

**Personal  
Independence  
Payment**  
**What you need  
to know**

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# Chapter 4

## Meeting the assessment criteria

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**This chapter covers:**

1. The assessment criteria and qualifying period
2. Activities, descriptors and points
3. How are the descriptors applied?

### What you need to know

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- Personal independence payment has two 'components' – a daily living component and a mobility component. You can qualify for one or both components, which are paid at a standard or enhanced rate.
- To qualify for either component, you must normally satisfy the assessment criteria for at least a year.
- You are assessed on your ability to carry out 10 daily living activities and two mobility activities.
- Special rules apply if you have a terminal illness. You qualify for personal independence payment immediately and automatically get the enhanced rate of the daily living component.

### 1. The assessment criteria and qualifying period

Personal independence payment has two 'components' – a daily living component and a mobility component. You may qualify for one or both components.

Each component can be paid at either a standard or enhanced (higher) rate, depending on how your condition affects you. It is not

your illness or disability, in itself, that qualifies you for personal independence payment, but how it affects your ability to carry out specified activities.

You are assessed on your ability to carry out 10 daily living activities and two mobility activities.

This chapter lists the activities and explains the assessment criteria. Chapters 5 and 6 explain the activities in more detail.

### **The qualifying period**

In order to qualify for personal independence payment you must have met the assessment criteria for a particular 'component' or rate for three months before the date of your claim. You must also be likely to meet the criteria for a further nine months after the date of your claim. This is known as 'the required period condition'. The purpose of this rule is to restrict personal independence payment to people who have longer term illnesses or disabilities that affect them for at least a year.

You can claim personal independence payment during the three-month qualifying period, but your entitlement cannot start until the three months have elapsed. The nine-month 'forward condition' immediately follows on from this.

For each day you get personal independence payment, you must have satisfied the criteria for your award for the three months before that day and be likely to satisfy the criteria for a further nine months. If you apply for a different component or a higher rate, you must show that you have satisfied the conditions for at least three months and are likely to satisfy them for a further nine months.

#### **EXAMPLE**

#### **The qualifying period**

John has had emphysema for many years, which greatly restricts his everyday activities. When he claims personal independence payment, he satisfies both the three-month and the nine-month qualifying period.

**EXAMPLES****The qualifying period**

Jane breaks her leg. Three months later, she claims personal independence payment. The Department for Work and Pensions (DWP) decides that, although she has satisfied the criteria for an award for three months, she is unlikely to satisfy them for a further nine months because her leg will have healed before then. She is refused personal independence payment on this basis.

Samir gets the standard rate of the daily living component. His condition deteriorates and he applies for both the enhanced rate and the mobility component. The DWP decides that he will qualify for both in three months' time, after serving the three-month qualifying period.

**When does the qualifying period not apply?**

You can sometimes get personal independence payment without having to satisfy the qualifying period.

- If you claim personal independence payment on the basis of having a terminal illness, you can qualify for both 'components' straight away. You do not have to meet the three-month qualifying period or the nine-month 'forward condition'.
- If you claim personal independence payment within two years of your previous entitlement ending (or within one year if you are over 65 or pension age, whichever is higher), you do not have to satisfy the three-month qualifying condition to requalify for the same component you were getting before, provided you have the same condition or a new condition that has developed as a result. You must still show that you are likely to meet the criteria for nine months from the date of your new claim.
- If you are transferring from disability living allowance to personal independence payment, you do not need to meet the three-

month qualifying condition. You must still show that you are likely to meet the criteria for nine months from the date of your new claim.

### EXAMPLES

#### **Getting personal independence payment without satisfying the qualifying period**

Tom has just been diagnosed with pancreatic cancer and has submitted Form DS1500 from his GP, confirming that it is terminal and he is not expected to live beyond six months. He is automatically entitled to the enhanced rate of the daily living component and need not wait until three months have elapsed.

Judith was getting both components of personal independence payment, but this stopped 18 months ago when her condition went into remission. It has now flared up again and she reclaims. The Department for Work and Pensions decides that she is entitled to both components again straight away, without having to satisfy the three-month qualifying period.

(If she were previously receiving only one component, she could only qualify for the other component after satisfying the criteria for three months).

