

Briefing from Mind: Response to PIP Mobility Statistics

February 2020

Summary

The Department for Work and Pensions is currently in the process of reviewing more than 1.5m PIP claims in order to identify people who are entitled to additional financial support as a result of recent legal judgements about mental health and mobility.

According to statistics released by the Department for Work and Pensions, 0.5% of 720,000 claims reviewed have led to an increased award.* This compares to an original estimate in 2017 that 14% of claims reviewed would see an increase. This estimate was cited multiple times before parliament and before the courts as part of the Government's arguments about the changes. Mind is concerned that thousands of people with mental health problems may be missing out on vital support that they should be entitled to. **We are calling for an independent investigation to understand why there is such a stark disparity between the Department's estimates and what has happened in practice.**

*Note on the statistics

The February 2020 release contains data on both the MH review of mental health and mobility and a concurrent review known as 'RJ' which focuses on how the need to perform activities safely is assessed through PIP. This briefing focuses on the MH review. The Government has also said that it is not possible to compare statistics between the February 2020 release and previous statistical releases about the review exercise because of changes to the way this data is collected. The full release is available [here](#).

Background to the issue

In December 2016 the courts ruled that the Government had not been following the law in how it assessed people with mental health problems for support from PIP in a ruling known as 'MH'. The ruling said that people who struggle to plan or follow journeys because they experience overwhelming psychological distress should be assessed in the same way as other people who struggle to make journeys because of an impairment or health condition.

In response to the court's ruling the Government introduced new regulations in February 2017. These regulations explicitly set out that psychological distress shouldn't be considered when assessing people for the higher level of mobility

support through PIP. At the time the Government said that if they did not introduce these regulations and instead followed the court ruling, 164000 people would be entitled to higher payments. This would be around 14% of the caseload of people receiving PIP at the time.

Change in mobility	Change in weekly amount	Estimated % affected (out of PIP caseload)	Estimated No. of current caseload (nearest 500)	Estimated No. of 2020/23 caseload (nearest 500)
Enhanced to Standard	-£35.65	2%	21,000	44,000
Enhanced to Nil	-£57.45	6%	71,500	146,500
Standard to Nil	-£21.80	6%	71,500	146,000
No change	£0	86%	1,003,500	2,171,000

Table 8, page 21 of the Equality Analysis published in February 2017

In December 2017 the High Court struck down the Government’s new regulations saying they discriminated against people with mental health problems. The Government accepted the decision and said that they would change guidance so that people going for PIP assessments would be judged appropriately. They also announced they would begin the process of reviewing 1.6m PIP decisions in order to identify who should be entitled to additional support.

At this stage the Government first referenced a revised estimate that ‘up to 220,000’ would be affected. They subsequently clarified that this revised estimate includes everyone affected between 2018 and 2023, and applies to both those affected by the review and people claiming PIP for the first time who would be entitled to more support. For this reason it is not possible to work out what this revised estimate would mean for the proportion of people expected to benefit for the review. The only figure the Department has produced on this question was the original estimate in 2017 that **14%** of the existing caseload of PIP would benefit. This is set out clearly in the Equality Impact Analysis and was cited multiple times in parliamentary debates around the issue and in the media.

In June 2018 the Government published the new guidance and announced they would begin the process of paying people back.

In July 2019 the Government published statistics about the progress of the review exercise. These figures found that a very low proportion of people had been

awarded additional support. (0.7% of cases reviewed had been awarded additional support against the original estimate of 14%) The Government suggested this was because they had been rolling out the review process slowly, and starting with the claims of people who are terminally ill (regardless of whether those claims were likely to be affected by the ruling).

Today's announcement

On Tuesday 11th February the Government published updated statistics about the progress of the review exercise. These figures show that of 720,000 cases reviewed in connection with mental health and mobility only 3,500 payments have been made (0.5% of claims).* The Government has said the reason for this disparity is because the original estimates were produced before they developed detailed guidance on the changes and so overestimated the number of people affected. Mind is calling for an independent investigation to understand the stark disparity between the number of people the Government had believed would be affected by these changes and the reality of what has happened throughout the review exercise so far.

What is happening in practice?

Despite the introduction of new guidance we are still hearing from too many people with mental health problems who are not being assessed appropriately for support with their mobility. The cases we have seen include:

- People who have been turned down for PIP on the basis of which medication they take
- People who have been turned down for PIP because they are not currently accessing specialist support from secondary mental health services
- People who have been turned down for PIP because of their demeanour or rapport during their assessment.

None of these should be relevant factors in deciding someone's entitlement to mobility support within PIP. For example when it comes to the higher rate of PIP mobility, the relevant guidance simply says:

"This descriptor is most likely to apply to claimants with cognitive, sensory or developmental impairments, or a mental health condition that results in overwhelming psychological distress, who cannot, due to their impairment, work out where to go, follow directions, follow a journey safely or deal with

unexpected changes in their journey, even when the journey is familiar. A claimant who suffers overwhelming psychological distress whilst on the familiar journey and who needs to be accompanied to overcome the overwhelming psychological distress may satisfy descriptor 1F.”

Case study 1: Mary – Decision in November 2018

Mary says that she has needed to be accompanied for every journey she makes. She has not been able to visit her sister for more than six months because of her fears around taking a bus journey by herself and that at times she is too frightened to even travel by taxi. She showed the assessor a letter from her psychiatrist which recommended one-on-one sessions with a mental health support worker to help her manage her fears around leaving the house.

Mary was awarded no support for her mobility, with her report saying:

“She reports a restriction due to her anxiety. However the Mental State Examination showed she did not appear tense, anxious or withdrawn. The medication section shows she takes low dose medication for her mental health and reports good efficacy. She is receiving low-level mental health input. She attended with a friend but did not require prompting or encouraging at any point. Considering the evidence it is medically probable she can plan and follow the route of a journey unaided.”

Case study 2: Sophie – Decision in January 2019

Sophie experiences severe anxiety and OCD. She experiences frequent intrusive thoughts and struggles with self-harm. In her decision she was awarded no support for her mobility. Her report acknowledged she cannot use public transport or travel without another person present:

“The functional history shows she can plan routes and leave the house on the majority of days but that she does not travel on public transport or alone due to anxiety.

However she was awarded no support for her mobility, with her report also saying:

“Although she is prescribed diazepam for acute anxiety she only reports using this on average twice a year, therefore it is reasonable to suggest she does not experience overwhelming psychological distress. Therefore it

is reasonable to suggest she can plan and follow the route of a journey unaided.”

Case study 3: Tessa – Decision in October 2018

Tessa experiences body dysmorphia, severe anxiety and depression. At her assessment the assessor acknowledged that she can leave the house but needs intensive support to do so:

“She has tried even going to the supermarket with husband and she has to leave straight away, she cannot breathe and everyone is looking at her. She does go out to her daughters or to see her mother but she is not alone. On average she will leave the house 3-4 times a week but the only places are her daughters’ and her mothers’ and she forces herself to do this so she does not become a recluse.”

In her decision Tessa was awarded the standard but not the higher rate for mobility support. This is despite the fact that the threshold for the higher rate is ‘cannot follow the route of a familiar journey without another person, an assistance dog or an orientation aid.’

Key links

- [December 2017 Equality Impact Analysis](#)
- [July 2019 statistics release](#)
- [February 2020 statistics release](#)