**PROPOSALS FOR WELFARE BENEFIT REFORMS 2021**

**1. INTRODUCTION**

1.1 With three full-time benefits advisors, Disability Law Service helps over about 2,000 disabled people with welfare benefits issues every year and has a detailed understanding of the challenges faced by disabled people.

1.2 Towards the end of 2020, we held a forum with some of our disabled clients and identified the following recommendations for policy reform:

|  |
| --- |
| **Recommendations**1. **Increase the access to Motability vehicles**
2. **Increase the length of PIP awards for people with degenerative and incurable conditions**
3. **Pay people whilst they are waiting for the outcome of their PIP appeal hearing**
 |

**2. REMOVING THE RIGHT TO MOBILITY IS INHUMAN AND IN BREACH OF INTERNATIONAL LAW: EXPAND THE MOTABILITY SCHEME**

2.1 The [Motability Scheme](https://www.motability.co.uk/about/how-the-scheme-works/) enables anyone in receipt of a higher rate mobility allowance to use their mobility allowance to lease a car, scooter, powered wheelchair or Wheelchair Accessible Vehicle. There is no other way to access the scheme.

2.2 This currently means that many disabled people who can only walk between 20 and 50 metres without having to stop and rest are denied access to the Motability Scheme. They have in effect, no right to mobility. It is estimated that over 100,000 people have lost their motability vehicles as a result of PIP reforms.[[1]](#footnote-1)

2.3 We believe that to enable disabled people to live independent lives, Motability vehicles should be available to any disabled person who needs one, not just those getting the highest rate of PIP.

2.4 Without a specially adapted vehicle or powered wheelchair, disabled people with limited mobility are rendered housebound, unable to travel to medical appointments, to work, to the shops, to see their friends or attend health and wellbeing activities recommended by their medical professionals.

2.5 Articles 19 and 20 of the [Convention on the Rights of Persons with Disabilities](https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html) safeguard the right to personal mobility and the General Comment to Article 19 (2017 , para 85) explains that support of this nature is ‘a pre-condition for the full inclusion and participation of persons with disabilities in their respective communities’. However, the restrictive eligibility requirements for the Motability scheme mean that many disabled people with severe mobility problems are denied access. This is in contravention of both Article 19 and Article 20 of the Convention, which safeguard the right to live independently and be included in the community.

2.6 As a nation that lauds itself on its protection of human rights and the rule of law, it reflects very poorly on the UK to so flagrantly violate its obligations under international law. To comply with the convention, and ensure the independence and dignity of people with limited mobility, Motability vehicles must be made available to any disabled person who needs one, and not just those falling within the restrictive scope of the current scheme.

2.7 To this end, disabled people should be able to apply for a Motability Grant to pay for the scheme if they have supporting evidence from a medical professional that they need access to it. The grant would be paid at the same rate as the enhanced mobility component of PIP. People who get both the grant and the enhanced mobility component of PIP would have their enhanced mobility component reduced accordingly.

|  |
| --- |
| **CASE STUDY**Daniel, a psychologist, has sickle cell and does not qualify for the Motability scheme. The severe pain he experiences makes it very difficult to travel which has prevented him from finding work. He said, *“Access to the Motability scheme would enable me to work. Why does the penny-pinching around a basic right to be able to move around stand in the way of me making use of my talents as a psychologist so as to contribute towards society?”* |

3. **WHY SHOULD PEOPLE WITH INCURABLE OR DEGENERATIVE DISEASES HAVE TO REAPPLY FOR PIP?**

3.1 Most people on the old disability benefit Disability Living Allowance had ongoing awards with no review dates set. This made sense for the many disabled claimants with degenerative and incurable health conditions. However, PIP often reassesses clients every two years.

3.2 PIP claimants find the process of applying and doing reassessments for disability benefits very stressful as they have to dwell on the negatives in their life and the things they are unable to do. Often their coping mechanism is to focus on the positives. Regular disability reassessments can make their mental health worse. Additionally, when clients appeal a PIP decision, it can often take so long, that the award is up for review again almost immediately after the appeal decision is made.

|  |
| --- |
| **CASE STUDY**Our client Daniel whose condition is incurable said, “It was very stressful to go through the PIP form again, it brings negative feelings back about how my illness is only going to get worse.” |

3.3 Whilst we understand that people with short term health conditions might need regular PIP reviews, it does not make sense to keep reassessing someone who has a degenerative or incurable disease, especially as they have a duty to report any changes in circumstances, regardless of any review dates.

3.4 Ending PIP reviews for degenerative or incurable diseases would therefore save both government money and more importantly reduce adverse impacts on mental health for those with such impairments.

**4. THROWING PEOPLE INTO POVERTY WHILE THEY AWAIT PIP APPEAL RESULTS IS UNACCEPTABLE**

4.1 It can take 12 months to get a PIP appeal hearing, after which 76% of PIP appeals are successful and a backdated payment is made to the client. Over 192,000 PIP appeals have been successful at tribunal since PIP was introduced[[2]](#footnote-2). It is not right that so many disabled people have had to wait over a year in financial hardship to get money they desperately need.

4.2 Many disabled clients on low incomes really struggle to make ends meet whilst they are waiting for the outcome of the appeal and many people lose access to their Motability vehicles during this time, which they need to live independent lives.

4.3 We propose that whilst people are waiting for the outcome of a mandatory reconsideration and / or appeal, they are paid the rate of PIP or DLA they were receiving before the decision they are challenging. This would help clients who rely on their PIP to pay for support services and mirrors the [Scottish Government’s Short Term Assistance](http://www.gov.scot/publications/challenge-decision-disability-benefit-application/pages/2/) model. In line with that model, people would not have to repay the PIP if their appeal was unsuccessful, so as not to discourage people from appealing.

|  |
| --- |
| **CASE STUDY**Our client Sam has Multiple Sclerosis and got into a lot of debt whilst appealing her PIP decision, a process that took two years. Her appeal succeeded and she was awarded enhanced daily living and enhanced mobility. She was able to use the enhanced mobility component of PIP to access a Motability powered wheelchair.Sam said, *“The judge at my PIP appeal tribunal went bright red when they saw me and was furious that I had not been awarded the enhanced rate of PIP. The judge said it was inappropriate to fix a term for my PIP award as, ‘we all know you cannot get better, only worse’.”*  |

1. Source: <https://www.disabilitynewsservice.com/election-2019-100000-people-have-lost-motability-vehicles-through-tory-pip-reforms/> [↑](#footnote-ref-1)
2. Source: <https://www.gov.uk/government/publications/personal-independence-payment-april-2013-to-october-2020/personal-independence-payment-april-2013-to-october-2020> [↑](#footnote-ref-2)