

Welfare Reform Bill NI – RNIB NI’S response

“To be blind is not miserable, not to be able to bear blindness, that is miserable”. Those words were written by John Milton, author of Paradise Lost, and it is our belief that if the Welfare Reform Bill is enacted into law in Northern Ireland in its current incarnation, its effect will be to cause hundreds of thousands of our citizens to be unable to bear blindness. That will have huge social and economic implications at a time when our society and economy can least afford it.

As committee members are aware, the Welfare Reform Bill proposes phasing out Disability Living Allowance (DLA) and replacing it with Personal Independence Payments (PIP).

In January 2012, the then minister for the disabled Maria Miller said PIPs would introduce face-to-face assessments and regular reviews. She said: "Under PIP, support will be focused on those who need it most, with a greater proportion getting the higher rates compared to DLA." However, if that statement is contrasted with both the Bill itself and also the stated aims of the Westminster Government, it is shown up to be a fallacy.

In April 2011, the Westminster Government stated that their aim was to reduce spending on DLA by 20%, and in the process save in excess of £2 billion. We at the RNIB understand that the budget deficit must be reduced, but if the starting point of the debate on welfare reform is to reduce spending on disability benefit by 20%, how can that honestly be said to equate with Ms Miller’s statement that “support will be focused on those who need it most”? Inevitably, with an aim of reducing spending by 20%, some of those who need help the most in society will be deemed to “fall outside the net”, and thereby getting no support whatsoever under the proposed plans.

Looking specifically at the proposals, and in respect of blind and partially sighted people, we have the following comments:

There are a number of areas where we feel that the Department of Work and Pensions (DWP) has not properly recognised the impact of sight loss with regards to the introduction of the new disability benefit, PIP.

The DWP says it wants the assessment for PIP to consider social participation and other barriers to independent living, but across a

wide range of activities it envisages blind and partially sighted people scoring zero points. Sight loss is a serious disability but in key areas the PIP assessment fails to recognise this at present.

In order to be eligible for the standard (lower) rate of PIP, a person must score 8 points. To be eligible for the enhanced (higher) rate, they need to score 12 points. In the areas discussed below, it demonstrates that blind or partially sighted people will struggle to get either rate of PIP, especially if they are motivated to maintain their independence which is what the benefit was initially designed to support.

Taking specific examples from the proposed legislation, let's consider the case of a person who is completely blind, but has lived a relatively independent life, lives alone, uses a cane to assist in getting around and has adapted their home to allow the person in question to live as "normal" a life as possible. Let's now cross reference that person with the criteria as laid down by the proposed legislation.

There are 9 activities within the proposed legislation which make up the daily living component on the new PIP benefit, with 2 activities comprising the mobility component. The first activity is entitled "preparing food and drink". Using a strict interpretation on the proposed legislation, the highest score that our example individual could receive would be 2 points – "needs to use an aid or appliance to either prepare or cook a simple meal".

Undoubtedly, this would include talking scales, liquid level indicators etc. However, we would argue that all blind and partially sighted people should automatically be entitled to 4 points as everyone requires some 'supervision' or 'assistance' to prepare or cook a simple meal. Under the interpretation in the schedule, "assistance" means physical intervention by another person. This may not be at the actual time they prepare/cook a meal but for example, they may have to ask supermarket staff to confirm the dates on food, read the instructions on how to cook it or they may have to spend more to buy pre-chopped vegetables and meat.

The second activity is entitled "taking nutrition". It is difficult to see how the person in our example would score any points under the proposed scoring system. Many blind and partially sighted people encounter extreme difficulties in partaking of nutrition, and these difficulties are not reflected in the legislation as it currently stands.

We would encourage an award of points being given to any individual who has to make adaptations to their cooking facilities to enable them to cook a meal and ultimately 'take nutrition'. These adaptations could be, for example, having tactile oven temperature markers, or "speaking" measuring devices which allow an individual to know when an object is approaching its maximum capacity.

