**Government rushes in heartless changes to PIP mobility for mental health**

**Details**

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Following a court victory by claimants just last month, the government is rushing in an urgent change to the law to prevent many people with mental health conditions being awarded the mobility component of personal independence payment (PIP).

The change reverses the recent ruling by a panel of three judges and means that people with mental health conditions such as severe anxiety who can go outdoors, even if they need to have someone with them, are much less likely to get an award of even the standard rate of the PIP mobility component.

**Panel of upper tribunal judges**
As we explained just a few weeks ago, for years we’ve been advising members that DWP guidance about ‘Planning and following a journey’ was wrong and was leading to incorrect assessments by health professionals and errors of law by decision makers.

The disagreement over interpretation was finally decided by a panel of three upper tribunal judges last month

The DWP continued to argue that anyone with a mental health condition who was ever able to go outdoors, even with someone with them, should score only 4 points and receive no award at all on that basis.

But the tribunal held that claimants with conditions such as severe anxiety can qualify even for the enhanced rate of the mobility component, just on the basis of problems with ‘Planning and following a journey’, or ‘Going out’ as the PIP form terms it.

**New regulations**
Rather than try to fight the case any further, the government have resorted to a change in the regulations, which doesn’t require any kind of debate or vote in parliament.

From 16 March the law will be changed so that the words *“For reasons other than psychological distress”* will be added to the start of descriptors c, d and f in relation to *“Planning and following journeys”.*

**Current descriptors**
The descriptors currently read:

a. Can plan and follow the route of a journey unaided. 0 points.

b. Needs prompting to be able to undertake any journey to avoid overwhelming psychological distress to the claimant. 4 points.

c. Cannot plan the route of a journey. 8 points.

d. Cannot follow the route of an unfamiliar journey without another person, assistance dog or orientation aid. 10 points.

e. Cannot undertake any journey because it would cause overwhelming psychological distress to the claimant. 10 points.

f. Cannot follow the route of a familiar journey without another person, an assistance dog or an orientation aid. 12 points.

**New descriptors**
The new descriptors will read (changes in bold by us):

a. Can plan and follow the route of a journey unaided. 0 points.

b. Needs prompting to be able to undertake any journey to avoid overwhelming psychological distress to the claimant. 4 points.

c. ***For reasons other than psychological distress***, cannot plan the route of a journey. 8 points.

d. ***For reasons other than psychological distress***, cannot follow the route of an unfamiliar journey without another person, assistance dog or orientation aid. 10 points.

e. Cannot undertake any journey because it would cause overwhelming psychological distress to the claimant. 10 points.

f. ***For reasons other than psychological distress***, cannot follow the route of a familiar journey without another person, an assistance dog or an orientation aid. 12 points.

The effect will be that people who are too anxious to ever undertake journeys unless they have someone with them, for example because they have panic attacks or similar, will be unlikely to be awarded more than 4 points by the DWP. This means they will not be able to get an award of the mobility component on the basis of this activity alone.

Even claimants who are too anxious to ever go on journeys, even if they have someone with them, will only score 10 points and thus not be eligible for the enhanced rate of the mobility component on the basis of this activity alone.

**Ruthless**
The new regulations also make changes to the way that descriptors relating to taking medication are interpreted, again in response to a ruling by judges in favour of claimants.

The new regulations are being rushed in without the Social Security Advisory Committee even being given a chance to comment on them.

Penny Mordaunt, the minister for disabled people, claimed in a statement today that

*“Two recent Upper Tribunal judgments have broadened the way the PIP assessment criteria should be interpreted, going beyond the original intention. In order to make sure the initial purpose of PIP is maintained, we are making drafting amendments to the criteria which provide greater clarity. This will not result in any claimants seeing a reduction in the amount of PIP previously awarded by DWP. . . If not urgently addressed, the operational complexities could undermine the consistency of assessments, leading to confusion for all those using the legislation, including claimants, assessors, and the courts. It is because of the urgency caused by these challenges, and the implications on public expenditure, that proposals for these amendments have not been referred to the Social Security Advisory Committee before making the regulations.”*

In reality, the new regulations are a ruthless response to fair and reasonable judgements and their only purpose is to cut the cost of disability benefits, regardless of the effect on the lives of individuals.

The new regulations will not apply to claims made before 16 March.