## **2. Activities, descriptors and points**

Your entitlement to personal independence payment is assessed on your ability to carry out 10 daily living activities and two mobility activities.

## What are the activities?

### What the law says

#### Daily living activities

- preparing food
- taking nutrition
- managing therapy or monitoring a health condition
- washing and bathing
- managing toilet needs or incontinence
- dressing and undressing
- communicating verbally
- reading and understanding signs, symbols and words
- engaging with other people face to face
- making budgeting decisions

#### Mobility activities

- planning and following journeys
- moving around

*Schedule 1 Social Security (Personal Independence Payment) Regulations 2013*

## What are the descriptors?

Each activity is described by a number of statements (called 'descriptors') that reflect different levels of ability to carry out the activity. Each descriptor is given a number of points. The greater the level of difficulty described, the higher the number of points.

For example, the activity 'managing toilet needs or incontinence' has six descriptors.

You only score points for one descriptor under each activity. You can, however, score points for any or all of the activities.

The points you score for the daily living activities and the mobility activities are added up separately.

<b>Managing toilet needs</b>	
<b>Descriptor</b>	<b>Points</b>
Can manage toilet needs or incontinence unaided.	0
Needs to use an aid or appliance to be able to manage toilet needs or incontinence.	2
Needs supervision or prompting to be able to manage toilet needs.	2
Needs assistance to be able to manage toilet needs.	4
Needs assistance to be able to manage incontinence of either bladder or bowel.	6
Needs assistance to be able to manage incontinence of both bladder and bowel.	8

### What CPAG says

#### The descriptors

CPAG believes that the assessment criteria are unduly restrictive compared with the conditions for disability living allowance, and are primarily designed to reduce the help available to cover disability-related costs.

The activities and descriptors only cover the most basic functions of life and represent an unwelcome move away from the 'social model' of disability, which aims to ensure that disabled people are able to live as full, active and independent lives as possible.

The restrictive definitions of many of the terms used in the descriptors will mean there is less flexibility and there will be less scope to challenge their legal interpretation.

#### How many points do you need?

You must score at least eight points to qualify for either component.

- If you score eight, nine, 10 or 11 points for the daily living activities, you are entitled to the standard rate of the daily living

component. If you score 12 points or more, you are entitled to the enhanced rate.

- If you score eight, nine, 10 or 11 points for the mobility activities, you are entitled to the standard rate of the mobility component. If you score 12 points or more, you are entitled to the enhanced rate.

### EXAMPLE

#### Scoring points

Pat is severely disabled and uses a wheelchair outdoors. She scores the following points for the daily living activities:

- three points for washing and bathing (descriptor 4(e), 'needs assistance to be able to get in or out of the bath or shower')
- four points for managing toilet needs (descriptor 5(d), 'needs assistance to be able to manage toilet needs')
- two points for dressing and undressing (descriptor 6(d), 'needs assistance to be able to dress or undress her lower body')
- no points for the other daily living activities, which she can do unaided

This gives her a total of nine points, which entitles her to the standard rate of the daily living activity component.

In addition, she scores 12 points for the mobility activity, moving around (descriptor 2(e), 'can stand and then move more than one metre but no more than 20 metres, either aided or unaided').

This entitles her to the enhanced rate of the mobility component.

#### Do you have a terminal illness?

If you claim personal independence payment on the basis of having a terminal illness, you are automatically entitled to the enhanced rate of the daily living component, without having to satisfy any of the 'descriptors' or score 12 points.

You are not automatically entitled to the mobility component, but you qualify if you score more than eight points on the mobility activities. The information given when your claim was made and any other evidence is used to decide if you satisfy the criteria.

### **3. How are the descriptors applied?**

Chapter 5 has more details on the daily living activities and Chapter 6 has more details on the mobility activities. Both chapters list and examine the 'descriptors' and points under each activity.

This section covers the general rules and issues about how the descriptors are applied.

#### **What period is used?**

When deciding whether a 'descriptor' applies, a 12-month period is looked at. This is generally the three months before the date you claim and the nine months after. If you are already getting personal independence payment, you are assessed on any day by looking at the previous three months and the following nine months.