The third activity is entitled "managing therapy or monitoring a health condition". Again, it is difficult to see how someone whose "only" disability is blindness would attract any points under this head of criteria. Most people with any visual impairment would have some difficulty managing therapy. For example, not all medicine packets have their name and contents displayed in Braille, and indeed, even when that is the case, not all partially sighted people can read Braille.

Therefore many partially sighted people "fall between 2 stools" in this regard in that the identifying features on the medication are not visible or accessible to them, and, as they cannot read Braille, they have no way of ascertaining what medication they are taking. The Assembly can address this by taking a number of measures. These are 1) ensuring all medication in Northern Ireland has corresponding Braille identifiers, and 2) ensuring all medication in Northern Ireland has the capacity to come with descriptions and accompanying advice in large print where required. It would also be of great assistance to blind and partially sighted people if these factors were considered when deciding what points to award under this assessment criteria.

The fourth activity is entitled "bathing and grooming". At best, blind and partially sighted people would be able to obtain just 1 point under this aspect of the scoring system. As with cooking, many blind and partially sighted people have modified and adapted their shower or bathrooms in order to best meet their needs. This could be by way of a "speaking" temperature gauge, or having a wet room. Again, such modifications could be incorporated into the points system to make the process more accessible to blind and partially sighted people.

The fifth activity is entitled "managing toilet needs or incontinence". In our view, this aspect of the assessment criteria has been unduly simplified. Take our example of the blind person. Using a harsh

and strict interpretation of these proposed rules, in the comfort and familiarity of their own home the blind person may be considered to be able to “manage toilet needs unaided”.

Even if the white cane is considered “an aid”, and even if the assessor deems that such assistance of a white cane is required to access the toilet, the blind person in our example would only receive the 2 points on offer for needing to “use an aid or appliance to manage toilet needs” Yet, if the same blind person is in an unfamiliar place, he or she would probably need to be escorted to the bathroom area, without being reduced to relying on assistance to actually get on to the toilet. In this scenario, depending on how the assessor viewed the situation, the maximum score the blind person could receive would be 4 points, which fails to take into account the difficulties encountered by blind and partially sighted people in these situations. We would request that the criteria and points awarded there for are amended so as to reflect these difficulties.

Activity 6 is entitled “dressing and undressing”. Again, if the “only” disability is blindness, or indeed partially sightedness, almost all such people would be able to dress and undress themselves, albeit it would take longer than it would for their fully sighted counterparts. As a result, under the proposed scoring system, they would be considered able to “dress and undress unaided” and again score 0 points. This does not take into account that most blind and partially sighted people require some form of assistance (“physical intervention by another person”) to dress. This could be help from someone to arrange their wardrobe, paying someone to iron their clothes or someone making them aware that their top is inside out or that there is a stain on their clothes. Once again, we suggest modifying the scoring criteria to take account of this reality.

Activity 7 is entitled “communicating”. The highest award a blind or partially sighted person is likely to receive under this aspect of the scoring criteria is 4 points by virtue of their needing assistance to “access written information”. The highest award in this category is 12 points. We feel that to award a maximum of only 4 points for blind and partially sighted people fails to adequately reflect the difficulties encountered by blind and partially sighted people in attempting to access, understand, assimilate and ultimately communicate and disseminate information.

Activity 8 is entitled “engaging socially”. This head of the criteria is at the heart of our concerns and we feel the requirements of, and facts of, not doing this have not been fully appreciated by the Assembly. How does one engage socially? One “gets out there” and meets people. How do blind and partially sighted people meet other people? In most cases, those said people cannot drive. So, how do they meet people? They use public transport, or, in most cases, they use taxis. How do they pay for taxis? They use the money they receive through DLA benefit. What will they most likely do if that DLA benefit is no longer available? Stay indoors on their own.

This has obviously potentially adverse consequences for wider society and the wider economy. Staying in means the people in question are not spending money in the wider economy. Staying in means they are more likely to have or develop mental health issues, which of course will need to be treated which will of course in turn cost money.

