions
- Under PIP, the key distance for judging eligibility for the enhanced rate of the mobility component drops from 50 metres to 20 metres.

A number of prominent council-administered benefits for which DLA acts as a passport depend on the level of mobility component that the recipient is entitled to. For example, those who receive the higher-rate mobility component of DLA are automatically eligible for a Blue Badge and a Freedom Pass. They might also choose to use their higher-rate mobility payment to take part in the Motability scheme, although this is not a council-administered scheme.

Under DLA, claimants qualify for the higher rate mobility component if they are judged to be either “unable to walk or virtually unable to do so”<sup>7</sup>. Regulations state that to be deemed ‘virtually unable to walk’ – the more common way of qualifying for the higher rate mobility component – involves an assessment of the distance or length of time that a claimant can walk for or the speed or manner in which they do so be assessed.<sup>8</sup>

The regulations did not include a fixed distance that would qualify a claimant for the higher rate. However, a distance of 50 metres has often been used in other contexts as “a guide to the maximum distance ambulatory disabled people can be expected to walk”.<sup>9</sup>

Alternatively, a claimant will receive the higher rate mobility component if they are both deaf and blind or if they have a severe mental impairment or severe behavioural problems. Severe mental impairment refers to someone suffering from

“a state of arrested development or incomplete physical development of the brain, which results in severe impairment of intelligence or social functioning”.<sup>10</sup> Severe behavioural problems refers to “disruptive behaviour which is a) extreme, b) regularly requires another person to intervene and physically restrain him in order to prevent him causing physical injury to himself or another, or damage to property, and c) is so unpredictable that he requires another person to be present and watching over him whenever he is awake”.<sup>11</sup>

These latter factors hold open the possibility of a claimant suffering from a mentally impairing condition qualifying for higher rate mobility component of DLA and, in consequence, automatically being eligible for passported benefits such as a Blue Badge or a Freedom Pass.

**This is not the case under PIP. It is possible that many claimants with autism, learning disabilities or a mental or cognitive impairment eligible for a Blue Badge or a Freedom Pass through their DLA award would no longer be automatically eligible once they were reassessed for PIP.** They would therefore be likely to apply directly to their local authority to see if they are eligible for these benefits by alternative routes.

For the introduction of PIP, different criteria for automatic eligibility have been designed for different passported benefits. Table 4 below summarises these criteria:

**Table 4**

Benefit	Passporting criteria	
	Under DLA	Under PIP
<b>Blue Badge (without further assessment)</b>	Receives higher rate mobility component	Those who score eight points or more in the ‘moving around’ activity
<b>Eligibility for concessionary travel (free off-peak travel on local buses)</b>	Receives higher rate mobility component	Those who score eight points or more under the ‘moving around’ or ‘communicating verbally’ activities
<b>Motability</b>	Receives higher rate mobility component	Enhanced rate of the mobility component

7 Social Security Contributions and Benefits Act 1992, 73(11)(a)

8 Social Security (Disability Living Allowance) Regulations 1991, 12(1)(a)

9 Barnett-Cormack, Sam. ‘Mobility for All: The ‘We Are Spartacus’ Community Submission to the Government Consultation on Assessment of Mobility for Personal Independence Payments’. August 2013

10 Social Security (Disability Living Allowance) Regulations 1991, 12(5)

11 Social Security (Disability Living Allowance) Regulations 1991, 12(6)

As can be seen from Table 4, how a claimant is scored against the new 'moving around' activity will be a key determinant of the likelihood of whether they are automatically eligible for a number of passported benefits.

According to the descriptors that the DWP has used for the 'moving around' activity<sup>12</sup>, a claimant will score eight points if they "... can stand and then move unaided more than 20 metres but no more than 50 metres."

This means that for a claimant whose disability was purely physical (i.e. one who would have no problem with planning or following a journey), 20 metres becomes the distance that distinguishes between those eligible for the enhanced mobility component of PIP and those only eligible for the standard rate.

However, being able to walk a distance of 50 metres has been retained as the key distance in terms of calculating automatic eligibility for benefits such as a Blue Badges or a Freedom Pass.

The table below summarises the effect of the changes for those whose disabilities solely relate to the distance they are able to walk:

	Can walk no more than 20 metres	Can walk more than 20 metres but no more than 50 metres	Can walk more than 50 metres
<b>PIP award*</b>	Enhanced mobility award	Standard mobility award	No mobility award
<b>Blue Badge</b>	Automatically eligible	Automatically eligible	Not automatically eligible
<b>Freedom Pass</b>	Automatically eligible	Automatically eligible	Not automatically eligible (unless eight points in 'verbal communication' activity)

*\*Assuming no points are awarded under the 'Planning and following journeys' activity*

12 DWP. The government's response to the consultation on the Personal Independence Payment assessment criteria and regulations. 13 December 2012

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## Mental health conditions and mobility benefits

This report has illustrated how the operation of PIP and the eligibility criteria for certain mobility benefits could have a significant effect on specific groups.

In particular, the decision to limit automatic eligibility for a Blue Badge to those who score eight points in the 'moving around' activity and for concessionary travel to those who score eight points in the 'moving around' or 'communicating verbally' activities will affect those with a learning disability or cognitive impairment.

It is possible to give an indication of the number of people who might be affected in this way in each borough by examining the data on the caseloads of people receiving the higher-rate mobility component of DLA – and hence automatically passported to Blue Badge or concessionary travel eligibility – broken down by the main disabling condition.