#### **Does your condition fluctuate?**

If your condition or needs fluctuate, this is taken into account. Although you must satisfy the criteria over 12 months, you do not have to satisfy a particular 'descriptor' on every day of this period for it to apply.

In practice, it is often difficult to assess accurately the number of days on which you satisfy a particular descriptor. This is particularly the case when a future period is being looked at. Keeping a diary may help you identify a pattern over a period of time.

You must be 'likely' to satisfy a descriptor on any particular day. If your future condition is uncertain because, for example, you are expecting further treatment and the outcome is unknown, or because the nature or speed of your recovery is in doubt, the assessment

should be based on the continuing effect of your current condition, disregarding the impact of further treatment or recovery.

### What the law says

#### Fluctuating conditions

- If one descriptor is satisfied on more than 50 per cent of the days, that descriptor applies.
- If two or more descriptors are satisfied on more than 50 per cent of the days, the one that scores the highest points applies.
- If none of the descriptors are satisfied on more than 50 per cent of the days but, combined, two or more scoring descriptors are satisfied on more than 50 per cent of the days, the descriptor that is satisfied on the highest proportion of days applies.

*Regulation 7 Social Security (Personal Independence Payment) Regulations 2013*

The descriptors should apply on a particular day if they apply at any time during the day. Unlike for disability living allowance, there is no distinction between the needs you have during the day and the needs you have at night.

#### EXAMPLE

#### Fluctuating conditions

Mary has ME. She is unable to walk more than 50 metres unaided on more than 50 per cent of days. On the other days, when she feels stronger and less tired, she can walk at least 200 metres. This situation has existed for a number of years and is likely to persist for an indefinite period.

In these circumstances, descriptor 2(c) of the moving around activity applies ('can stand and then move unaided more than 20 metres but no more than 50 metres'). This scores eight points and entitles her to the standard rate of the mobility component.

### EXAMPLE

#### Fluctuating conditions

Sharmani has arthritis, which particularly affects her hands. She has had the condition for two years and it is unlikely to get better. On approximately 40 per cent of days, her arthritis prevents her from cooking a simple meal without assistance. On approximately 15 per cent of days, her arthritis flares up so badly that she is unable to prepare any food or cook at all.

Although she does not satisfy any of the preparing food descriptors for 50 per cent of days, she satisfies descriptors 1(e) ('needs assistance to prepare or cook a simple meal') and 1(f) ('cannot prepare and cook food') for more than 50 per cent of days in total. In these circumstances, descriptor 1(e) applies because it applies for the highest proportion of days.

#### What do the terms mean?

Many of the words and phrases used in the 'descriptors' are defined in the regulations, and ordinary words like 'cook', 'stand', 'assistance' and 'supervision' are given specific meanings. A full list is in Appendix 2. When deciding which descriptors apply to you, check any definitions of the words used.

### EXAMPLE

#### Meaning of terms

John walks with prosthetic legs. He is also an athlete who regularly runs at athletic meetings using 'blades'. He scores 12 points for mobility descriptor 2(f) ('cannot either aided or unaided stand or move more than one metre'), which entitles him to the enhanced rate of the mobility component. Although he can move around without difficulty, he is unable to 'stand' in accordance with the definition of that word, which is 'to stand upright with at least one biological foot on the ground'. If he only had one leg, however, he would be able to 'stand'.

## Do you use an aid or appliance?

### What the law says

#### Aids and appliances

An 'aid or appliance' is any device which improves, provides or replaces an impaired physical or mental function.

*Regulation 2 Social Security (Personal Independence Payment) Regulations 2013*

Aids and appliances can include items used by people without disabilities, like an electric can opener and jar opener, if you are unable to manage without them because of your disability.

### EXAMPLE

#### Aids and appliances

Martha had a stroke six months ago which has left her with weakness and restricted movement down the right side of her body. She needs to use a perching stool and lightweight pans to cook a meal. She also needs to use a rail to get in and out of the bath and shower. She has a raised toilet seat to enable her to get on and off the toilet, and needs to wear clothes without buttons, shoes without laces and use shoe aids to enable her to dress and undress.

This should enable her to score two points for each of the descriptors 1(b) ('needs to use an aid or appliance to be able to cook a simple meal'), 2(b) ('needs to use an aid or appliance to be able to take nutrition'), 5(b) ('needs to use an aid or appliance to manage toilet needs') and 6(b) ('needs to use an aid or appliance to dress or undress'). This entitles her to the standard rate of the daily living component.