Further, such regression could in turn lead to the people in question being unable to “engage socially due to such engagement causing overwhelming psychological distress to the claimant”. As this is the very criteria used to determine receipt of the higher award under this head of assessment, it is puzzling that the effects of erroneously grouping or assessing blind or partially sighted people in this category could have the effect of making them more dependant and less able to appreciate their own sense of self esteem. We therefore urge the Assembly to change these scoring points to reflect the needs of blind and partially sighted people in a more adequate and satisfactory manner.

Activity 9 is entitled “making financial decisions”. Once again, these criteria, as they currently stand, make no consideration of the difficulties encountered by blind and partially sighted people. Essentially, if one can make any financial decision, and does not require "prompting" to do so (which appears to be a mental health issue) then 0 points will be awarded under this category. This totally excludes blind and partially sighted people who encounter frequent daily difficulties with making "simple financial decisions".

To score 4 points in this activity, a person must "need[s] prompting to make simple financial decisions." Under the regulations, “prompt” means remind or encourage and references to prompting

are to prompting by another person. A blind or partially sighted may not require prompting to carry out “simple financial activities” i.e. (i) calculating the cost of goods; and (ii) calculating change required after a purchase;) but they most certainly require assistance to do so. Can the Assembly ensure that this activity is extended to include blind and partially sighted people as it is clearly not limited to persons with mental illness?

Moving onto the mobility activities and descriptors, activity 1 is entitled “planning and following a journey”. Once again, it is difficult to see how the blind or partially sighted person, who utilises a white cane instead of a guide dog, will attract many, if any points under this head. Band c) of activity one states that the claimant will be awarded 8 points if he or she “needs either (i) supervision, prompting or a support dog to follow a journey to an unfamiliar destination; or (ii) a journey to an unfamiliar destination to have been entirely planned by another person”

Band e) states that a claimant will be awarded 15 points if he or she “needs either (i) supervision, prompting or a support dog to follow a journey to a familiar destination; or (ii) a journey to a familiar destination to have been planned entirely by another person”

We are sure that the effect of this is not to reduce independence, but as currently drafted in our view, these descriptors exclude users of a white cane. We would therefore request that the Assembly changes these criteria to reflect this and therefore correct this anomaly by allowing white cane users the same rights as their counterparts who use the services of a guide dog.

We are also concerned with the phrase “planned entirely by another person” used in these assessment criteria. Say the blind person in our example above lives nearby a friend or relative, and knows exactly how to get to that person’s house relatively comfortably and without any assistance being required.

Having made it to that person’s house, our blind person wishes to go somewhere unfamiliar, and the friend or relative assists that blind person to get to their ultimate destination, be it by planning the journey or lending some other form of assistance. Does the fact that the blind person can get to the friend or relative’s house

mean that the whole of the journey is not “planned entirely by another person”?

A (very) strict interpretation of the wording as it currently stands again could (unintentionally of course) have the effect of reducing independence and self esteem within the blind and partially sighted community. We therefore suggest consideration is given to changing the wording of these assessment criteria in order to best suit the needs of the blind and partially sighted people within our community.

Finally, activity 2 of the mobility activities and descriptors is entitled “moving around”. Band a) of this criteria states that no points will be awarded where the claimant “can move at least 200 metres either (i) unaided; or (ii) using an aid or appliance, other than a wheelchair or a motorised device” Therefore, it is unlikely that blind and partially sighted people will qualify for any points under this head of assessment. We would therefore urge the Assembly to change these scoring criteria to adequately reflect the requirements of and difficulties encountered by blind and partially sighted people in our society when striving to be mobile.

A particular concern for people who are blind or partially sighted is that due to their high use of and reliance upon taxis, once the DLA benefit is withdrawn, they will be unable to afford taxis, leaving them isolated and unable to leave their homes. This actually makes it more likely they will become dependent on state assistance, due to factors such as being unable to access work, which will increase welfare spending, but also potentially cause an increase in healthcare spending as they are treated for mental health issues.

Another potential issue is the method and identity of the assessors for the new PIP benefit. ATOS, the company tasked with making the PIP assessments, have also been contracted to carry out the assessment process to determine eligibility for Employment and Support Allowance (ESA) entitlement. They have widely been seen as interpreting the rules erroneously, and applying too draconian an interpretation of those rules when it comes to their methods of assessing people.