The government uses the following conditions to describe various mental health conditions:

- Learning difficulties (for example Down's syndrome, Autism or Asperger syndrome)
- Psychosis (for example Bipolar affective disorder, depressive disorder or Schizophrenia)
- Psychoneurosis (for example Post traumatic stress disorder, anxiety, agoraphobia or panic disorders)
- Personality disorder – for example Munchausen syndrome
- Dementia
- Behavioural disorder – for example eating disorders, conduct disorder or faecal soiling (encopresis)
- Severe Mental Impairment

Across London, **there are almost 3,500 cases** where the main disabling condition for someone with higher-rate mobility component DLA is a learning disability, **around 1,300 cases** where the main disabling condition is severe mental impairment, **around 1,200 cases** where it is psychosis and **around 1,000** where it is psychoneurosis.

**A full list with a breakdown for each borough is listed at Appendix 2.**

In many of these cases, the automatic eligibility criteria for mobility benefits under PIP mean that the recipients will lose automatic eligibility to a Blue Badge or concessionary travel. And while some recipients will be able to successfully apply directly to their borough for a disabled Freedom Pass, the criteria that determine eligibility for a Blue Badge mean direct application will be unlikely to be successful.



# 5. The effect of the change on Blue Badges

## Summary

- A substantial number of people, many with learning disabilities or cognitive impairments, could lose automatic eligibility for a Blue Badge.
- They will be likely to apply directly to their local authority for a Blue Badge where a different set of eligibility criteria apply.
- Boroughs have limited discretion and will be forced to make difficult decisions on who receives a Blue Badge while also facing large reassessment burdens

Blue Badges aim to help overcome some of the barriers to mobility that disabled people face. Badge holders are entitled to park without charge or time limit in places such as on-street disabled bays, on-street parking metres and pay-and-display machines. They can also park on some yellow lines for up to three hours.

While the new automatic eligibility criteria were designed by the Department for Transport (DfT) to be “as similar to the current (automatic) eligibility criteria through DLA as possible”<sup>13</sup>, one crucial difference is that under PIP, there will be no scope to be automatically eligible for a Blue Badge through PIP as a result of a learning disability or a cognitive impairment.

Given the large number of Blue Badge holders who qualify as a result of their DLA award and whose primary condition is a learning disability or cognitive impairment, a substantial number of these people could lose automatic eligibility for a Blue Badge as a result of the replacement of DLA by PIP.

This could result, for example, in a young person with a severe learning disability who cannot safely be left alone and tries to run off in the street and so has to be physically held, no longer having an automatic entitlement to a Blue Badge because they can walk perfectly well. However, without a Blue Badge their family/carer cannot take them out because they cannot safely get them from a parking space some distance away to their destination.

In such cases, claimants will be likely to apply directly to their local authority for a Blue Badge where a different set of eligibility criteria apply.

## A description of these criteria is included in Appendix 3

While there is non-statutory guidance on applications made directly to the local authority, the decision on whether a person is eligible for a Blue Badge via this route is for the local authority itself to make. Furthermore, any awards made as a result must be confirmed by an independent mobility assessor.

Importantly, people with learning disabilities or intellectual or cognitive impairments may be eligible for a badge but only if, as a result, they are “unable to walk or have very considerable difficulty in walking”.

The DfT is currently rewriting its guidance to local authorities on what qualifies someone as eligible for a Blue Badge. Speaking in a House of Lords debate in March 2014<sup>14</sup>, transport minister Baroness Kramer said the guidance would “make it clear to local authorities than any permanent disability can be physical or otherwise. In other words, it need not be physical. The test is that it causes very considerable difficulty in walking; that is the qualification for a Blue Badge.”

## Commentary on likely implications for boroughs

Boroughs will likely be placed in a position where some claimants will lose automatic eligibility for a Blue Badge through their PIP claim and present to their local authority to make a claim for a Blue Badge under the ‘with further assessment’ category – many of whom will have learning disabilities or mental or cognitive impairments.

The effect of the different criteria for the different routes to a Blue Badge is that a claimant who was found to be able to walk marginally more than 50 metres in their assessment for PIP and would therefore lose automatic eligibility for a Blue Badge, would likely stand a good chance of being successful if they were to apply directly to their local authority – undergoing a second assessment. Meanwhile, the emphasis on ability to walk as the determining criteria means that while someone with Downs Syndrome severe enough to affect their

13 DfT. Consultation report – Personal Independence Payment and eligibility for a Blue Badge. January 2013

14 <http://www.publications.parliament.uk/pa/ld201314/ldhansrd/text/140326-0001.htm>

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ability to walk would likely qualify for a Blue Badge, someone who was able to walk without trouble but who had a learning disability or cognitive impairment that meant they required close supervision, would not.

As well as placing an increased workload on boroughs in terms of assessment, boroughs will likely have limited discretion to award badges to those with learning disabilities, unless their condition affects their ability to walk. Boroughs will then be forced to make difficult decisions relating to some of the neediest members of their communities.

To illustrate this, responding to a question on whether autistic people would be put at a disadvantage by the move to PIP in the same House of Lords debate, Baroness Kramer said: "It will be for local authorities to identify where the difficulty in walking exists...There are some autistic people for whom this is not an issue, while there are others for whom it is. Making the distinction will fall to local authorities."





## 6. The effect of the change on Freedom Passes

### Summary

- As with Blue Badges, a substantial number of people are likely to lose automatic eligibility for a disabled Freedom Pass as a result of the replacement of DLA by PIP
- As with Blue Badges, there are alternative ways of qualifying for a disabled Freedom Pass other than through a DLA or PIP award
- However, there is relatively more scope for people with learning disabilities or cognitive impairments to qualify for a disabled Freedom Pass by applying directly to their local authority.
- This raises the prospect of a shift in burden from people with learning disabilities who lose a Blue Badge and instead apply for a disabled Freedom Pass.

