**Adult Disability Payment: Consultation on the Mobility Component**

**Citizen’s Advice Scotland Response**

* Citizens Advice Scotland (CAS), our 59-member Citizen Advice Bureaux (CAB) and the Extra Help Unit, form Scotland’s largest independent advice network. Scotland’s Citizens Advice Network is an essential community service that empowers people through our local bureaux and national services by providing free, confidential and independent advice. We use people’s real-life experiences to influence policy and drive positive change. We are on the side of people in Scotland who need help and we change lives for the better.
* During 2020-21, the entire Citizens Advice network provided advice and assistance to over 171,000 individuals; this equates to one in every 26 adults living in Scotland. The network put almost £147 million back into people’s pockets during this time, with every £1 invested in core advice funding returning £14 in gains for people. Our extensive footprint is important in helping us understand how issues impact locally and nationally across the country and the different impacts that policies can have in different areas.

**Our Data:**

* Enquiries are coming from equivalent numbers of female and male clients, at 44% and 40% respectively. This is contrary to the trend in CAS data of higher numbers of female clients seeking advice from the network generally.
* 39% of enquiries are coming from clients aged 45-59, 20% are aged 60-64. This is higher than the figures for benefits advice generally.
* 11% of those seeking advice on ADP, daily living component, are in full-time work and 9% are in part-time work. The equivalent figure for mobility is 12%.
* 40% of those seeking advice on ADP report being unable to work due to disability. 10% are recorded by advisors as unemployed.
* Of those seeking advice on ADP in the latest quarter, 12% care for a child without a disability, 4% for a child with a disability, and 7% an adult with a disability. These figures are equivalent to those seeking advice on benefits generally.
* Nearly half (44%) of all clients who received advice from the network about ADP also received advice about Universal Credit, 20% received advice about finance and charitable support.

**Key Points**

In addition to stressing the critical role of advice and support in improving the claimant experience and reaching everyone who needs support, the key points that we have made are:

* Adult Disability Payment is different from Personal Independence Payment in several ways. If these changes are delivered, they will have a positive impact on the lives of our clients.

* Adult Disability Payment uses the same points-based criterion to assess mobility needs. These criteria do not consider social, practical, and environmental barriers that prevent disabled people from exercising choice and control. The criteria are difficult for claimants to understand and force claimants to focus on what they can’t do.
* The 20-meter distance measure is arbitrary and not evidence based. It prevents claimants with complex mobility restrictions from accessing the level of support that they need.
* The application process needs to be modified to promote a better understanding among claimants of how the criteria apply to mental health and “invisible” conditions.
* The application process needs to be modified to encourage a complete picture account of a claimant’s mobility needs, not of “good days”, “bad days” or even “average days”.  The decision makers guidance needs to be modified to better support decision makers to understand the impact of fluctuating conditions that do not follow predictable patterns.
* To minimize the risk of claimants falling through the cracks a “safety net” criteria is required.
* To identify differences in how ADP is working for people with various health circumstances, data recording the main reported condition of new processed ADP applications by award type is necessary. Similarly, data recording assessment method (telephone, video, in person) by award type is necessary to pick up on any detriment being experienced due to chosen assessment method.
* Scotland needs human rights-based disability assistance that has a clear purpose, is paid at an adequate rate, supports independent living and full participation, provides whole-of-life support, is well-connected to other services, and is resilient in the face of change.

1. Do you agree or disagree that the moving around activity criteria for Adult Disability Payment are easy to understand?

Agree / Disagree / Don’t know

1(a). Please give reasons for your answer, outlining which parts you think are easy or difficult to understand and why.

Our response is informed by adviser feedback gathered through in-person and online focus group sessions and a dedicated online discussion forum. This research will be published in June 2023.

CAS is concerned that the moving around criteria are complex to navigate. Our assessment of this is based on adviser feedback of client’s understanding of the questions asked in the Stage 2 application form. Our advisers consider that the mobility component is generally more difficult to obtain and that it is not always clear to their clients what information is being sought in response to the questions posed about their mobility needs, reflecting limited grasp of the eligibility criteria.

