

Briefing Paper for Social Development Committee May 2012

Consultation on DLA Reform and Personal Independence Payment – completing the detailed design

This paper only relates to the above consultation. Further briefing notes on other aspects of the Welfare Reform Bill can be made available.

Disability Action has highlighted our key concerns below under each section and we will provide a full response to this consultation and circulate this to the Committee once it is completed.

Eligibility to the Benefit

Reclaiming the benefit – the linking rules

Disability Action welcomes that the proposed qualifying period is to remain at three months as opposed to the initial proposal of six months.

Moving from a two year period to one year of elapse between claims will be detrimental to a number of disabled people who have fluctuating conditions.

Those who develop new conditions should have these considered under their existing claim. For example, how will decisions be reached on what is a new condition and if a condition has developed as a result of the main condition.

Claims from young people at age 16

The communication of these proposals to parents and young people will need to be clear and accessible. The fact that it will apply to those who are already on indefinite awards will need to be effectively communicated.

Advocacy services must be put in place to ensure that there is adequate advocacy support for young disabled people as they make the transition from DLA to PIP and become independent.

Residency and presence rules

In relation to the habitual residence test and past presence test as the EU impact has not yet been considered by the Department we believe that this needs to be more fully considered before Disability Action comments.

Temporary absences abroad

Disability Action believe that the four weeks abroad rule is too short and should be extended, however, we welcome provisions relating to the 26 weeks absence for medical treatment has been retained.

Payability of the benefit for certain groups

Hospital and care home residents

Whether the two rates will be payable to those undergoing medical treatment as an inpatient at a hospital or similar institution when any of the costs of the treatment, accommodation or any other related treatment are met from public funds is to be determined by future regulations. Any such future regulations must be specific to Northern Ireland and reflect our different system of health and social care provision.

Existing transitional protection arrangements

Disability Action believes that further consideration needs to be given to how this will be managed. Even if someone is in hospital for period of a year they may still get home at regular intervals, or take part in other community activities. The retention of the lower rate of the mobility component would be essential to maintain the persons mobility.

Extension of benefits to Motability customers

If the extension which applies to DLA Motability leaseholders is not to be carried over to PIP we would ask that further clarification is given on what will happen to those people who are in hospital for over 28 days and have leased a vehicle or equipment under the Motability Scheme.

Addressing an anomaly in DLA and AA regulations highlighted by a recent Court of Appeal judgement.

This section is in relation to a case under the local authority model of delivering care in England. Further consideration needs to be given to how this judgement would be applied under the Northern Ireland care system.

Requirements relating to reassessing DLA recipients

Whilst the document does not give any specific details in relation to the reassessment process in Northern Ireland, Disability Action understands that the Department intends to reassess 1000 applicants per week under the managed reassessment process. We have grave concerns as to how this will

be managed to ensure that everyone has a fair and just reassessment of their needs.

Disability Action is very concerned as to how the process will actually work, for example, the tone and layout of the letter and how the Department will ensure that those for whom printed communications are inaccessible will be contacted.

Information requirements: What people need to provide and when

Disability Action believes that the proposed four weeks is too short and needs to be extended to at least six weeks. We are concerned that the period of suspension begins at four weeks and as it is still unclear what supports will be available to people, that the Department needs to consider this further before proceeding with this timeframe.

The Department has not given any indication of how long the person will have to complete the form once they have received it. A realistic timeframe needs to be agreed that allows for the person to have support, if needed, to complete the form. Currently Disability Action's Information and Advice service has a four to six week waiting list for assistance with filling out forms.

The Department states that where a questionnaire has not been received, they will ensure that anyone requiring additional support will automatically be given a face-to-face consultation. Consequently these people will have been excluded from the form part of the assessment as the appropriate supports have not been put in place to allow them to complete the form. All people should get the appropriate support at all points of the process and the face-to-face assessment should not be an alternative to supporting a person to complete the forms.

There is no indication as to how much advance notice of face-to-face consultations will be given. The Department needs to ensure that adequate advance notice is given to everyone to ensure they are able to organise the support they may require to attend an assessment.

When payment of DLA will stop and PIP will commence

Where entitlement to PIP has not been established, a fixed time should be defined as to when DLA will stop. If people are to have benefit removed then they will need adequate time to adjust to a significant reduction in income.

Award durations and reviews

The indication that longer term awards of 5 and 10 years may be made is welcomed, however, Disability Action will keep under review this position as the benefit is rolled out.

Disability Action is concerned that the frequency and format of reviews has not yet been determined. Although the intention is to produce guidance on the duration of the award and the frequency of review we are concerned that the Department has only said that it is committed to co-producing with appropriate experts and is only 'keen' to involve disabled people and their representatives. Any guidance **must** include the involvement of disabled people and their organisations, simply seeking the views of 'medical experts' is not acceptable. It is also not acceptable that the guidance will not be formally consulted on.

Passporting arrangements

As the process has developed the passporting arrangements have become clearer and this is to be welcomed, however, Disability Action has concerns that the processes involved in passporting benefits must be made clear to disabled people and their carers.

Non-DWP schemes and benefits

There is no information or evidence on the passporting to schemes in Northern Ireland such as the Blue Badge Scheme, exemption from Road Tax and the driving licence at 16 years. The Department needs to undertake and audit with other government Departments in Northern Ireland to ensure that passporting arrangements under PIP are clearly defined.

Conclusion

Disability Action welcomes the opportunity to provide this briefing paper for the Committee. The length and complexity of the document does not allow us to give you a detailed consideration of each of the elements but we trust that having the opportunity to speak directly with you will allow for further exploration of the issues outlined.