In London, the Freedom Pass fulfils boroughs' duties under the English National Concessionary Travel Scheme. In addition to free bus travel at weekends and off-peak times on weekdays around the country, Freedom Pass holders are eligible for free travel on TfL buses at any time of day or night; the Tube, Overground or DLR trains all day every day; most local rail services at weekends, bank holidays and weekdays at off-peak times; and all London's trams all day every day. Pass holders also get a discount on river boat services.

Residents can be eligible for the scheme as a result of a disability they have. **It is for local authorities to decide whether someone is a 'disabled person' for the purposes of concessionary travel.**

Department for Transport (DfT) guidance states<sup>15</sup> that the "most robust" way of assessing eligibility is likely to be via other relevant state benefits – namely DLA, PIP or War Pensioners Mobility Supplement.

The option of scoring eight points under the communicating verbally activity of PIP would appear to offer a route to concessionary fares eligibility for claimants with a learning disability or a cognitive impairment. However, the assessment criteria published by the Department for Work and Pensions (DWP)<sup>16</sup> show that this is likely to be achieved by only those with the most profound communication support needs.

For example, according to the descriptors in the criteria, a claimant who – with the support of a family member or trained assistant – can understand or convey a simple sentence but cannot understand or convey a more complicated sentence or string of sentences, would not automatically qualify for a Freedom Pass through their PIP award.

**More information on the descriptors used to assess ability to communicate verbally can be found in Appendix 4.**

However, automatic eligibility through these national benefits is not the only route to a disabled Freedom Pass. The DfT guidance states that "the next most robust means of assessment" will be whether or not a claimant is on a local authority list of registered blind, partially sighted or profoundly or severely deaf people.

For other applicants, where there is any doubt about eligibility the guidance recommends that local authorities seek independent medical evidence to inform their decision. This is likely to be from an independent health professional such as a physiotherapist or an occupational therapist rather than the applicant's GP.

The relevant legislation determines which categories of disability would result in eligibility for a Freedom Pass, with statutory guidance describing the distance, speed, length of time and manner that a person can walk for the purposes of assessing eligibility. Again, this guidance is substantially different from the guidance used to assess eligibility through PIP. Crucially it allows for those with learning disabilities to be considered an "eligible disabled person".

**Details of the categories of disability listed in legislation that will see a claimant qualify for concessionary travel are given in Appendix 5.**

Lastly, a few boroughs continue to issue discretionary Freedom Passes to people with disabilities outside the statutory categories.

15 DfT. Guidance to local authorities on assessing eligibility of disabled people in England for concessionary bus travel. Version 1.2, 8th April 2013

16 DWP. The government's response to the consultation on the Personal Independence Payment assessment criteria and regulations. 13 December 2012, page 69

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## Commentary on likely implications for boroughs

The existence of different ways of qualifying for a Freedom Pass raises the prospect of those who lose automatic eligibility for a pass as a result of being reassessed for PIP needing to be reassessed to determine eligibility via different means.

It is also worth noting that under the categories listed by the relevant legislation, a DLA claimant with learning difficulties or a cognitive impairment could still be eligible for a disabled Freedom Pass even if they lost their automatic eligibility as a result of being reassessed for PIP.

Indeed, factsheets published by DWP<sup>17</sup> advise claimants with mobility problems who do not meet the automatic eligibility criteria under PIP to contact their local authority to see if they might qualify for a Blue Badge or for a Freedom Pass.

Therefore, compared to eligibility for Blue Badges, local authorities have comparatively greater flexibility in terms of who they issue Freedom Passes to. However, this means that there will be a greater onus on assessments for concessionary travel carried out by local authorities. Indeed, DfT guidance recommends that “where possible, local authorities run dedicated assessment centres to assess eligibility”. This could represent a significant additional cost burden on local authorities, as would the requirement to collect evidence as part of the assessments.

While each Blue Badge awarded has a cost implication for boroughs through forgone parking revenues, this is a less direct cost pressure than the award of a Freedom Pass. If the greater scope to award Freedom Passes to claimants with learning disabilities were to have the effect of a shift in awards away from Blue Badges and towards Freedom Passes, this would represent a more direct cost burden on local authorities – one that would be felt particularly strongly in outer London boroughs where parking revenue is smaller.



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17 DWP. Personal Independence Payment. Fact sheet pack. Version 003. June 2013. '4. Passporting to other benefits and services.'

# 7. Other benefits and services

There are a number of specific services and benefits that local authorities will want to be mindful of when considering the change from DLA to PIP. These include:

## **Taxicard**

As well as Blue Badges and concessionary travel – benefits that boroughs are statutorily obliged to provide and administer – London boroughs also work with the Greater London Authority to provide the Taxicard service.

London Taxicard provides subsidised transport in taxis and private hire vehicles for people who have serious mobility or visual impairment and consequently would struggle to use public transport.

Unlike the former benefits, there is no statutory obligation for boroughs to provide this service and no statutory regulations or guidance about who should be eligible for a Taxicard. Decisions about eligibility are for individual boroughs to make. However, the boroughs have, through London Councils' Transport and Environment Committee (TEC), jointly decided a set of criteria that would serve to make an individual automatically eligible for a Taxicard.

Previously, these automatic eligibility criteria were based on the same criteria as those that governed eligibility for a Freedom Pass – namely receipt of the higher-rate mobility component of DLA; receipt of a War Pension or those who are registered blind. Around 30 per cent of Taxicards issued were done so on the basis of a higher-rate mobility component DLA award.

Following the move to PIP, boroughs decided through TEC to set a criterion of a score of eight points in the 'moving around' category for automatic eligibility for a Taxicard. However, boroughs can still set their own criteria for non-automatic qualification which could be based on either a paper-based assessment or mobility assessment conducted by an independent mobility assessor.

In addition, some boroughs do still accept notes from a claimant's doctor or GP as sufficient evidence of eligibility for a Taxicard.