Adviser feedback on the usefulness of “how do you feel after” questions (in this context “After you have walked this far, does this change how you feel?”) is that they do not effectively convey and capture the reliability criteria. Clients can be unclear about what is being asked and do not demonstrate an awareness of the importance of explaining how fast they are able to walk, gait, how often they can move around, and pain. Specifying “after” the activity can mislead clients as to the relevance of pain and fatigue during an activity. The words “at all” and “never” caused concern, and the prevalence of binary questions can leave the impression that the criteria are much narrower than they are.

Advisers note that claimants don’t always make the link between issues with mobility and the impact that has on daily living tasks. This is reflected in our data, which shows that only 65% of those seeking advice on the Daily Living component of ADP have also received advice on the Mobility component, compared to the 95% of those seeking advice on the Mobility component who also received advice on the Daily Living component.

Claimants’ difficulty in gauging the appropriate distance that they should select is compounded by variation in their condition and the structure of the application questions. The application gives an option of “The distance that I can walk varies day to day depending on my condition” as a final option. Claimants are likely to select this option, without understanding that they are then required to elaborate using both distance measures and variability levels. The photographs of the car parking areas confused rather than clarified the distance criteria.

1(b). How could we make the moving around activity criteria easier to understand?

The challenge of conveying the complex criteria is reflected in the application form. CAS is calling for a review of the form and accompanying guidance to address the issues discussed in Qu.1. It would be beneficial to co-design this, to maximise its potential to promote understanding of the criteria.

2. Are there any other issues with the moving around activity that we have not captured above?

Yes / No / Don’t know

2(a). If you said ‘yes’ what other issues with the moving around activity do you think need to be considered?

We have identified the following gaps likely to have a specific impact on claimants with mobility needs:

1. A need for an evaluation of remote assessments
2. A need for greater clarity around the parameters of the responsibility of Social Security Scotland to collect supporting information
3. A greater need for ensuring access to independent advice and representation
4. An improved focus on the impact of digital exclusion

CAS is concerned that the impact of the move to remote assessment channels has not been evaluated to ensure that claimants are not subject to detriment according to their preferred assessment channel. Early insights from advisers indicate that the move to remote assessments poses some significant challenges for decision making where direct observation and interaction with a claimant in person would be helpful. This is especially relevant to the Moving Around activity. An explicit commitment to undertake an evaluation of this kind in respect of DWP delivered assessments was made in the recently published White Paper [[1]](#footnote-1)

**Citizen’s Alert:** An East of Scotland CAB reports of a client, a single NHS worker recently retired on health grounds, seeking support to challenge a decision about her ADP application. The client evidenced multiple health conditions, including Crohn’s disease necessitating the use of a stoma, depression and hypothyroidism. The client had undergone a telephone assessment, which she described as a series of basic binary questions focused on daily living tasks, which afforded no opportunity to elaborate or explain the experience of and impact of carrying out these tasks. Client had declined to submit a re-determination due to the stress that the process had caused.

Mobility needs can be particularly difficult to evidence in the absence of face-to-face assessments. CAS is calling for much greater clarity around the parameters of the responsibility of Social Security Scotland to collect supporting information.

CAS is calling for the inclusion of a requirement to inform a claimant at point of being asked to attend an assessment that they have the right to seek independent advice and independent advocacy.

Our engagement across the network highlighted the impact of digital exclusion and low digital confidence in the ability of claimants to progress applications. Clients struggle with establishing a Scottish Government Gateway account and re-setting passwords, which results in new email addresses having to be created since the same email address cannot be used twice.

**Citizen’s Alert:** An East of Scotland CAB reports of a client with poor mental health giving up at the first attempt to register an account having become frustrated. The adviser reports of narrow and complex password rules and difficulty in resetting usernames. The adviser to being unable to establish a new account with the same email address when lock outs occur, necessitating the creation of new email addresses.

3. How effective do you think the moving around section of the application form is at helping us understand a person’s mobility needs?

Very effective / effective / somewhat effective / not very effective / not effective at all

Please give reasons for your answer

As outlined under question 1, CAS is concerned that the moving around section of the application form is causing confusion. The length of time required to complete it is raised repeatedly. Clients presenting with mental health, PTSD related cognitive impairment, and dyslexia were all specifically cited as having powerful reactions.

Applicants are demonstrating uncertainty about whether they should provide information about the day-to-day support with mobility needs upon which they rely (or would rely if it were available) if this support does not constitute an "aid". Claimants are not aware of the existence of the “reliability criteria” i.e., they do not fully understand that factors such as the time taken to complete an activity, the impact of completing an activity and the ability to undertake an activity as often as required are relevant.

