# RNIB Scotland response to the Scottish Government Adult Disability Payment Review: Consultation on the eligibility criteria for the mobility component

## Introduction:

The Royal National Institute of Blind People (RNIB) Scotland is the country’s leading charity working with blind and partially sighted people. We support children and adults with sight loss and help them to live full and independent lives, campaigning for their rights.

Around 178,000 people are currently living with a significant degree of sight loss in Scotland, of whom around 4,300 are children and young people. Our ageing population and the rise in sight-threatening conditions such as diabetes, mean that this figure will rise, with estimates suggesting that by 2030, there may be 213,000 people in Scotland living with sight loss.[[1]](#footnote-1)

RNIB Scotland welcomes the opportunity to respond to the Scottish Government’s review of Adult Disability Payment (ADP) specifically focussing on the Mobility Component.

Whilst the breadth of the consultation looks at different aspects of the assessment process for ADP, we have focussed our responses on several key areas for blind and partially sighted people, in relation to the mobility component.   
  
This response draws upon feedback from those working in RNIB’s Sight Loss Advice Service and the experience of RNIB Scotland supporters. Where relevant, we have also included feedback from earlier focus groups on Disability Assistance in Scotland.

As more Disability Living Allowance (DLA) or Personal Independence Payment (PIP) cases are transferred onto ADP in Scotland, further evidence should become available.

Meantime we welcome opportunities to discuss our responses with Scottish Government.

## Section 1: The moving around activity

### Question 1. Do you agree or disagree that the moving around activity criteria for Adult Disability Payment are easy to understand?

(Please delete/choose from list below):

Partly

### 1(a). Please give reasons for your answer, outlining which parts you think are easy or difficult to understand and why.

Using existing descriptors, for moving around, which assess the distance a person can stand and then walk aided or unaided, do not lend themselves to sight loss alone, unless there are other conditions which affect physical mobility.

The points below were raised by RNIB customers in relation to moving around. Some highlight cross cutting themes within the Planning and Following journeys activity. For example, they highlighted the variables involved with being able to stand and move, either aided or unaided, over a certain distance. For example, obstructions and barriers will limit the distance a blind or partially sighted person can walk, and impact on the safety of being able to get to a desired location. Physical layouts within indoor settings, and accessibility of spaces out of the home, all have a bearing on the distance someone with sight loss can move.

In a focus group held for previous consultation response, participants stated that the descriptors used to assess claims for PIP do not adequately reflect the realities of living with sensory impairment. ADP, at present, uses the same descriptors in the moving around activity as PIP does.

RNIB Scotland is aware of the need to review the use of the 20-metre rule, highlighted by other disability organisations, as a basis to determine whether someone is entitled to receive the enhanced rate of mobility under ADP.

### 1(b). How could we make the moving around activity criteria easier to understand?

Feedback from RNIB Scotland customers highlighted the need for a flexible approach, considering the individual’s experience of sight loss and whether this impacts on their ability to move around. This may also include the individual’s environment and changes within this. One customer pointed that although they can walk, they may take longer, and will slow down their walking pace depending on their physical environment. For example, the presence of gradients, stairs, steps, and weather conditions such as icy pavements, all have a bearing on the distance they can walk.

### **Question 2**. Are there any other issues with the moving around activity that we have not captured in the consultation paper?

(Please delete/choose from list below):

Yes

### 2(a). If you said “yes,” what other issues with the moving around activity do you think need to be considered?

The reliability criteria, as stated in regulations under ADP present an opportunity for assessors and decision makers to proactively request information about the nature of a person’s mobility and to confirm application of these criteria in their decision.

### 2(b). In your view, what are the positive aspects of the moving around activity that we have not captured?

At present, the moving around activity focuses on functional assessment of the distance a person can stand and then move unaided or aided. This lends itself to being applied consistently if a person’s condition remains fairly stable. Unfortunately, it is a less reliable indicator of mobility when there are fluctuations in a person’s condition, such as flair-ups, deteriorations, or changes, which impact on their physical mobility.

### Question 3. How effective do you think the moving around section of the application form is at helping us understand a person’s mobility needs?

(Please delete/choose from list below):

Somewhat effective

Please give reasons for your answer.

Whilst we do not have specific examples from customers who have completed the ADP form, there is a need to continually review the accessibility of available information. This includes making sure that forms are available in a range of alternative formats, and that the person claiming the benefit is offered a range of support to complete claim forms, whether this be in person, on the telephone or online.

When images or photographs are used, these should have clear alternative text labels and descriptive text to explain them within the context of the question they refer to.

RNIB Scotland has advocated that communications should be tailored to the preferences of the recipient and successfully lobbied for an amendment to this effect to be embedded in Scottish social security legislation. Inclusive communications and accessible information must underpin all communications.

### Question 4. What impact do you think the changes to how we make decisions on the moving around activity have on understanding a person’s mobility needs?