## **Council tax support schemes**

Local authorities using the default council tax support scheme offer reductions to working age claimants equivalent to existing Localised Council Tax Reduction schemes, including awards linked to receiving DLA and PIP. For working age claimants, local authorities are free to set council tax reductions that are not linked to DLA or PIP.

Council tax discount disregards apply for people with severe mental impairment. Receipt of PIP daily living component at either rate forms part of the qualification for this disregard.

A carer who provides live-in care is disregarded for council tax purposes in England if the person receiving care gets the PIP daily living component at either rate, subject to other qualifying criteria.

## **Exemption from the benefit cap**

As with DLA and Attendance Allowance (AA), households are exempt from the benefit cap where a claimant (of any of the benefits subject to the cap), partner or qualifying young person is entitled to PIP.

A qualifying young person is someone for whom the claimant or partner receives child benefit [because they are in full-time 'non-advanced' education at school or college, or starting an 'approved' training course].

An adult non-dependant in receipt of PIP living within the household does not exempt the household from the benefit cap. They are considered a household in their own right.

## **Housing benefit**

Any component or rate of PIP means claimants are entitled to the disability premium. The standard or enhanced rate of the daily living component entitles claimants to the severe disability premium. The enhanced rate of the daily living component provides entitlement to the enhanced disability premium.

## **Armed Forces Independence Payment**

This is a new benefit that provides financial support for injured service or ex-service personnel.

18 DWP. The government's response to the consultation on the PIP assessment Moving around activity. October 2013. Page 28.

For passporting purposes, receipt of AFIP is the equivalent of the enhanced rates of the daily living and mobility components of PIP.

#### Other services

More widely, some boroughs might use a DLA award or a DLA award at a certain level, as an indicator of disability for services they provide. An award might entitle a resident to a free or discounted service, or it might act as a flag to other services that the resident's needs should be assessed.

Given that different groups could be affected by the change to PIP in different ways – and that large numbers of DLA claimants are anticipated to be found ineligible for PIP – boroughs may want to consider which of the wide range of services they provide use a DLA award in this way and think about if and how to amend those criteria in the light of the way that PIP operates.

Some potentially relevant services could include the following:

- Leisure centre discounts/free passes
- Building control
- Car parking
- Care homes
- Home adaptation
- Controlled Parking Zones
- Guaranteed interview scheme
- Day care for vulnerable adults
- Disabled parking bays
- Dropped kerbs
- Emergency planning
- Equality Impact Assessments
- Benefit fraud reporting
- Hate crime
- Priority for homelessness
- Housing support services
- Handyperson service
- Parking permits
- Personal budgets (ASC)
- Residential care
- Meals on wheels
- Priority for gritting
- Safeguarding vulnerable adults
- Self-assessment (ASC)
- Sheltered housing
- Special needs transport

- RADAR national public toilet key scheme
- Assisted refuse service
- Careers services
- Shopmobility
- Staying put scheme (repairs and enhancements)

## Households affected by the benefit cap

Receipt of a DLA award by a claimant, partner or qualifying young person acts to exempt a household from the benefit cap. Therefore, if a significant proportion of households currently exempt from the benefit cap for this reason were to lose their award once reassessed for PIP, this could potentially lead to a significant increase in the numbers of capped households.

Furthermore, as these were households previously in receipt of a DLA award, it is likely that they would face substantial barriers to finding a job and therefore exempting themselves from the cap by virtue of a working tax credit award.

#### So how many households might be in this position?

Figures released by the DWP revealed that 47,000 households across the country would potentially be brought into scope of the benefit cap were it not for receipt of a DLA award<sup>19</sup>. A subsequent release<sup>20</sup> stated that, of these, an estimated 11,500 households were in London.

In the government's response to the consultation on the Personal Independence Payment assessment criteria and regulations, the department estimated that of the 1.75 million DLA recipients who will be reassessed for PIP by May 2018, some 450,000 – or 25.7 per cent - will be left without an award.

Applying this ratio to the estimated number of households in London exempt from the cap as a result of a DLA award suggests that around 2,950 households could come into the scope of the benefit cap once reassessed for PIP. In some boroughs this could represent as many as an extra 180 households.

#### A full breakdown for each borough is given at Appendix 6

This represents a potentially significant challenge for boroughs already struggling to help households affected by the benefit cap and unable to take action to exempt themselves, for example through returning to work or moving to smaller accommodation.

These figures are indicative, and boroughs may want to check their own records to get a clearer sense of the picture in their areas.

19 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/210396/foi-2013-2673.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/210396/foi-2013-2673.pdf)

20 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/224912/foi-2013-3220.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224912/foi-2013-3220.pdf)

## 8. Assessing the wider knock-on effects of the new benefit

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Some charities have predicted that the effect of focusing the new benefit on the most needy will be to create fresh burdens on other services. In particular, councils' social services departments could see knock on effects through a number of mechanisms.

In its response to the government's consultation on the assessment of mobility for PIP, the 'We Are Spartacus' community pointed out that local authorities commonly means-test disabled people to take into account benefits. As many of those who will lose DLA are currently entitled to social care, those people will effectively be contributing to social care through their DLA income. If that DLA award is removed or reduced, that is a contribution that would be lost to the social care system.

Research commissioned by the We Are Spartacus community<sup>21</sup> claimed that the average local authority would lose £7.5 million through this effect.

It is also possible that the cumulative effect of the loss of an award or a number of passported benefits could be to leave an individual less able to meet the costs of their basic needs, potentially housebound and consequently unable to work, socialise or participate in public life. If this were to happen, that individual's dependency on and eligibility for care services could conceivably increase.