**Citizen’s Alert:** A West of Scotland CAB reports on the experience of completing an ADP Stage 2 application form. The adviser explains that “the phrase "some or all of these things" is really unhelpful, as it would technically mean that if an applicant can do one or more of those activities they should be saying that they can. The prompt "This can be by yourself or with help" is also unhelpful, with this client in particular he pointed out that "with help" could for a lot of people just mean "does it for me"... In [the client’s] head, if they had "help" - i.e., someone to do it for them, they [are able to complete the activity]”.

The photographic representations aimed at improved understanding of what constitutes an aid can be helpful and prompt clients to recognise practices that they have come to take for granted as being relevant to their application. However, the illustrative photographs generally do not add to a claimant’s understanding of the question and contribute to the “daunting” length of it.

Certain questions prompted particular concern. For example, participants highlighted the question “How many Feet do you have?” as insensitive and eliciting baffled responses from claimants.

4. What impact do you think the changes to how we make decisions on the moving around activity have on understanding a person’s mobility needs?

Significant positive impact / a positive impact / neither positive nor negative / a negative impact / significant negative impact

Please give reasons for your answer

In the mobility context, CAS welcomes the re-framing of assessments as focused conversations and the audio recording of consultations as standard. The removal of functional examinations and decision makers guidance that mandates the communication of informal observations to claimants is also welcome.

However, the available data on which to evaluate the full ADP journey, from new claim to decision, is currently limited. One year on from the pilot based roll out, the CAB network has seen very few decisions. Network data to date shows that by Quarter 4 of 2022-23 ADP represented 19% of the benefits advice provided by the network (benefits represented 44% of the advice provided in that quarter). ADP is emerging as a significant area of work for the network, with most enquiries relating to eligibility and the claims process (69% of enquiries). 6% of advice codes being logged about ADP related to a re-determination. Appeals represented 2% of advice codes logged, a 34% increase on Quarter 1 of 2022-23, but numbers are low (around one quarter of the numbers seeking advice on re-determination).

We are concerned that a clear understanding of the supporting evidence gathering process has not been achieved, which could limit the ability of decision makers to consider cases as intended. CAB network advisers have indicated a lack of clarity surrounding the role of Social Security Scotland in gathering evidence, and how the approach to evidence gathering and evaluation differs from that of the DWP.

Improved information sharing has the potential to improve the efficiency of the process. The findings of the 2nd Independent Review into Personal Independence Payment [[2]](#footnote-2)indicate that 77% of claimants were comfortable with DWP sharing information between benefit systems or other parts of government (page 23). CAS recommends that consideration is given to how information sharing across Social Security Scotland, Department of Work and Pensions, the NHS, local authorities and Third Sector organisations can be facilitated.

5. If there was an opportunity to change the moving around activity criteria, what changes would you make (if any)?

5(a). If you proposed changes, what positive impacts could these have, and for who?

5(b). If you proposed changes, what negative impacts could these have, and for who?

CAS is calling for the removal of the 20-metre descriptor. As an interim, temporary measure, the 50-metre rule previously used for Disability Living Allowance should be reinstated, but identifying criteria that adequately support a broad and diverse range of mobility needs must be a priority. The descriptor is arbitrary, and not consistent with the purpose of ADP to support claimants to meet the additional costs associated with their mobility needs. Reinstatement of the 50-metre rule would align with the commitment to a system of social security that puts respect for the dignity of claimants at its heart, recognises the role of social security in the realisation of other human rights, and that is evidence based.

The 20-metre rule has been a source of concern among advisers since its inception. A survey conducted during February and March of 2021 found that 61% of advisers across the CAB network agreed that the 20-metre rule should be increased to 50 metres to qualify for the enhanced mobility rate of Disability Assistance.

*“20 metres is, in most cases, an unpractical or non-useful distance…since most claimants are unable to access…amenities within their community at a 20-metre distance, e.g. for some claimants, it is more than 20 metres to get beyond the perimeter of their property.”* (Response to CAS survey of advisers on disability assistance, February-March 2021, unpublished)

*“So many people lost their independence by losing their Motability Scheme car when migrating from DLA to PIP. People became housebound or lost their job as they couldn't afford a vehicle…It would be so much better to give people back the ability to be more independent either by enabling them access to a car leasing scheme or having extra money to get taxis to go shopping etc. and become more integrated members of their communities.”* (Response to CAS survey of advisers on disability assistance February-March 2021, unpublished)

20 metres as a criterion is inconsistent with other public policy gauges of mobility:

* For DLA, in most cases the virtually unable to walk test was effectively 50-metre test unless the speed of walking or the persons gait was exceptionally restrictive. (CDLA/608/1994 and CDLA/14594/1996).