These concerns are evidenced by the fact that approximately 50% of appeals have been successful in respect of the initial ESA assessments. Indeed, our direct experience has been that some

ATOS Healthcare Professionals do not understand the particular needs of blind and partially sighted people, as evidenced by the number of complaints made by our constituents.

This is both costly for the Government, and unnecessarily stressful for the claimant. It would therefore be preferable if a different company was involved in Northern Ireland, but if this is not possible, then that ATOS in Northern Ireland be made expressly aware of the specific requirements of the needs of our society, and training be given accordingly.

Also, at a time of recession, with the withdrawal of DLA, a lot of money will be removed from the Northern Ireland economy (a lot of independent analysts have approximated that this figure could be £500 million) That could precipitate shops closing down, which would have a huge effect on employment and wider society in Northern Ireland, especially in rural areas.

Ways the Assembly can help

In an ideal world, we would like to see the Welfare Reform Bill defeated, or at least substantially amended. However, we appreciate there are budgetary constraints which may make this impossible. Therefore, and in addition to the suggestions made above, there are a number of measures we would encourage the Assembly to introduce, which would not break the concept of parity, but would make a real and significant benefit to blind and partially sighted people living in our society.

Firstly, we could adopt the Taxicard scheme which is in existence in London, Edinburgh and Greater Manchester. This scheme operates for people with disabilities, including people who are visually impaired. The idea behind the scheme is that eligible people are allowed to make 100 subsidised journeys per year. The eligible person pays a flat fare of £1.50 per trip. Most Taxicard trips are subsidised up to £10.30 for trips during the day, £11.30 for trips at weekends, and £12.80 for trips at night.

Also, we could change the Translink Smartpass system to allow free travel on public transport to both blind and partially sighted people. At present, this is only available to those people registered as being blind. It would not cost significantly more to extend this scheme to partially sighted people, whose need is the same in this regard as that of their counterparts who are registered as being

blind. It would also be helpful if training was available to Translink employees so they fully understand the requirements of blind and partially sighted people when accessing and using public transport.

One particular measure that could be adopted quickly, easily and inexpensively would be if the destinations which appear on the front of buses could be changed to make them easier to read for partially sighted people. These measures could involve the buses returning to a format where the destination is displayed in white lettering on a black background, making it easier to read. Another measure which could be adopted easily would be making the sign at the front of the bus, identifying its destination, “larger” in terms of font size at the front of the bus.

The existing 'Door to Door' transport scheme is laudable in principle, but its delivery is poor in practice. We feel the Assembly would be improving the lives of blind and partially sighted people significantly by enhancing this scheme.

The RNIB has a benefits advisor who provides an excellent service to those who require it. Unfortunately, this post is not paid for by Government or other funding. As these reforms come into effect, there will be many questions raised by blind and partially sighted people that, with the best will in the world, DSS or CAB advisors will be unable to provide accurate, specific bespoke advice for blind and partially sighted people in order to adequately meet their requirements. The RNIB's benefits officer can do this, and should that position be funded by Government it would free up valuable resources to fight sight loss within our society.

And finally we would ask the Assembly to ensure that when the changes are being communicated to our constituents that their preferred format of communication is taken into account. Blind and partially sighted people cannot see or read the information and forms that will be sent to them. RNIB are in a position to advise on how best changes to their entitlements can be communicated to individuals.

In conclusion, on 25 June 2012, in a speech at Bluewater in Kent, the Prime Minister David Cameron said “*crucially, we're introducing proper, objective assessments, so that money goes to people who truly need it, with more for the severely disabled*” Most

people in society would consider that to be blind or partially sighted is to be severely disabled, but this fact is not reflected in the proposed legislation. As MLAs, you have the power to change this for the good for the people of Northern Ireland, and to ensure that people in Northern Ireland can be unique in the United Kingdom in that for them, they will be able to bear blindness and not live in abject misery and poverty once the new legislation comes into force.

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