The Disability Rights UK charity published a survey<sup>22</sup> which found that 14 per cent of respondents believed the outcome of losing a DLA award would be increased need for council support. This survey was conducted before a number of factors in the operation of PIP had been published so it is difficult to estimate how that figure would translate into a specific extra burden on councils.

However, it is easy to see how there could be a potentially large extra burden on council social care services once large numbers of current DLA recipients have been reassessed for PIP.

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21 Duffy, Simon. Centre for Welfare Reform. Impact of PIP on Social Care. September 2013. <http://www.centreforwelfarereform.org/library/by-date/impact-of-pip-on-social-care.html>

22 Disability Rights UK. Response to PIP assessment criteria and thresholds consultation. May 2012. [www.disabilityrightsupk.org/sites/default/files/word/pipconsult.doc](http://www.disabilityrightsupk.org/sites/default/files/word/pipconsult.doc)

# 9. Equality legislation

The 2010 Equality Act replaced a number of equality duties that local authorities and other public bodies were subject to with a single Public Sector Equality Duty. Guidance published by the Government Equalities Office (GEO)<sup>23</sup> states that the aim of the duty is to:

“Encourage public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people’s needs. By understanding the effect of their activities on different people and how inclusive public services can support and open up people’s opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.”

The act defines nine protected characteristics, including disability, and requires public bodies to **have due regard** to the need to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the act
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it
- Foster good relations between people who share a protected characteristic and people who do not share it

Having ‘due regard to’ means consciously thinking about the three aims of the duty as part of the decision-making process. The GEO guidance states that having due regard to the need to advance equality of opportunity involves “considering the need to: remove or minimise disadvantages suffered by people due to their protected characteristics; meet the needs of people with protected characteristics; and encourage people with protected characteristics to participate in public life or in other activities where their participation is low”.

Case law has found that a number of principles need to be fulfilled in order for the Equality Duty to be fulfilled. According to the same GEO guidance, these include:

**Knowledge** – those who exercise the public body’s functions need to be aware of the requirements of the Equality Duty. Compliance with the Equality Duty involves a conscious approach and state of mind.

**Timeliness** – the Equality Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken – that is, in the development of policy options, and in making a final decision. A public body cannot satisfy the Equality Duty by justifying a decision after it has been taken.

**Real consideration** – consideration of the three aims of the Equality Duty must form an integral part of the decision-making process. The Equality Duty is not a matter of box-ticking; it must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.

**Sufficient information** – the decision maker must consider what information he or she has and what further information may be needed in order to give proper consideration to the Equality Duty.

**No delegation** – public bodies are responsible for ensuring that any third parties which exercise functions on their behalf are capable of complying with the Equality Duty, are required to comply with it, and that they do so in practice. It is a duty that cannot be delegated.

**Review** – public bodies must have regard to the aims of the Equality Duty not only when a policy is developed and decided upon, but also when it is implemented and reviewed. The Equality Duty is a continuing duty.

While there is no explicit requirement to refer to the Equality Duty in recording the process of consideration, it is considered good practice to do so and to keep a record of how decisions were reached.

23 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/85019/equality-duty.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85019/equality-duty.pdf)



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## Equality aspects of the change from DLA to PIP

There are broadly two aspects to the consideration of the equalities implications for boroughs of the change from DLA to PIP:

- 1 Ensuring that boroughs are aware of the effects of the change on who is considered eligible for specific benefits or services
- 2 Taking account of the cumulative impact of the loss of eligibility for any benefits or services on certain groups that claimed them

### Specific benefits or services

For DLA claimants already of working age, the examples of eligibility for Blue Badges or Freedom Passes given in the previous sections demonstrate that the effect of the change from DLA to PIP can be felt in different ways by different groups depending on the benefit or service for which an award acts as an automatic passport.

Therefore, it may not be sufficient for boroughs to apply a blanket decision to replace any automatic eligibility criteria that existed for a particular benefit or service under DLA with the equivalent criteria under PIP without considering whether any extra procedures or measures need to be put in place. While a DLA or PIP award can be the simplest way of determining that an individual is eligible for a passported benefit, the absence of such an award cannot be assumed to imply ineligibility.

For example, without careful consideration of how the new passporting arrangements for a Blue Badge or concessionary travel will apply under PIP, it is possible that a borough may not have been aware that there would potentially be a specific effect on claimants with learning disabilities or cognitive impairments.

Given the need for public authorities to give 'real consideration' to the aims of the Public Sector Equality Duty and to collect 'sufficient information' when taking decisions, there is a strong case for boroughs to review the full range of services they provide where a DLA award acts as an indicator of disability and consider whether the move from DLA to PIP has the potential to discriminate against a particular group.

Chapter 7 listed some of the statutory and non-statutory areas where a DLA or PIP award might act as a route to eligibility or act as a flag for a benefit or level of service. **Boroughs may want to consider the procedures they put in place to determine the effects of the change on eligibility for these benefits or services and help any particularly affected groups.**

### Cumulative effect of change on claimants

As described above, the Public Sector Equality Duty aims to encourage public bodies to "understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs". In the case of people with disabilities affected by the change from DLA to PIP, this report has shown how people can not only be affected in different ways depending on the nature of their disability, but also potentially lose out on a number of benefits.

For example, as well as no longer being eligible for a Blue Badge or a Freedom Pass, a PIP claimant may also no longer be eligible for a free dropped kerb. The loss of a Freedom Pass, a Blue Badge and/or vehicular access through Motability along with any financial loss as a result of receiving a lower rate of one or both of the two components of PIP could have a significant cumulative effect on an individual's mobility – and, by extension, their ability to work or participate in public life.