* Section 4.1.1 of the Building Standards Technical Handbook specifies that accessible car parking must be set no more than 45 metres back from a building’s common entrance[[3]](#footnote-3)
* Research based on a follow-up study to the London Area Travel Survey found that of all the people with an impairment who were able to walk at all, approximately 30% could manage no more than 50 metres without stopping or severe discomfort and a further 20% could only manage between 50 and 200 metres. The distance that an average walking stick or cane user is recommended as being able to walk without a rest is 50 metres[[4]](#footnote-4).

Research by the MS Society has explored the potential additional public costs and lost revenue implications of the 20-metre rule for people with MS, focusing on the effects of losing support on health and employment, including the impact on the health and employment prospects of the family and friends of those living with MS. It estimates the total costs to be £92.7 million between 2020-23.

Restricting the assessment of moving around functionality to flat and level ground should be reconsidered. The moving around activity as presently assessed fails to consider the specific environment in which a claimant lives, which may in the absence of a vehicle necessitate navigating more difficult terrain to access basic services, and informal networks. As flat and level ground is rarely ordinarily encountered in daily life, this is a difficult concept for claimants to understand and to describe

their mobility needs accordingly. CAS is calling for consideration to be given to updating this descriptor to include a wider range of terrain.

6. Do you agree or disagree that the planning and following journeys activity eligibility criteria is easy to understand?

Agree / Disagree / Don’t know

6(a). Please give reasons for your answer, outlining which parts you think are easy or difficult to understand and why.

CAS’s ongoing research highlights concerns that the application form does not make clear that sensory and mental health-based impacts are both included and of equal relevance in this activity. Advisers have observed that clients don’t necessarily grasp that “needing company to go out” is as relevant as “someone needing a white stick”.

In this vein, advisers noted that the photographs included in this section of the form add to the sense of the activity applying to those with physical condition-based difficulties only. Clients with undiagnosed learning difficulties, and social navigation and behavioural difficulties were identified by our focus groups as being especially vulnerable to “falling through the cracks”. Examples were provided from Bureaux of the circumstances of clients with social navigational struggles for whom advisers have been unable to access additional social security support, including a client without a formal diagnosis who requires ongoing support to navigate daily life from the Bureau and has done for approximately fifteen years.

6(b). How could we make the planning and following journeys activity eligibility criteria easier to understand?

We are calling for the application process to be modified to encourage a greater understanding of its application to those with mental health conditions, framed in a manner that elicits a complete picture account of a claimant’s mobility needs, not of “good day”, “bad days” or even “average” days. Such modifications must be developed through a genuinely inclusive co-design process.

7. Are there any other issues with the planning and following journeys activity that we have not captured above?

Yes / No / Don’t know

7(a). If you said “yes”, what other issues with the planning and following journeys activity do you think need to be considered?

To help understand the positive and negative impacts of changes to this activity, we would like to see the publication of data recording the main reported condition of new processed ADP applications by award type. The data must be accompanied by transparency about how these categories have been determined. The DWP currently utilises 547 broad condition categories, which are subcategorised into 21 disability groups and 178 disability subgroups[[5]](#footnote-5). This criterion may not translate effectively to ADP, but it does provide an illustrative example of what is needed.

This data will provide insight into any detriment in respect of condition type and will provide an indicator if the application process is not capturing mobility needs related to these health profiles.

7(b). In your view, what are the positive aspects of the planning and following journeys activity that we have not captured above?

8. How effective do you think the planning and following journeys section of the application form is at helping us understand a person’s ability to plan and follow journeys?

Very effective / effective / somewhat effective / not very effective / not effective at all

Please give reasons for your answer

Please see our concerns stated in answer to Question 6 above.

9. What impact do you think the changes to how we make decisions on the planning and following journeys activity has on understanding a person’s ability to plan and follow journeys?