Positive

**Please give reasons for your answer**.

RNIB customers we spoke to about this consultation welcomed the perceived “light-touch” approach which Social Security Scotland (SSS) says will be used for existing DLA or PIP cases when selected for transfer onto ADP.[[2]](#footnote-2) This applies particularly when it is likely there will be no change. However, questions remain on how the light-touch approach will apply and when it will be used.

A widely held view amongst focus group participants for a previous consultation response was that medical evidence would be relevant in assessing eligibility for ADP. This would include evidence from an ophthalmologist, a GP who knows the applicant’s case or a Certificate of Vision Impairment (CVI). RNIB Scotland acknowledges that not all people with sight loss are registered as either sight impaired or severely sight impaired and may not have CVIs. Therefore, medical evidence such as from a GP or ophthalmologist should also be valid.

However, it is also up to SSS to make a judgement, on whether the quality and reliability of supporting information, corroborates evidence from the claimant particularly when it comes to the mobility component. For example, a prescription list may not be a reliable source as to how a person moves around or plans and follows a journey.

More substantial and accurate information on a person’s mobility, may be available via other sources, including those delivering visual impairment rehabilitation.

Some have expressed concerns about the apparent lack of transparency about how SSS will establish contact with other sources to gather supporting information, and the responsibility for obtaining this especially when it could lead to delays in decision making on what rate to award a claimant.

### Question 5. If there was an opportunity to change the moving around activity criteria, what changes would you make (if any)?

Some RNIB Scotland customers would like a more robust approach to assessing the moving around criteria, with one person saying: “It doesn’t matter whether it’s two metres or 20 metres, if there are changes to an environment or route, then I can’t navigate safely – the knock-on effect is social isolation, a reduction in confidence and independence and increased costs - as when I do go out, I call a taxi instead to get me where I need to go.”

### 5(a). If you proposed changes, what positive impacts could these have, and for who?

There could be greater accuracy in determining mobility by considering an individual’s environment and variations within it as well as its effects on their mobility.

### 5(b). If you proposed changes, what negative impacts could these have, and for who?

The negative impacts could be a longer assessment time, and a possible need to assess someone in person.

## Section 2: The planning and following journeys activity

### Question 6. Do you agree or disagree that the planning and following journeys activity eligibility criteria are easy to understand?

(Please choose from following options):

Agree

At present, feedback from RNIB Sight Loss Advisors, is that the descriptors and the relevant definitions allow claimants with a visual impairment to score consistently and fairly. The application of the reliability criteria allows further arguments to be made for claimants who do not use a guide dog or orientation aid to follow a journey.

The same criteria are used under PIP and advisor experience has overall been positive. The eligibility criteria in descriptors D and F are fair and enables claimants with a visual impairment to qualify for an appropriate level of support, when applied consistently.

Cases of using descriptor E in relation to overwhelming psychological distress have arisen in cases where the claimant has significant mental health challenges in addition to visual impairment.

A key protection for individual claimants is the reliability criteria set out in regulations. For outcomes of ADP to be fair and just, it is imperative that the criteria are applied fairly and consistently.

### 6(a). Please give reasons for your answer, outlining which parts you think are easy or difficult to understand and why.

It would be beneficial if the claimant had the opportunity to provide evidence of the reliability threshold in the claim form – such as prompt questions around their ability to carry out the activity safely, to an acceptable standard, repeatedly and within a reasonable time period.

### 6(b). How could we make the planning and following journeys activity eligibility criteria easier to understand?

Requiring those making decisions to confirm they have applied the reliability criteria, outlining reasons where applicable, could enable a careful consideration of a range of factors impacting on planning and following journeys.

### Question 7. Are there any other issues with the planning and following journeys activity that we have not captured in the consultation paper?

Yes

### 7(a). If you said “yes”, what other issues with the planning and following journeys activity do you think need to be considered?

One RNIB Scotland customer suggested that the use of technology to enable blind and partially sighted people must be considered carefully. Whilst some visually impaired people might readily use mobile phone technology and navigation software to plan and follow a route, the level of use will vary considerably among people with sight loss. The availability of technology and other aids for personal use to plan and follow journeys may not be useful for every visually impaired individual.

The underlying need for assistance or an aid should also be considered. For example, a person may not have a sighted companion to assist with travel and navigation but still need this support. Many blind and partially sighted people have reported a reduction in their independence following the pandemic with 66 per cent of blind and partially sighted people surveyed by RNIB saying they feel less independent than they did before the pandemic.

One RNIB customer explained she has only recently been getting the extra support she needs to attempt following a route in her local area: “The pandemic meant I lost a lot of confidence in going out independently as environments and layouts changed rapidly. I’ve now got a My Guide Sighted Volunteer who is helping me build up confidence and awareness when we go out which includes pointing things out to me and describing my surroundings … without this support I’d be less likely to go out.”