Given the responsibility boroughs have to minimise disadvantages suffered by people due to their disabilities, **they might choose to consider how the combined effect of these changes on an individual's mobility is taken into account when devising procedures for assessing those affected by the transition from DLA to PIP.**



# 10. Conclusions and recommendations

## Preparing for the change

The main effect of the change from DLA to PIP will not be felt in London until October 2015, when the process of 'managed reassessment' starts and current DLA claimants of working age begin to be reassessed for the new benefit.

This gives boroughs a window of opportunity to examine the likely impact of the change on specific groups in their communities with high needs and put in place procedures to ensure that boroughs do not inadvertently discriminate against those groups.

**However, boroughs do need to be aware now of the effects of the change on current DLA claimants who turn 16** and who are currently being reassessed for the new benefit. There have been reports of substantial delays in the process of reassessing such claimants in which period it is possible for uncertainty and confusion to creep in over what will happen to any passported benefits that a DLA claim has given them automatic eligibility for or borough services where a DLA award acts as an indicator of disability. **Boroughs may want to consider whether to adopt a policy of maintaining any passported benefits or services that DLA awards can act as a passport for, for those turning 16 while they wait for the outcomes of their applications for the new benefit.**

## Equality aspects of the change from DLA to PIP

Given the need for public authorities to give 'real consideration' to the aims of the Public Sector Equality Duty and to collect 'sufficient information' when taking decisions, there is a strong case for boroughs to review the full range of services they provide where a DLA award acts as an indicator of disability and to consider whether the move from DLA to PIP has the potential to discriminate against a particular group.

Chapter 7 listed some of the statutory and non-statutory areas where a DLA or PIP award might act as a route to eligibility or act as a flag for a benefit or level of service. **Boroughs may want to consider the procedures they put in place to determine the effects of the change on eligibility for these benefits or services and help any particularly affected groups.**

Given the responsibility boroughs have to minimise disadvantages suffered by people due to their disabilities, **boroughs might choose to consider how the combined effect of these changes on an individual's mobility is taken into account when devising procedures for assessing those affected by the transition from DLA to PIP.**

## Case study London Borough of Camden

Camden has calculated that there are around 5,000 Blue Badge holders in the borough, of which 1,418 are of working age and therefore potentially affected once the reassessment of DLA claimants starts in 2015.

All Blue Badge holders who have their DLA award removed will automatically be offered a mobility assessment to determine their continued eligibility for a Blue Badge. The Passenger and Accessible Transport Service will offer advice on alternative concessions for those who fall short of the Blue Badge criterion, yet have a level of impairment that may qualify for other schemes, e.g. Disabled Persons' Freedom Pass, Taxicard, Plusbus or ScootAbility or TfL's Dial-a-Ride scheme.

The council also offers an appeals process for unsuccessful applicants, including those who have previously held a Blue Badge.

## Case study London Borough of Hackney

Hackney conducted a mapping exercise to examine what some of the cumulative impacts of welfare reform would be within the borough.

As part of this exercise, a number of potential knock-on effects for universal benefits and borough-related services from the replacement of DLA with PIP were identified. These included:

- Blue Badges
- Bus passes and free or reduced transport costs
- Energy efficiency grants
- Road tolls
- Discounted leisure passes, cinema tickets, sports tickets etc

To raise awareness of these changes, Hackney worked with local voluntary and community sector organisations with a focus on front-line advisors. This included an event organised with the borough's Health and Social Care Forum.

### Mobility benefits

This report has focused on the effect of the change from DLA to PIP on mobility-related benefits such as Blue Badges and Freedom Passes where an award can act as a passport to automatic eligibility.

The changes have the potential to remove automatic eligibility for these benefits from significant number of claimants – many of whom could have high levels of need. In these instances, some claimants will apply directly to their boroughs to see if they qualify for the benefits via alternative routes. Boroughs will want to understand the extent to which residents with disabilities might lose automatic eligibility to Blue Badge or Freedom Pass awards.

### The burden of reassessment that will be placed on boroughs

This report has demonstrated how the loss of eligibility for a Blue Badge or concessionary travel via receipt of a PIP award is likely to encourage claimants to pursue eligibility via alternative routes which involve direct application to their local borough.

This illustrates how local authorities could face a large financial burden from conducting expensive assessments of individuals' eligibility for certain benefits as a result of the change from DLA to PIP. Indeed, material produced by the Department for

Transport (DfT) actively encourages DLA claimants who lose eligibility for a Blue Badge to apply directly to their local authority to see if they are eligible via other means. Meanwhile, separate DfT guidance on concessionary travel advises local authorities to run dedicated assessment centres to assess eligibility.

As a result of this, boroughs might want to consider the following:

- **How to ensure that any extra demand for assessment for mobility-related benefits such as a Blue Badge or Freedom Passes can be met**
- **Checking that their lists of residents who are registered as blind or partially sighted or profoundly or severely deaf are up to date.**

However, in recognition of the extra burden this will place on local authorities, the government should also commit to the following:

- **That any new assessment burden on local authorities be recognised under the new burdens regime and boroughs financially compensated accordingly**
- **Investigate whether this assessment burden can be mitigated by amending legislation so that the initial assessment for PIP, carried out in London by Atos, could also take account of eligibility for benefits such as Blue Badges and concessionary travel**

.....

This last point would avoid the current situation where a claimant will be initially assessed by Atos to see what level of PIP they might be eligible for and then subsequently assessed by their local authority to see if they are eligible for what were previously passported benefits. Instead, as well as assessing for PIP eligibility, the initial assessment would also give an indication of whether the claimant is likely to be eligible for a Blue Badge under the 'with further assessment' category or concessionary travel.

### Assessing the wider knock-on effects of the new benefit

Some charities have predicted that the withdrawal of financial support from significant numbers of benefits claimants will have significant knock-on effects for local government.

This could take the form of reductions in income leading to disabled benefits recipients being less able to contribute to the council-provided social care they receive. Alternatively, the removal of either financial support or passported benefits could lead to increased isolation and reliance on care services.