Significant positive impact / a positive impact / neither positive nor negative / a negative impact / significant negative impact

Please give reasons for your answer

In respect of planning and following journeys specifically, some trends emerging in the Social Security Scotland data may be relevant to the issues highlighted by our focus group participants surrounding the complex nature of the application process and criteria.

The overall withdrawal rate across the lifetime of ADP is 11%[[6]](#footnote-6). Even at an early stage, this analysis represents a contrast with PIP and highlights the need for further investigation to understand what is driving claimants to withdraw applications. During the lifetime of PIP from its introduction in April 2013 to January 2023, 120,000 (2%) of processed claims were withdrawn[[7]](#footnote-7).

Secondly, Social Security Scotland’s data is indicating a move toward convergence with PIP in relation to the proportion of applications which are successful. The percentage of processed applications declined has increased month on month, from 22% in October 2022 to 37% in January 2023. Disallowance rates across the lifetime of PIP up to January 2023 sit at 47%.

10. If there was an opportunity to change any specific aspects of the planning and following journeys activity, what changes would you make (if any)?

10(a). If you proposed changes, what positive impacts could these have, and for who?

10(b). If you proposed changes, what negative impacts could these have, and for who?

CAS is calling for the application process to be modified to encourage a much greater understanding of its relevance to those with mental health conditions. This should be framed in a way that elicits a complete picture account of a claimant’s mobility needs, not of “good day”, “bad days” or even “average” days. Such modifications must be developed through a genuinely inclusive co-design process.

CAS is calling for the introduction of a discretionary “safety net” criteria similar to paragraph 4 of Schedule 9 of the Universal Credit Regulations 2013 “The claimant is suffering from a specific illness, disease or disablement by reason of which there would be a substantial risk to the physical or mental health of any person were the claimant found not to have limited capability for work and work-related activity.”

11. Do you agree or disagree that the criteria for fluctuating conditions is easy to understand?

Agree / Disagree / Don’t know

11(a). Please give reasons for your answer, outlining which parts you think are easy or difficult to understand and why.

Please note our response to Questions 12, 13 and 15 below.

11(b). How could we make the fluctuating conditions criteria easier to understand?

Please note our response to Questions 12, 13 and 15 below.

12. Are there any other issues with the fluctuating conditions criteria that we have not captured above?

Yes / No / Don’t know

12(a). If you said “yes”, what other issues with the fluctuating conditions criteria do you think need to be considered?

The challenge of predicting the frequency and duration of flare ups and variations in the efficacy of medication and treatments is well recognised. This can result in a difficult experience of shifting and uncertain entitlement to benefit. It is not uncommon for claimants with fluctuating conditions to find that their circumstances have changed significantly in the time that it takes to process their claim. This is not currently being adequately captured by the application process.

12(b). In your view, what are the positive aspects of the fluctuating conditions criteria that we have not captured above?

13. How effective do you think the fluctuating conditions section of the application form is at helping us understand the needs of people with fluctuating conditions?

Very effective / effective / somewhat effective / not very effective / not effective at all

Please give reasons for your answer

The application prompts those with fluctuating conditions: “When we ask about most days, we mean more than half of the time in an average week or month”. Conveying and quantifying unpredictable levels of variability can be so challenging it puts people off claiming. It also presents a problem for decision making as to whether a descriptor or descriptors aggregated apply more than 50% of the time.

The application questions could be enhanced with prompts for claimants to explain the “spill over” effects of the most severely symptomatic episodes or periods of time on the more manageable periods, for example, profound fatigue and having to “catch up” following prolonged spells of restricted functioning.

14. Thinking about the changes we have made to how we make decisions about fluctuating conditions, what impact do you think this is having on understanding the impact of a person’s fluctuating conditions?

Significant positive impact / a positive impact / neither positive nor negative / a negative impact / significant negative impact

Please give reasons for your answer

Please see our response to Questions 4 and 9 above.

15. If there was an opportunity to change any specific aspects of the fluctuating conditions criteria, what changes would you make (if any)?

15(a). If you proposed changes, what positive impacts could these have, and for who?

15(b). If you proposed changes, what negative impacts could these have, and for who?

