

# **Social Security Advisory Committee consultation – How public funds can be used to support the mobility needs of disabled people**

## **Response from Citizens Advice Scotland**

**December 2019**

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### **Summary**

- The Motability scheme is very popular amongst CAB clients who receive support from it, as seen by the impact it can have if a person loses entitlement to it.
- Access to the Motability scheme is particularly important in remote rural areas of Scotland, where car access is essential so that people with mobility impairments are not left housebound.
- The impacts of the loss of a Motability vehicle have included an increase in stress and detrimental impacts on health, a loss of independence and the prospect of accruing debt due to unaffordability of a car outwith the Motability scheme.
- There is demand from people who receive the lower mobility rate of PIP, or who receive Attendance Allowance to access the Motability scheme.

### **CAS recommends:**

- The transitional support arrangements, that allow people to continue leasing a Motability vehicle for 26 weeks after their last DLA or PIP payment has been received, should be continued and extended to people who first joined the scheme after 2014.
- People should not be required to return a Motability vehicle until at least eight weeks after any reconsideration and appeals process against a PIP decision has concluded.

### **Introduction to Citizens Advice Scotland and context of response**

Citizens Advice Scotland (CAS), our 59 member Citizen Advice Bureaux (CAB) and the Extra Help Unit, form Scotland's largest independent advice network. Advice provided by our service is free, confidential, impartial and available to everyone.

In 2018-19 the Citizens Advice Service network (CAB & EHU) helped over 272,500 clients in Scotland and dealt with over 730,000 advice issues. With support from the network clients

gained over £131 million and our self-help website Advice in Scotland received approximately 3.7 million page views.

Citizens Advice Scotland welcomes the opportunity to respond to the consultation. Advice on disability benefits and mobility are among the most common areas of advice provided by Scotland's CAB network. In 2018-19, Scottish CAB provided advice to clients on 47,133 issues related to the mobility component of Personal Independence Payment (PIP), and 5,050 related to the Disability Living Allowance (DLA) mobility element. We have opted to answer the questions below to which we hold specific evidence.

**Q1. For those who are eligible, is not leasing a vehicle through Motability a voluntary choice? Is the decision not to use the scheme related to a preference for using public transport or is it due to other factors? Are disability benefits used for other forms of transport or travel support; and if so what are the benefits of this?**

In general CAS supports in-kind support (such as the Motability scheme) being offered, as long as people always have a genuine choice. Previous CAS research has shown majority support for a choice of goods or cash, but emphasised that people should always have a cash option. This is due to the risk of stigma, avoiding a 'one size fits all approach', ensuring that the social security budget is not used to pay for services which should be funded separately, and the importance of treating people with dignity and respect.<sup>1</sup>

The Motability scheme is very popular amongst CAB clients who receive support from it, as seen by the impact it can have if a person loses entitlement to it. This is further detailed in our responses to questions 3, 5 and 7 below. We do not have evidence of people feeling forced into the Motability scheme if their preference would be for a cash payment, although an absence of suitable public transport provision may render doing so impractical for a number of recipients.

The ability to lease a car from the Motability scheme is particularly important in many parts of Scotland as disabled people are unable to access essential services by public transport. This can be due to infrequency of services or in many cases because the locations are not served by public transport at all. A CAS survey found that 64% of respondents across Scotland were generally dissatisfied with the service frequency of their local bus, with 16% unable to travel to their nearest GP surgery or hospital by bus and 13% unable to travel to work by bus.<sup>2</sup> This is particularly pronounced in remote rural areas of Scotland, where access to a car is essential to ensure that people with mobility impairments are not left housebound.

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<sup>1</sup> Pages 37 – 39, , Response to A New Future for Social Security consultation - Citizens Advice Scotland, October 2016 [https://www.cas.org.uk/system/files/publications/social\\_security\\_consultation\\_-\\_response\\_from\\_citizens\\_advice\\_scotland.pdf](https://www.cas.org.uk/system/files/publications/social_security_consultation_-_response_from_citizens_advice_scotland.pdf)

<sup>2</sup> Creating Better Journeys – Citizens Advice Scotland, March 2018  
[https://www.cas.org.uk/system/files/publications/creating\\_better\\_journeys\\_report.pdf](https://www.cas.org.uk/system/files/publications/creating_better_journeys_report.pdf)

### **Q3. How does participation/non-participation in the Motability scheme impact on the life of a disabled person?**

The impact of participation in the Motability scheme can be seen in the negative impact experienced by people who previously had access to the scheme, but lost access to it after a PIP reassessment. The potential or actual loss of a Motability car is a common concern of people who seek assistance from a CAB to make a mandatory reconsideration or appeal request against an adverse PIP decision. Impacts have included an increase in stress and detrimental impacts on health, a loss of independence and the prospect of accruing debt due to the unaffordability of a car outwith the Motability scheme.