Box A

**Examples of aids and appliances**

- artificial limb
- walking stick
- magnifying glass
- stoma
- wheelchair
- perching stool
- special cutlery
- lightweight pots and pans
- single-lever arm taps
- shower seat
- bath rail
- commode
- raised toilet seat
- incontinence pads
- stair lift
- hoist
- monkey pole
- modified buttons
- velcro fastenings
- zip pull
- shoe aid
- hearing aid
- voice aid

Your ability to carry out an activity is assessed as if you are using any aid or appliance you normally use, or could reasonably be expected to use. You should only be expected to use items you already have or which are widely available at low or no cost, and which you are able to use and are medically appropriate for you to use. You may, for example, be assessed as able to walk using a walking stick.

Some of the 'descriptors' specifically refer to the need to use an aid or appliance. Although these only score one or two points, you do not score any points if you can carry out the relevant activity 'unaided'. It is therefore important to refer to the aids and appliances you need to use on your questionnaire and in your consultation.

Note that you can score 10 or 12 points for planning and following journeys if you need an assistance dog (a dog trained to guide or assist someone with a sensory impairment) or an orientation aid (a specialist aid designed to help disabled people follow a route safely).

### **Do you need help from other people?**

The help you need from another person to undertake an activity is taken into account. This includes if you are unable to do something without help or if you need another person to do it for you. The 'descriptors' refer to three types of help: assistance, supervision and prompting.

#### *What the law says*

##### **Help from other people**

- **'Assistance'** is 'physical intervention by another person and does not include speech'. In other words, you must require the physical presence and intervention of another person for at least some of the activity. Verbal prompting does not count as assistance.
- **'Supervision'** is 'the continuous presence of another person for the purpose of ensuring the claimant's safety'. In other words, you must need someone with you throughout the time you are carrying out the activity to make sure you stay safe.
- **'Prompting'** is 'reminding, encouraging or explaining by another person'. In other words, you must need someone to do one or more of these things to help you complete the activity. Prompting does not necessarily involve physical help, or the physical presence of another person, so someone could prompt you through a phone call.

*Part 1, Schedule 1 Social Security (Personal Independence Payment) Regulations 2013*

You are assessed on whether you need help, not whether you actually receive it or whether it is available to you. So, if you have to undertake an activity yourself because you have no one to help you, but you find it a struggle and ideally need someone to help you, you should state that you need assistance, supervision or prompting and score points for the relevant descriptors.

### EXAMPLE

#### Help from other people

Bettina has multiple sclerosis. She lives on her own and has no one to help her. She cooks for herself, but finds it difficult to prepare and cut up food, and lift pots and pans. She mainly eats ready meals, which she heats in her microwave. She also makes sure her meals consist of small pieces, so she does not have to cut her food when eating.

She uses the shower every day, but it takes her a long time because of her poor coordination. The same applies to her dressing and undressing.

She scores: four points for descriptor 1(e) ('needs assistance to prepare or cook a simple meal'); two points for descriptor 2(b) ('needs assistance to cut up food'); four points for descriptor 4(f) ('needs assistance to wash body between shoulders and waist'); and four points for descriptor 6(e) ('needs assistance to dress or undress upper body'). This gives her a total of 14 points, which qualifies her for the enhanced rate of the daily living component.

It may be difficult for you to recognise and admit that you need help if you are independently minded and manage on your own. However, for the purpose of your personal independence payment claim, you should identify and explain the help and support you need.

**EXAMPLES****Help from other people**

Paul has epilepsy. On most days, he has a mix of *grand-mal* and *petit-mal* fits without warning. He never cooks on his own, having burned and scalded himself in the past. He also never takes a shower unless someone else is in the house to keep an eye on him, having had a number of fits and falls in the past. He never goes out on his own because of the risk of having a fit and falling in the road.

He scores: four points for descriptor 1(e) ('needs supervision to cook a simple meal'); one point for descriptor 3(b) ('needs supervision to monitor his health condition'); and two points for descriptor 4(c) ('needs supervision to bathe'). This gives a total of seven points, which is not enough for an award of the daily living component. However, he also scores 12 points for the mobility descriptor 1(f) ('cannot follow the route of a familiar journey without another person') because he cannot go out safely on his own.