CAS is suggesting the following changes:

* the application process to be modified to encourage a complete picture account of a claimant’s mobility needs, not of “good days”, “bad days” or even “average days”.
* decision makers guidance to better support decision makers to understand the impact of fluctuating conditions, in particular those with unpredictably fluctuating conditions.
* the introduction of a discretionary “safety net” criteria modelled on paragraph 4 of Schedule 9 of the Universal Credit Regulations 2013.
* the publication of data recording the main reported condition of new processed ADP applications by award type.

The role of extra costs disability support in cushioning the effect on financial stability of living with a fluctuating condition cannot be overstated. Fluctuating income levels can be a result of fluctuating conditions; for example, people with these conditions or their carers often have to take unpaid leave. Research undertaken by the DWP[[8]](#footnote-8) found that participants who reported having positive wellbeing described themselves as financially comfortable. In contrast, persistent and significant money worries was found to be prevalent among those with poor wellbeing.

16. If there was an opportunity to consider alternative approaches to a points-based system to understand disabled people’s needs, what alternatives would you propose (if any)?

16(a). If you proposed changes, what positive impacts could these have, and for who?

16(b). If you proposed changes, what negative impacts could these have, and for who?

16(c). If you proposed changes, which of these would you prioritise?

CAS strongly believes that the focus must be on the most effective approach to removing barriers to people’s right to equal participation in society and independent living. This is not compatible with a model which is predominantly focused on “impairments” and what people are unable to do. Emphasis must be shifted away from what someone cannot do to what might happen if resources and support were available.

In the report *Beyond a Safe and Secure Transition, SCoRSS [[9]](#footnote-9)* called for a fundamental review of disability assistance to ensure the system:

* Has a clear purpose. Disability Assistance should compensate people for the extra costs of having an impairment or health condition, enabling them to realise their rights to participate equally in society and to independent living.
* Is human rights based.
* Supports equal participation in society and the right to independent living.
* Is paid at an adequate rate. One of the fundamental tenets of designing a human rights based social security system is that the support provided should be adequate. The current rate of disability payments does not adequately reflect the extra costs disabled people experience.
* Provides whole-of-life support. In the longer term, how to address the problems that having separate age payments (child, adult and older people) creates for disabled people and how best to resolve these issues to make the system fairer and easier to access for disabled people should be considered.
* Interacts well with future social security developments and is well connected to other services. This includes ‘futureproofing’ against any changes to wider income- replacement social security entitlements, as well as ensuring that disability assistance is well-connected to other services.

CAS believes that policy making in this area that is informed by these principles will be effective in striking an appropriate balance to understanding disabled people’s needs.

17. Other than changes to the eligibility criteria, are there any changes you think we could make to Adult Disability Payment to support people’s mobility needs (if any)?

17(a). If you proposed changes, what positive impacts could these have, and for who?

17(b). If you proposed changes, what negative impacts could these have, and for who?

17(c). If you proposed changes, how would you prioritise these?

*Clients individuality is not taken fully into account. I have clients who understand their conditions fully and others who do not, but if both have the same physical condition the person who understands theirs better is often scored lower…Conditions should not be met on a person's understanding of their illness at all, but on how that affects their lives daily and to what extent. Every illness affects people differently and there is too much generalising for it to be correct.* (CAS Survey Response February-March 2021)

While Adult Disability Payment has introduced welcome changes that steer decision makers toward considering cases holistically, the approach is still fundamentally structured around ascertaining the extent to which a health condition or impairment is restricting specific mobility functions. No real account is taken of the social, practical and environmental barriers that prevent disabled people from exercising choice and control.

The current approach does not fully capture the life limiting and financial impacts on someone’s ability to live an independent life, such as access to accessible transport. These real-world limitations on mobility must be fully considered if the purpose of ADP is to be realised.

CAS views independent advice and support as critical to the claimant experience. Access to advice was identified in the Grey report as a source of inconsistency in PIP decision making. Claimants who reported satisfaction with the process tended to have had access to additional support with their application (page 55).

Tackling delays is crucial to improving the claimant experience. Delays cause considerable distress and can entrench financial hardship. Social Security Scotland data shows that median processing times have increased month on month and sat at 79 days in January 2023. Of the 3,130 new applications processed in January 2023, the majority (1,105 in numbers) were processed in 81-100 days.