***An East of Scotland CAB reports of a client who appealed the decision to remove his PIP award after reassessment. The client has had a significant change of circumstances, losing his PIP 11 months ago, having his Motability car removed five months ago, losing his job three months ago and suffering a heart attack shortly after, which may have been triggered by increased stress levels due to the chain of events. As the client has Multiple Sclerosis, he is unlikely to be able to arrange cheap motor insurance for a non-modified vehicle so is limited to having to use public transport from now on, which may be very difficult for the client due to his impairments.***

***An East of Scotland CAB reports of a client who requested a mandatory reconsideration against a reassessment decision to remove his enhanced rate PIP mobility award. The client received a letter requesting that he will have to return his Motability car, and is concerned he will lose his independence once the car is returned. The CAB advised him that it is at the Motability scheme's discretion to allow clients to keep the car when appealing the decision.***

In particular, people who live in remote rural areas are particularly negatively impacted by a loss of access to the Motability scheme, due to a lack of suitable public transport provision. This is detailed further in our response to question 7 below.

#### **CAS recommends:**

- **The transitional support arrangements that allow people to continue leasing a Motability vehicle for 26 weeks after their last DLA or PIP payment has been received should be continued and extended to people who first joined the scheme after 2014.**

- **People should not be required to return a Motability vehicle until at least eight weeks after any reconsideration and appeals process against a PIP decision has concluded.**

### **Q5. For people who are not eligible, because they do not get the enhanced rate, is there a demand for opening up access to the Motability scheme?**

Yes, there is demand from people who receive the lower mobility rate of PIP, or who receive Attendance Allowance to access the Motability scheme. This is a particular issue for clients in remote rural areas of Scotland, where public transport is not a viable option, and people require a car to remain mobile. Additionally, people who have lost out on the enhanced mobility rate of PIP following a reassessment have been particularly concerned at the loss of their Motability vehicle and have expressed a wish to keep access with the lower rate.

Citizens Advice Scotland's 'Empowering Scotland' consultation asked CAB clients and advisers what a devolved Scottish disability benefits system should look like. Some participants thought that, rather than enhanced mobility being a passport to the Motability Scheme, all claimants should be able to use their PIP award to access Motability.<sup>3</sup>

In 2016, CAS consulted with CAB advisers to inform our response to the Scottish Government's 'A New Future for Social Security' consultation. A number of advisers from rural bureaux raised the point that loss of a Motability vehicle was particularly detrimental to clients in remote and rural areas, due to the absence of convenient and suitable public transport.<sup>4</sup>

There is also a particular issue for people who request a mandatory reconsideration in cases where they have lost their entitlement to the Motability Scheme. Once a claimant loses that entitlement, they will normally have to return the car within eight weeks of their DLA or PIP payments stopping (although a transitional support scheme is available for people who were receiving DLA prior to 2014).<sup>5</sup> This can often be before a decision on mandatory reconsideration has taken place, which can put the claimant in a difficult position and may result in person having to give up the car, but then regaining access to the Motability scheme if their appeal is successful.

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<sup>3</sup> Designing a Social Security System for Scotland: Disability and Carers' Benefit – Citizens Advice Scotland, December 2015 <https://www.cas.org.uk/publications/designing-social-security-system-scotland-disability-and-carers-benefit>

<sup>4</sup> Page 104, Response to A New Future for Social Security consultation - Citizens Advice Scotland, October 2016 [https://www.cas.org.uk/system/files/publications/social\\_security\\_consultation\\_-\\_response\\_from\\_citizens\\_advice\\_scotland.pdf](https://www.cas.org.uk/system/files/publications/social_security_consultation_-_response_from_citizens_advice_scotland.pdf)

<sup>5</sup> What happens if I am appealing the decision following an unsuccessful Personal Independence Payment (PIP) reassessment? – Motability <https://www.motability.co.uk/contact/faqs/what-happens-if-i-am-appealing-the-decision-following-an-unsuccessful-personal-independence-payment-pip-reassessment>