Another said: “Before undertaking any journey a degree of preparation and planning is required. My Guide Dog and I have to complete a journey with the Guide Dog trainer before we attempt a new route. For me this also includes memorising things on the route, like sounds of traffic, knowing where signalised crossing points are, and being aware of changes to surface materials on pavements.”

### Question 8. How effective do you think the planning and following journeys section of the application form is at helping us understand a person’s ability to plan and follow journeys?

Somewhat effective

**Please give reasons for your answer:**

We strongly support the continued use of the reliability criteria when assessing blind and partially sighted claimants. The correct application of this criteria is what usually leads to points for our customers, and it is essential to the assessment of visual impairment within the mobility components of ADP.

The consideration of “safety” when determining an individual’s ability to carry out an activity has been particularly welcomed by RNIB customers who were consulted. In its absence, blind and partially sighted people may be considered to be able to “undertake an activity” which is incredibly challenging for them. For instance, participants stated, “There is no such thing as a familiar journey” and “Every day is an obstacle course”, as, for example, obstacles such as A-boards can appear on pavements along familiar routes without warning.

### Question 9. What impact do you think the changes to how we make decisions on the planning and following journeys activity have on understanding a person’s ability to plan and follow journeys?

A positive impact

Please give reasons for your answer.

We welcome approaches which are person centred, avoid leading questions, and gather essential information as part of a conversation, as opposed to a “Mental State Examination” as mentioned in the consultation paper.

Some RNIB Scotland clients have had previous negative experiences of being “assessed” by independent health practitioners when they have attended appointments in person, where they feel every aspect of how they present is judged.

The statement below exemplifies this: “I’ve had such bad experiences in the past, people taking my height and weight and asking other personal questions which don’t seem to have any relevance. … using some kind of formula to derive conclusions for everyone is not going to work.”

The departure from in person assessment examinations is strongly welcomed as this has been a particular source of anxiety for claimants. In the past, crude eye tests have been conducted by assessors during assessments which is inappropriate and unlikely to accurately reflect the realities of a claimant’s sight loss condition. Nor would this evidence the nuances between and within the considerable variety of sight loss conditions.

## Section 3: Support for people with fluctuating conditions

### Question 11. Do you agree or disagree that the criteria for fluctuating conditions is easy to understand?

Partly agree

### 11a. Please give reasons for your answer, outlining which parts you think are easy or difficult to understand and why.

One previous focus group participant expressed trepidation about the application of the 50 per cent rule given the variability in environmental settings, such as the comparison between winter and summer light levels. Clear communication on judgements made according to this rule by assessors would be welcomed by blind and partially sighted claimants.

However, the 50 per cent rule does not often present issues for blind and partially sighted claimants. Recent PIP case law has explored the application of this rule, and RNIB Scotland would encourage Social Security Scotland to evaluate these findings to ensure the rule is applied reasonably and fairly.

Another RNIB Scotland customer stated that whilst the criteria for fluctuating conditions provide a measure on which to determine what descriptor may apply, it is convoluted. A suggestion was to simplify the explanation so that a more holistic approach could be used as opposed to narrowly defining the application of descriptors. However, the customer did not specify what this would entail.

The nature of fluctuating conditions varies, and the continuum of potential effects will also vary in nature dramatically. For example, someone born with no sight may have found ways to live independently with no or little sight, whereas a person who loses their sight later in life, may have a completely different experience and require support, training, and other input on an ongoing basis.

### Question 19. How can the independent review consider the impact of any recommendations on existing “passporting” arrangements?

### 19(a). How much of a priority to you is maintaining the current “passporting” arrangement?

Very high

### 19(b). Please explain why you chose this answer.

Maintaining current passporting arrangements associated with devolved and reserved systems where appropriate is of upmost importance. We understand that ADP will function as a passport for additional social security payments, statutory provisions, non-statutory assistance, and other charitable forms of assistance.

These passport arrangements, particularly those already secured due to eligibility for PIP, must not be disrupted during the transfer process to ADP for Scottish claimants.

When eligibility for ADP is determined for the claimant, it is therefore imperative, that the claimant is given clear information about their award, and if any change has taken place, what they must do if required to report any change to relevant agencies.

We believe SSS has a responsibility to ensure the transition is as smooth as possible, including support available to enable those transitioning from DWP benefits such as PIP or DLA to ADP to inform appropriate agencies and claim passports associated with them. This may include negotiating contracts with the Accessible Vehicle and Equipment scheme.

### Contact details

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1. See https://www.rnib.org.uk/professionals/health-social-care-education-professionals/knowledge-and-research-hub/sight-loss-data-tool/ [↑](#footnote-ref-1)
2. [31.-28.-Light-touch-reviews-for-Adult-Disability-Payment.pdf (socialsecurity.gov.scot)](https://www.socialsecurity.gov.scot/asset-storage/production/downloads/31.-28.-Light-touch-reviews-for-Adult-Disability-Payment.pdf) [↑](#footnote-ref-2)