



MP briefing on amendments to PIP regulations - March 2017

Citizens Advice helps people find a way forward. We advocate for our clients and consumers on the issues that matter to them.

Summary

- The *Social Security (Personal Independence Payment) (Amendment) Regulations 2017* mean that individuals with a mental health problem must be incapable of leaving their home to qualify to receive any financial support for their mobility needs.
- The amended regulations are a response to a legal judgement that stated people who face overwhelming psychological distress and require support to leave their home should receive the same level of mobility support through PIP as those with physical conditions.
- Under the amended regulations for mobility support, there is now no distinction between severe and mild mental health conditions, and a lack of parity between mental and physical conditions.

We recommend

- In order for the government to achieve greater parity between mental health and physical health - and to reduce the disability employment gap - they should **look again at these regulations** and make sure those with severe mental health conditions are not disadvantaged.

What is the current situation?

PIP help people with the extra costs associated with long-term ill-health or disability. Awards are decided on the basis of an assessment of a claimant's mobility (e.g. ability to make a journey), and their ability to undertake daily living activities (e.g. ability to prepare food.)

The mobility component of PIP assesses an individual's support needs when planning a journey and following a route, as well as their ability to move around.

Last month the government laid the *Social Security (Personal Independence Payment) (Amendment) Regulations 2017*. These effectively mean that individuals with a mental health condition must be assessed to be incapable of leaving their home to qualify for any part of the mobility component of PIP.

The regulations were a response to a recent legal judgement, which clarified that people with mental health conditions should get the same level of PIP mobility support as those with other conditions, if they experience '**overwhelming psychological distress**' and need to be accompanied when making a journey.

The requirement for any distress to be 'overwhelming' set a high bar for future PIP claims. For example, it would generally exclude people who face low levels of anxiety or worry when making journeys, but would apply to people who experience overwhelming agoraphobia or panic attacks.

Despite this distinction, the government amended the regulations so that people with any mental health condition - of whatever severity - would have to be incapable of leaving their home in order to qualify for financial support. Therefore, people who have a mental health condition, but are able to make supported journeys, no longer qualify for financial help under the PIP mobility component. Yet, people with physical health conditions requiring support to make a journey will continue to receive financial help.

What change is needed?

The government should look again at these regulations to ensure those with severe mental health conditions are not disadvantaged. There should be a distinction between low level mental health conditions and those which are more severe.

PIP was introduced by the government to help those in most need, whatever the nature of their condition. There has been progress in how mental health is treated, but there should be greater parity between the support individuals can access, regardless of whether they have a mental, physical, sensory or cognitive condition.

PIP regulations should align with the government's strategies on mental health and the disability employment gap. The government has set out welcome ambitions to improve mental health outcomes, and to increase employment rates for disabled people and those with health conditions. These regulations potentially run counter to these aims.

Key questions to ask in this debate:

The government has sought to ensure people who face low levels of distress or anxiety when making journeys do not receive more benefit than originally intended. Does the Minister agree with me that these regulations could restrict support for individuals with severe mental health conditions, such as extreme phobias or psychosis?

Does the Minister agree that somebody who cannot make unaccompanied journeys because of a severe psychotic disorder should receive the same financial support to do so as somebody who can't make unaccompanied journeys because of a physical condition?

The government has set out ambitious aims to improve the mental health of the nation; create parity in public services between physical and mental health; and halve the disability employment gap. Does the Minister believe that these regulations align with these vital objectives?

Sheffield Citizens Advice case study

Mrs D suffers from severe depression with psychotic features, including auditory hallucinations. She is under the care of a psychiatrist, has irrational fears for her safety when outside, and has not been out of her house unaccompanied since 2011. She needs assistance from another person to plan the route of a journey and to get to both a familiar or unfamiliar location. She becomes lost and confused when alone, due to distress which impairs her concentration and judgement. When she goes out-of-doors her husband has to accompany her.

She was assessed as not being entitled to any mobility support. Mrs D appealed, on the basis that she could not navigate any journey on her own and that, because of her poor memory and concentration, she would become confused very easily. The Tribunal thought that her complex mental health difficulties had been underestimated, and awarded the enhanced mobility rate. This was one of the two tribunal decisions that led to the government amending these regulations.

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