Tony has severe memory problems and depression. He regularly needs to be reminded and encouraged to cook a meal, to eat, to take his medication, to bathe and dress himself, and to deal with his finances, including planning purchases and paying bills. Relatives and friends pop in to see him or ring him nearly every day about this.

He scores: two points for descriptor 1(d) ('needs prompting to prepare or cook a simple meal'); four points for descriptor 2(d) ('needs prompting to take nutrition'); one point for descriptor 3(b) ('needs prompting to manage medication'); two points for descriptor 4(c) ('needs prompting to wash or bathe'); two points for descriptor 6(c) ('needs prompting to dress'); and two points for descriptor 10(b) ('needs prompting to make complex budgeting decisions'). This gives a total of 13 points and he is entitled to the enhanced rate of the daily living component.

## Can you undertake an activity reliably?

In order for a 'descriptor' to apply, you must be able to undertake the relevant activity reliably.

### What the law says

#### Reliability

You must only be assessed as able to carry out an activity if you can do so:

- safely – in a manner unlikely to cause harm to you or another person, either during the activity or after it is completed
- to an acceptable standard – applying a test of what would normally be considered to be reasonable
- repeatedly – as often as is reasonably required (this ensures the test is not just a 'snapshot' of whether you can do something once)
- in a reasonable time period – compared with how long it would take a person without a disability or illness to carry out the activity

*Regulation 4(4) and (5) Social Security (Personal Independence Payment) Regulations 2013*

#### EXAMPLE

#### Reliability

Henry has a learning disability. He regularly prepares food and cooks for himself, but he lacks a sense of danger and so risks cutting or burning himself, or leaving the gas on. He is also impatient and sometimes does not cook food (including meat) for long enough. A relative is, therefore, normally around to make sure he cooks safely.

Descriptor 1(e) ('needs supervision to prepare or cook a simple meal') applies because he can only cook safely and to an acceptable standard with supervision.

**EXAMPLES****Reliability**

Ruth can walk 20–50 metres once or twice a day using a walking stick. After this, however, she gets too tired and is in too much pain to be able to walk more than 20 metres again on the same day.

She does not satisfy mobility descriptor 2(d) ('can walk more than 20 metres but no more than 50 metres') because she cannot do so repeatedly. It would be reasonable to expect someone to be able to walk such a distance more than twice in a day. Instead, she satisfies descriptor 2(e) ('can walk more than one metre but no more than 20 metres') because she can manage this several times a day. This scores 12 points and she is entitled to the enhanced rate of the mobility component.

Sarwan has obsessive compulsive disorder. His ritualised behaviour means it takes him much longer than most people to prepare and cook his meals, wash and bathe, and dress and undress. If he goes out, it can take him several hours to complete short journeys because he only feels safe if he follows certain routes using certain buses at particular times. Assistance, supervision or prompting from another person would not change this.

He is considered unable to cook, wash and bathe, and dress and undress because he cannot complete these tasks in a reasonable time period. This enables him to score the highest number of points for each activity (eight), qualifying him for the enhanced rate of the daily living component. In addition, he satisfies mobility descriptor 1(e) ('cannot undertake any journey because it would cause him overwhelming psychological distress') because he is unable to complete a journey in a reasonable time without overwhelming distress.

If you cannot complete an activity safely, to an acceptable standard, repeatedly and in a reasonable time period, you should be treated as if you cannot complete it at all. If you can only carry out an activity in this way with help from another person, you should score points under the descriptors which refer the need for these types of help.

### What CPAG says

#### **Applying the descriptors**

CPAG is concerned that the rules for determining how the descriptors are applied are too complex, mechanistic and inflexible.

It is often difficult to assess whether someone is likely to meet the criteria for nine months into the future. It is also difficult to assess which descriptors apply, taking into account the rules relating to 50 per cent of days, aids and adaptations, help from other people and reliability, which sometimes interact in complex ways. For example, claimants may need to consider whether they are likely to need help carrying out an activity safely using an aid for more than 50 per cent of days in the next nine months.

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