Furthermore, if the greater scope to award Freedom Passes to claimants with learning disabilities were to have the effect of a shift in awards away from Blue Badges and towards Freedom Passes, this would represent a more direct cost burden on local authorities – one that would be felt particularly strongly in outer London boroughs where parking revenue is smaller.

It is difficult to predict precisely how these factors will play out in different boroughs.

However, as part of the move from DLA to PIP, the Department for Work and Pensions (DWP) has committed to a programme of monitoring, evaluation and analysis to help learn about and improve the delivery of PIP. This will involve looking at early implementation issues and claimants' experiences of the process for claiming PIP as well as considering claimant outcomes such as, for example, exploring the link between employment and PIP.

Two statutory independent reviews will also be conducted – the first by the end of 2014 – with the possibility of a third if the second demonstrates ongoing issues with the operation of the assessment.

This could be an opportunity for the sector to raise any issues around wider knock-on effects that result from this change.

**Therefore, with the bulk of current DLA claimants in London not due to begin to be reassessed for PIP until October, boroughs may wish to think about what information they could collect to demonstrate any knock on effects caused by:**

- A greater demand for assessment for eligibility for mobility benefits
- A more direct cost burden resulting from tighter eligibility criteria for Blue Badges pushing people towards applying for Freedom Passes
- Reduced ability to contribute towards care services received as a result of reductions in benefit income
- An increased demand for social care services from claimants left unable to get around as a result of losing certain mobility benefits.

# Appendix i. DLA caseloads for all London boroughs

Borough	Working age DLA caseload	DLA claims per capita
Barking & Dagenham	5,610	0.047
Barnet	7,600	0.032
Bexley	5,900	0.040
Brent	7,380	0.034
Bromley	6,870	0.035
Camden	7,300	0.045
City of London	100	0.017
Croydon	9,980	0.041
Ealing	7,770	0.033
Enfield	7,970	0.039
Greenwich	8,280	0.048
Hackney	8,000	0.045
Hammersmith & Fulham	4,970	0.036
Haringey	7,280	0.040
Harrow	5,050	0.032
Havering	5,250	0.035
Hillingdon	5,890	0.032
Hounslow	6,070	0.034
Islington	8,090	0.052
Kensington & Chelsea	3,720	0.033
Kingston upon Thames	2,780	0.025
Lambeth	8,870	0.039
Lewisham	8,600	0.044
Merton	3,950	0.029
Newham	8,610	0.039
Redbridge	6,250	0.034
Richmond upon Thames	2,960	0.024
Southwark	8,930	0.042
Sutton	4,400	0.035
Tower Hamlets	7,230	0.038
Waltham Forest	6,560	0.037
Wandsworth	6,550	0.029
Westminster	6,650	0.041

Source: DWP Tabulation Tool

# Appendix ii. Higher-rate mobility component DLA broken down by main disabling condition (selection)

Area	Learning	Psychosis Difficulties	Psychoneurosis	Personality Disorder	Dementia	Behavioural Disorder	Severely Mentally Impaired
Barking & Dagenham	70	20	20	–	–	–	30
Barnet	180	60	50	10	–	–	60
Bexley	90	10	30	–	–	–	30
Brent	150	40	30	–	10	–	60
Bromley	130	30	30	–	–	10	40
Camden	80	80	50	–	–	–	20
City of London	–	–	–	–	–	–	–
Croydon	190	50	40	–	10	10	80
Ealing	130	60	30	–	–	10	50
Enfield	160	40	30	–	–	10	70
Greenwich	140	40	40	–	–	–	50
Hackney	110	50	40	–	–	10	40
Hammersmith & Fulham	50	30	30	–	–	–	20
Haringey	100	50	40	–	–	–	60
Harrow	120	20	20	–	–	–	40
Havering	120	20	20	–	–	10	40
Hillingdon	100	30	20	–	–	–	40
Hounslow	100	20	20	–	–	–	30
Islington	90	70	70	–	–	10	30
Kensington & Chelsea	40	30	30	–	–	–	10
Kingston upon Thames	60	20	10	–	–	–	20
Lambeth	100	40	50	10	–	10	40
Lewisham	130	40	40	–	–	10	40
Merton	80	10	20	–	–	–	30
Newham	160	40	30	–	–	10	50
Redbridge	160	30	20	10	–	–	70
Richmond upon Thames	60	10	10	–	–	–	30
Southwark	100	50	50	–	–	10	40
Sutton	110	20	20	–	–	10	50
Tower Hamlets	100	50	20	10	–	–	30
Waltham Forest	130	30	30	–	–	10	70
Wandsworth	90	30	20	–	–	–	40
Westminster	60	80	90	–	–	10	30
London	3,490	1,200	1,040	90	80	150	1,320

Source: DWP Tabulation Tool

**Note:** Borough totals may not sum to London totals due to rounding and omission of figures where caseloads are less than 10.

# Appendix iii. Guidance on Blue Badge eligibility

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There are two routes to receipt of a Blue Badge: 'without further assessment' and 'with further assessment'.

A Blue Badge received as a result of automatic eligibility through a DLA/PIP award will be considered an award 'without further assessment' – meaning the badge is awarded for as long as the recipient is claiming the relevant DLA or PIP award.

A claimant can also apply directly to their local authority under the 'with further assessment' category. By this route, a person may be eligible for a badge if they are more than two years old and:

- "Drives a vehicle regularly, has a severe disability in both arms and is unable to operate, or has considerable difficulty in operating, all or some type of parking meter;

or

- Has a permanent and substantial disability that causes inability to walk or very considerable difficulty in walking"

Badges issued via this route are generally for a period of three years.