***A North of Scotland CAB reports of a client who had his mobility component stopped following a review of his PIP. DWP immediately contacted the Motability company who requested the return of the car or that it be purchased for £8,475. The client could not get around without it so he took out a loan for £10,000 over 5 years (£16,387.30 in total). DWP then reinstated the mobility component before considering an appeal stating that they had made a mistake. The client is now eligible for the Motability car again but the company will not refund him the cost of the car and he is saddled with the loan. The client would prefer to be on the scheme as it includes tax, insurance and repairs. He is out of pocket as a result. A better system would be to delay requesting the return of the car until the outcome of an appeal.***

Additionally, at present, older people with mobility needs cannot access the Motability scheme, due to Attendance Allowance having no mobility component, unlike DLA and PIP. Citizens Advice Scotland would support people in receipt of Attendance Allowance who require support for mobility difficulties also being allowed to access the Motability scheme. Participants in our 2016 CAB adviser focus groups suggested that perhaps a lower rate of support could be extended through the scheme – for instance a mobility scooter through the Motability scheme, as opposed to a car.<sup>6</sup>

***A North of Scotland CAB reports of a client who had applied for, and received Attendance Allowance. However it emerged that she had done so in order to gain access to the Motability scheme. She told the CAB adviser that her neighbour was receiving AA and had a Motability vehicle, but the adviser explained that this was not possible, and it was likely that her neighbour had received an indefinite award of DLA that granted her access to the scheme. The client wanted to access the Motability scheme as she will be attending hospital regularly and it is costly for her to travel there as she lives in a rural area.***

<sup>6</sup> Pages 89 – 90, Response to A New Future for Social Security consultation - Citizens Advice Scotland, October 2016 [https://www.cas.org.uk/system/files/publications/social\\_security\\_consultation\\_-\\_response\\_from\\_citizens\\_advice\\_scotland.pdf](https://www.cas.org.uk/system/files/publications/social_security_consultation_-_response_from_citizens_advice_scotland.pdf)

***An East of Scotland CAB reports of a 78 year old client who has impaired vision and is registered blind. He has mobility issues, and uses a mobility scooter. He is currently in receipt of the higher rate of Attendance Allowance, has a Blue Badge and a travel card issued by a local charity. The client wanted to know if he would be eligible for a Motability car. The CAB adviser commented that "it seems unfair that pensioners with mobility issues who are in receipt of Attendance Allowance cannot access the Motability scheme. This was highlighted by the fact that the next client that I saw is also a pensioner aged 74 but has been in receipt of DLA higher rate mobility component for several years and is able to use her benefit to lease a vehicle. Two clients in their seventies, similar mobility issues, different outcomes because of what benefit they were awarded at what particular time in their lives."***

**CAS recommends:**

- **People who receive the standard mobility rate of PIP or DLA, and people who receive Attendance Allowance should also be allowed to access the Motability scheme.**

**Q7. How does the need for and/or opportunity to benefit from the Motability scheme intersect with other characteristics such as:**

- **different experiences of disability – for example physical impairment, mental health condition, learning difficulty**
- **other characteristics – such as age, gender, ethnicity**
- **'geography' – whether disabled people live in a rural or urban environment**

The opportunity to benefit from the Motability scheme is particularly important in rural areas, where a car is essential due to the distances to access services and a lack of affordable public transport provision.

***An East of Scotland CAB reports of a client who moved house and despite paying for mail redirection, her PIP review form was delivered to the wrong address. As a result, her PIP payments were stopped for the last seven weeks and she may lose her Motability car as a result. She was given conflicting information by different DWP advisers on whether her claim will be ended or not. The client was greatly distressed by the situation, as she is highly dependent on their Motability car, having moved to a rural village specifically to get a one storey property due to her mobility difficulties.***

***The Money Talk Team reports of a client who submitted a mandatory reconsideration after his DLA had been stopped. The mandatory reconsideration had taken over two months to be made and the client now needs to return his Motability car, even if he was successful in his appeal. The client and his wife do not have enough income to buy their own car, so are left without means of transport when client has serious mobility issues and a car is his only way to access some services in a rural area.***

***A North of Scotland CAB reports of a client who had his Motability car taken away as his PIP was changed from higher rate mobility to lower rate mobility following a re-assessment, forcing him to buy a car with a loan as he lives in the country and needs to get to his work several miles away; he is finding it very difficult to keep up repayments on the car loan. As he has to stop working, he is feeling suicidal because of his financial situation.***

As detailed in our response to question 5 above, it is perceived to be unfair that Attendance Allowance does not have a mobility component, unlike PIP or DLA, and as a result cannot be accessed by people who experience mobility impairments after the age of 65, unless they were previously receiving DLA or PIP. This also means they cannot access the Motability scheme, despite there being interest in doing so, which appears to many CAB clients and advisers to be manifestly unfair.