**Citizen’s Alert:** An East of Scotland CAB reports on the 2ndof March 2023 reports on the impact of delays to a decision on an application for ADP completed on the 24th of October 2022 on a client with progressive degeneration of the spine and his carer. The adviser reports that the carer, who is dyslexic, “stated that her cheerful positive attitude has been replaced by a sense of foreboding when the phone rings…. She feels overwhelmed, she lives in dread of receiving no money, she fears waiting for payments and receiving the wrong amount”.

**Citizen’s Alert:** An East of Scotland CAB Reports of delays in processing an ADP application triggering “a sense of outrage, considerable stress, anxiety and uncertainty” in the client. The case was reported on 1st March 2023 and concerns an application submitted on 17th July 2022.

CAS believes that it is essential, in line with the human rights model of disability, that those who conduct the assessments are qualified and trained in that model.

CAS is calling for an effective audit system specifically tailored to Adult Disability Payment to ensure that the aim of getting clearly communicated, fully justified decisions right first time in most cases is achieved.

CAS strongly emphasises the indispensable role of co-design. This should take the form of a partnership with people who use Scotland’s social security system, those likely to be affected by changes to it and those who are currently excluded. We would encourage the Scottish Government to deploy a range of participatory methods, with a focus on the most effective ways to include those who face the biggest barriers and are the least likely to become involved in such a process. CAS is one of several stakeholders in an excellent position to support this work.

Minimising both the use and the scope of assessments is key to improving the process for claimants; if ADP delivers on this feature, it will represent significant progress. Realising the approach laid out in the decision makers guidance to informal observations is essential if mobility needs are to be assessed more accurately; where made these observations can provide important insights if explored with claimants.

18. How can the independent review ensure that any recommendations it makes are both deliverable and affordable? Please give reasons for your answer.

We recommend starting from the position of the Disability and Carer Benefits Expert Advisory Group that reducing welfare expenditure is not the purpose of this consultation and subsequent review[[10]](#footnote-10).

The costs of developing a disability benefit adequate to support disabled people’s needs should not be viewed in isolation. An overall analysis of the public expenditure impact must be considered. Disabled people are likely to have lower living standards than the wider population. More than half of the most deprived tenth of the population are disabled, though even most of this group do not receive disability benefits[[11]](#footnote-11). Our data support this; nearly half (44%) of all clients who received advice from the network about ADP also received advice about Universal Credit, 20% received advice about finance and charitable support.

Finally, CAS notes that any recommendations that improve the decision-making process and have the effect of reducing delays and reducing the burden of challenges to decisions and complaints are likely to reduce the overall cost of delivering ADP. The PIP experience demonstrates this. At the start of 2019 the Office for Budget Responsibility revised the estimated cost of the move to PIP from to DLA to account for modifications to the PIP eligibility criteria following multiple legal challenges and the high number of appeals pursued by claimants, predicting an overspend of at least £1.5 billion[[12]](#footnote-12).

19. How can the independent review consider the impact of any recommendations on existing “passporting” arrangements?

The risk to passported benefits due to changes in the mobility criteria are small as they are not a source of passporting to other UK or devolved benefits. Extending the mobility criteria could impact on Motability resulting in more applications to the Scheme but increasing mobility has positive impacts across the public sector.

Future plans by the current Government to use ADP to assess entitlement to health elements of ESA and UC could present passporting issues and should be closely monitored.

Ensuring ADP is a robust benefit that adequately supports disabled people prior to this will be necessary to inform future discussions. Consideration of passporting arrangements must start from a position of ensuring that we realise the ambition to deliver leading, transformative disability assistance in Scotland.

1. paragraphs 100-112 inclusive Transforming Support: The Health and Disability White Paper - GOV.UK (www.gov.uk)   [↑](#footnote-ref-1)
2. [pip-assessment-second-independent-review.pdf](file:///C%3A%5CUsers%5CYoungE%5CDesktop%5CResearch%20Documents%5Cpip-assessment-second-independent-review.pdf) [↑](#footnote-ref-2)
3. [4.1 Access to buildings - Building standards technical handbook 2020: domestic - gov.scot (www.gov.scot)](https://www.gov.scot/publications/building-standards-technical-handbook-2020-domestic/4-safety/4-1-access-buildings/)   [↑](#footnote-ref-3)
4. [Inclusive Mobility. A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1044542/inclusive-mobility-a-guide-to-best-practice-on-access-to-pedestrian-and-transport-infrastructure.pdf) page 26 [↑](#footnote-ref-4)
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