Non-statutory guidance to local authorities issued by the DfT<sup>24</sup> states that:

- An applicant that is unable to walk 30 metres in total can be deemed as having very considerable difficulty in walking
- An applicant may be deemed eligible if they can walk 30-80 metres without pain or breathlessness, but demonstrate very considerable difficulty in walking through a combination of other factors (e.g. extremely slow pace and/or their manner of walking)
- Applicants who can walk more than 80 metres and do not demonstrate very considerable difficulty in walking through any other factors would not be deemed as eligible

People who currently receive a Blue Badge as a result of a higher rate mobility component DLA award but lose it by not scoring eight points on the moving around category when assessed for PIP, will be allowed to keep the Blue Badge until it expires. At that point they will have to apply directly to their local authority to see if they qualify for via other means.

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24 DfT. The Blue Badge Scheme Local Authority Guidance (England). February 2012.

# Appendix iv. Descriptors for assessing ability to communicate verbally

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According to the descriptors for the 'communicating verbally' activity published by the Department for Work and Pensions, to score eight points, a claimant must be judged to need "communication support to be able to express or understand basic verbal information", where 'basic verbal information' means "information conveyed in a simple sentence" and 'communication support' refers to the assistance of someone like a sign language interpreter or a family member.

However, someone judged to need communication support only "to be able to express or understand complex verbal information" will only score four points, and will not be eligible for concessionary travel through PIP. Here 'complex verbal information' refers to "information conveyed in either more than one sentence or one complicated sentence".



# Appendix v. Categories of disability defined in concessionary travel legislation

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The Greater London Authority Act 1999 and the Transport Act 2000, which govern the grant of concessions, give a list of categories that would identify a disabled person as eligible for concessionary bus travel. These state that an eligible disabled person is someone who:

- Is blind or partially sighted
- Is profoundly or severely deaf
- Is without speech
- Has a disability or has suffered an injury, which has a substantial and long-term adverse effect on his or her ability to walk
- Does not have arms or has long-term loss of the use of both arms
- Has a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning
- Would, if he or she applied for the grant of a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, have his or her application refused pursuant to section 92 of the Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol

Separate guidance on the distance, speed, length of time and manner that a person can walk is given in DfT guidance, which states (among other things) that if someone “can only walk between 27 and 64 metres without severe discomfort then it is likely that they will qualify for the statutory concession”.

# Appendix vi. Breakdown of extra benefit cap caseload from loss of DLA award

Borough	Exempt through DLA award	Estimate of number left without an award following reassessment <sup>1, 2</sup>
Barking & Dagenham	300	75
Barnet	500	130
Bexley	200	50
Brent	700	180
Bromley	300	75
Camden	500	130
City of London	-	
Croydon	600	155
Ealing	500	130
Enfield	600	155
Greenwich	300	75
Hackney	400	105
Hammersmith & Fulham	200	50
Haringey	400	105
Harrow	200	50
Havering	100	25
Hillingdon	300	75
Hounslow	300	75
Islington	400	105
Kensington & Chelsea	300	75
Kingston upon Thames	200	50
Lambeth	400	105
Lewisham	500	130
Merton	100	25
Newham	500	130
Redbridge	300	75
Richmond upon Thames	-	
Southwark	300	75
Sutton	200	50
Tower Hamlets	600	155
Waltham Forest	300	75
Wandsworth	400	105
Westminster	600	155
TOTAL	11,500	2,950

1. Assuming that 25.7 per cent of all claimants are left without an award following reassessment. (Source: Table 5, The government's response to the consultation on the Personal Independence Payment assessment criteria and regulations, 13 December 2012)
2. Rounded to nearest 5

# Appendix vii. Statistical sources

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## **Working age population estimates**

Taken from ONS mid-year population estimates (subnational) (2011).

<http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcn%3A77-280885>

## **Working age DLA claimants**

Region - Taken from DWP Tabulation Tool, all entitled cases, split by region and age of claimant (Aug 13).

[http://tabulation-tool.dwp.gov.uk/100pc/dla\\_ent/ccgor/cnage/ccclient/a\\_carate\\_r\\_ccgor\\_c\\_cnage\\_p\\_ccclient\\_working\\_age\\_aug13.html](http://tabulation-tool.dwp.gov.uk/100pc/dla_ent/ccgor/cnage/ccclient/a_carate_r_ccgor_c_cnage_p_ccclient_working_age_aug13.html)

Borough – Taken from DWP Tabulation Tool, all entitled cases, split by local authority and age of claimant (Aug 13).

[http://tabulation-tool.dwp.gov.uk/100pc/dla\\_ent/ccla/cnage/ccclient/a\\_carate\\_r\\_ccla\\_c\\_cnage\\_p\\_ccclient\\_working\\_age\\_aug13.html](http://tabulation-tool.dwp.gov.uk/100pc/dla_ent/ccla/cnage/ccclient/a_carate_r_ccla_c_cnage_p_ccclient_working_age_aug13.html)

## **London caseload by disabling condition**

Taken from DWP Tabulation Tool, all entitled caseload split by main disabling condition and age of claimant (Aug 13).

[http://tabulation-tool.dwp.gov.uk/100pc/dla\\_ent/disabled\\_new/ccgor/ccclient/a\\_carate\\_r\\_disabled\\_new\\_c\\_ccgor\\_p\\_ccclient\\_working\\_age\\_aug13.html](http://tabulation-tool.dwp.gov.uk/100pc/dla_ent/disabled_new/ccgor/ccclient/a_carate_r_disabled_new_c_ccgor_p_ccclient_working_age_aug13.html)

## **Numbers with learning difficulties potentially affected**

Taken from NOMIS, DLA claimants by disabling condition, client group – working age; mobility award – higher (and all); date – Aug 13. (Data accessed Friday 16th May 2014).

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